

**REN-19-015: Concerns with the Expanding Small Business Contracting Opportunities Act of 2019  
and Related Legislation**

*Sponsor: Native American Contractors Association*

**Summary:**

- Tribal, Alaska Native Corporation, and Native Hawaiian Organization owned companies provide a vital means of economic development to Native communities.
- H.R. 190 and S. 673, titled “Expanding Small Business Contracting Opportunities Act of 2019,” forewent American Indian and Alaska Native (AI/AN) input and will impact tribal, Alaska Native Corporation, and Native Hawaiian Organization owned small businesses.
- Resolution REN-19-015 requests further clarification as to the intent of this legislation and the expected changes to the Small Business Act prior to any further action.

**Issue:**

The “Expanding Small Business Contracting Opportunities Act of 2019,” was recently introduced in the 116th Congress as H.R. 190 by Representatives Wayne Marshall (R-KS) and Brad Schneider (D-IL) and S. 673 by Senator Joni Ernst (R-IA). H.R. 190 amends the Small Business Act (SBA) to eliminate the inclusion of option years in the award price for sole-source contracts for women owned, service-disabled veteran owned, and economically disadvantaged small businesses. S. 673 has language that creates confusion for both the contracting officer and companies engaged in federal contracting. Specifically, section 3(a)(A)(v), and similar sections, confusingly mention “option years of the award” in reference to awarding sole-source contracts.

These bills did not utilize input from Native entity-owned businesses and may have unintended consequences that could significantly harm Native-owned organizations. Specifically, the removal of option years will limit the federal contracting ability of tribal, Alaska Native Corporation, and Native Hawaiian Organization owned small businesses

**Action:**

REN-19-015 urges Congress to provide clarification on H.R. 190 and S. 673 as they pertain to tribal nations and changes to the Small Business Act and to ensure that no legislation is enacted that amends the Small Business Act to eliminate the inclusion of option years on the award price for sole-source contracts.

*For additional information, please contact Jacob Schellinger at [jschellinger@ncai.org](mailto:jschellinger@ncai.org) or Brittany Habbart at [bhabbart@ncai.org](mailto:bhabbart@ncai.org).*

## **Resolution Action Plan: REN-19-015**

**Title:** Concerns with the Expanding Small Business Contracting Opportunities Act of 2019 and Related Legislation

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### **Action Plan:**

- 30 Days:
  - Research and familiarize oneself with resolution subject area.
  - Evaluate legislative advocacy opportunities including proposing amended language.
  - Contact sponsors to coordinate requested assistance.
  
- 60 Days:
  - Letter to Congress addressing issues covered in the resolution.
  - Conduct Hill visits on congressional letter.
  - Assess opportunities for cross-coordination with other affected communities referenced in the resolution.
  
- 90 Days:
  - Draft template letter and share with other affected communities.
  - Continue Hill visits.
  - Identify Senators for potential hold requests if the bill is not amended.
  
- 120 Days:
  - Continue tracking and Hill advocacy.
  - Prepare update on NCAI advocacy for 2020 Mid Year Conference.