



# **TRI-Association Small Business Advisory Panel (TRIAD) Conference**

# Issues Facing Congress

**NDIA**

- **Confirmation hearings**
- **Debt Limit**
- **APPROPRIATIONS / Continuing Resolution (through April 28), then what? Omnibus**
  - Defense Spending, Supplemental, and Sequestration
- **Repeal/Replacement of Patient Protection and Affordable Care Act**
- **Tax Reform**
- **Immigration and Border**
- **Trade**

# Possible Defense Industry Impact of Trump's Presidency



- Reagan-esque plans to rebuild military, increase defense spending, but unclear how Sequestration issue gets resolved, particularly if there are plan for infrastructure spending
- Likely will be more Defense industry friendly than the last 8 years and will seek to remove Executive Orders that have been burdensome for all sizes of companies, but as a popularist will not want to be seen as favoring big business and will be interested in ensuring that taxpayer is getting a good deal (i.e. recent comments on certain contracts – follow-on Air Force One and JSF)
  - Reducing overall corporate income tax should also generally benefit Defense companies
  - Executive Order on Jan 30 Reducing Regulations and Controlling Regulatory Costs
- More nominations to appointments will be announced in the coming weeks.
- Focus initially likely on stated top three priorities:
  - Immigration
  - Health care
  - Jobs

**Trump presidency looks positive for defense industry but many variables yet unknown**

# NDAA - Acquisition Reform



FY16

- 809 Panel
- Tech Data Rights
- SAEs decision authority
- CID assumptions
- DCAA oversight

FY17

- Nontraditional and commercial companies;
- FFP contracts for FMS
- No cap on IR&D
- Open systems architecture;
- UCA timelines/profit;
- Bid protest reform;
- Small business opportunities;
- Back to PBP preference

FY18

- Contracting for Commercial Items and Services
- DCAA Auditing
- Acquisition Program Requirements Process
- Sustainment Planning
- Foreign Military Sales
- Acquisition Workforce
- Developmental and Operational Testing
- Data Transparency

- **Sec. 826. Extension of program for comprehensive small business contracting plans.**
  - Extends the authority for CSP to December 31, 2027.
- **Sec. 1811. Scope of review by procurement center representatives.**
  - Clarifies that SBA procurement center representatives may not review contracts awarded pursuant to status of forces agreements or contracts of the Department of Defense awarded and performed overseas.
  - Stipulates that contracts excluded from procurement center representative review shall not be included in any calculation of the DoD's attainment of its small business goals.
- **Sec. 1821. Good faith in subcontracting.**
  - Requires SBA within 270 days of enactment of the bill to provide examples of activities that would be considered a failure to make a good faith effort to comply with a small business subcontract plan requirement for purposes of assessing liquidated damages.
- **Sec. 1822. Pilot program to provide opportunities for qualified subcontractors to obtain past performance ratings.**
  - Requires SBA to establish a three-year pilot program to allow a small business concern without a past performance rating as a prime contractor performing as a first tier sub to request and receive a past performance rating for purposes of competing as a prime contractor.

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