

*Legislative Update*  
**TRIAD**

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*May 27 2010*

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## *SB Legislation Video*

- *To see the Small Business Legislation Video that was shown at TRIAD, please visit:*

<http://www.corpcomm-inc.com/portfolio/video.php>

## *Agenda*

- *About the 111<sup>th</sup> Congress*
- *Small Business Committees*
- *Summary: SB Bill Status*
- *SBIR/STTR Mark Up*
- *Of Note*
- *Presidential Memorandum*
- *Executive Order*
- *Final Note*

## About the 111<sup>th</sup> Congress

- *Next Election: November 2010*
- *Membership*
  - *House of Representatives: 435 Members*
  - *Senate: 100 Members*
- *Leadership:*
  - *Speaker of the House - Nancy Pelosi (D-CA)*
  - *House Majority Leader - Steny Hoyer (D-MD)*
  - *House Minority Leader - John Boehner (R-OH)*
  - *President of the Senate - Joseph Biden (D-DL)*
  - *President pro tempore of the Senate - Robert C. Byrd (D-WV)*
  - *Senate Majority Leader - Harry Reid (D-NV)*
  - *Senate Minority Leader - Mitch McConnell (R-KY)*
- *Session: January 3, 2009 – January 3, 2011*

## About the 111<sup>th</sup> Congress

- *120 members have served in the military*  
*House: 95      Senate: 25*
- **Veterans**

<i>World War II</i>	<i>Korean War</i>	<i>Vietnam War</i>
<i>Kosovo</i>	<i>Persian Gulf War</i>	<i>Afghanistan Iraq</i>
- *Reserves and National Guard Members (several Members are still serving as Reservists)*
- *Former Secretary of the Navy*
- *3 Representatives and 1 Senator – graduates of United States Military Academy*
- *2 Senators and 1 Representative – graduates of United States Naval Academy*
- *Astronaut, Naval Aviator, Commander of a Carrier Battle Group , Vice Admiral, Instructor at West Point, Pilot of Marine One*

## *Small Business Committees*

### *Senate Committee on Small Business and Entrepreneurship*

- Chair: Senator Mary Landrieu  
(D-Louisiana)*
- Ranking Member: Senator Olympia Snowe  
(R-Maine)*
- ...And 17 other members*

- 29 Bills to Date  
Introduced/Considered*

## *Small Business Committees*

### *House Committee on Small Business*

- Chair: Representative Nydia Velazquez  
(D-New York)*
- Ranking Member: Representative Samuel Graves  
(R-Missouri)*
- ...And 27 other members*

- 77 Bills to Date  
Introduced/Considered*
- 16 Bills Voted in One Chamber or  
Failed to Pass*

## Summary: SB Bill Status

- *106 Introduced/Considered by Small Business Committees*
- *5 Passed into Law*
  - *H.R. 1541: Temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958*
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  - *H.R. 3614: Temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958*
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  - *H.R. 4508: Temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958*
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  - *H.R. 4691: Temporary Extension Act of 2010*
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  - *H.R. 4938: To permit the use of previously appropriated funds to extend the Small Business Loan Guarantee Program*
- *2 in Mark Up (SBIR/STTR)*
  - *H.R. 2965: SBIR/STTR Reauthorization Act of 2009*
  - *S. 1233: SBIR/STTR Reauthorization Act of 2009*



## *SBIR/STTR Mark Up*

### *Major Differences Between Senate and House Versions*

- *Senate Re-Authorizes to 2017*
- *House Re-Authorizes to 2011*
- *Increase in Agency Participation*
  - *Senate: Increases agency allocations by 0.1% per year until 2020*
  - *House: No increases*
- *Venture Capital Participation*
  - *Senate: Permits VC participation as long as a single VC company owns no more than 49%*
    - *Allows Majority Ownership participation (up to 8% of SBIR funds) by Multiple VC Companies*
  - *House Permits VC participation as long as no single VC company owns more than 49%*
    - *No Multiple VC Ownership allowed*

## *Of Note: 3% Withholding*

- *Current Law*
  - *Mandates federal, state and local governments withhold 3% of Contract Payments*
  - *Begins Jan 1, 2012*
  - *Significant Impact on Small Businesses*
  - *\$17 Billion - DoD Estimated Cost to Implement over five years*
- *H.R. 275 Repeal of Withholding Tax*
  - *Introduced 1/7/2009, 150 co-sponsors*
  - *Referred to House Ways & Means Committee*
- *H.R. 1 American Recovery & Reinvestment Act of 2009 (House Passed Version)*
  - *Included Repeal of Withholding*
  - *Changed in Conference to delay implementation date until January 2012*

## *Of Note: SB Contracting Revitalization Act 2010*

### *S. 2989: Up for Senate Vote*

- ***Contract Bundling***
  - *Accountability Measures*
  - *Teaming requirements (soliciting bids by small business)*
  - *Reduction of bundling (public website notification)*
- ***Subcontracting Integrity***
  - *Primes certify use of small businesses as presented in proposal*
- ***Acquisition Process***
  - *Reservation of prime contract awards for small businesses*
  - *Agency accountability*
  - *Payment of subcontractors*
- ***Small Business Size and Status Integrity***
  - *Annual certification*
  - *Training for contracting and enforcement personnel*
  - *Updated size standards*
  - *Study and report on the mentor-protégé program*

## *Presidential Memorandum*

- *SB Task Force*
- *Established 4/20/2010*
- *Interagency Task Force on Federal Contracting Opportunities for SBs*
- *Coordinate executive departments' and agencies' efforts towards ensuring all SBs have fair chance to participate in Federal Contracting*
  - *16 Agencies*
  - *Led by Secretary of Commerce*
  - *Report due to President August 20, 2010*

## *Executive Order*

- *Established 4/26/2010*
- *Interagency Task Force on Veteran-Owned Small Business Development*
  - *Coordinate effort of Federal agencies to improve capital, business development opportunities, and pre-established Federal contracting goals for small business concerns owned and controlled by veterans and service-disabled veterans*
  - *7 Agencies*
  - *Led by SBA Administer + 4 members from Veterans service or military organizations selected by SBA*
  - *Report due to President one year after first meeting and annually thereafter*

## *Final Note: Insourcing*

- *Congress mandated single government-wide criteria for inherently governmental functions*
- *May 2009: DoD guidance on Insourcing*
  - *Requires review of all contracted services for possible insourcing*
  - *Provides insourcing guidance, requires cost analysis*
- *March 2010: OMB Proposed Policy Letter*
  - *Definition of Inherently Governmental Function (IGF)*
  - *Establishes criteria to identify critical functions (CF)*
  - *Guidance on Internal Management of IGF & CF*
  - *Comments due by June 1, 2010*

*Small Business Losing Employees and Contracts*