

Murkowski Works for Fair Treatment Regarding 8(a) Contracting Preferences

Press Release

November 19, 2009

WASHINGTON, D.C. – U.S. Sen. Lisa Murkowski, R-Alaska, today took action on several fronts to ensure that Alaska Native Corporations continue to be treated fairly under the Native American 8(a) program.

Alaska's senior senator called on the Obama Administration to hold a public hearing in Alaska on the proposed new regulations for the Native American 8(a) program. The U.S. Small Business Administration (SBA) will be holding several hearings around the country on the proposed regulations, but has not yet identified hearing locations.

The SBA released proposed new regulations for the 8(a) Business Development and Small Disadvantaged Business programs October 28, 2009. The 60-day comment period ends December 28, 2009, but Murkowski asked the Administration to extend the comment period by 30 days.

In a letter today to the head of the SBA, Karen Mills, Murkowski noted that half of the federally recognized Indian tribes as well as more than 200 Native corporations are located in Alaska and "should be involved in the rule-making process."

Murkowski also wrote a separate letter to White House Office of Management and Budget Director Peter Orszag regarding language in the recently enacted Defense Authorization Act that could put tribes and Alaska Native corporations at a disadvantage. The language requires a new justification and approval process for Native American 8(a) sole-source contracts over \$20 million.

In her letter to Orszag, Murkowski wrote that while the language "does not expressly limit Native 8(a) sole source contracts, it effectively would create a chilling effect on all contracting officers' government wide to limit the use of the Native American 8(a) program."

Murkowski said she was "deeply discouraged" by the language, calling it "language that history will judge as one of those ill-conceived federal Indian policies."

"I strongly urge that if (the language) is implemented, the Office of Federal Procurement Policy provide a clear process for contracting officers with the intent of preserving the Native American contracting program."

As a member of the Senate Appropriations Committee, Murkowski intends to ask Fiscal Year 2010 Defense Appropriations conferees to include a provision in the defense funding bill to delay implementation of the Defense Authorization Act language until the SBA and the Department of Defense provide a report to Congress on the impact of the authorization provision.