



| **Weekly Report for August 3, 2018**

SMALL BUSINESS ADMINISTRATION

Surety Bond Guarantee Program Fees

This document announces a temporary decrease in the guarantee fees that the U.S. Small Business Administration (SBA) charges all Surety companies and Principals on each guaranteed bond (other than a bid bond) issued in SBA's Surety Bond Guarantee Program. [83 Fed. Reg. 146, 36658](#)

Contracting with Small Disadvantaged Businesses and Those Owned by Minorities and Women Has Increased in Recent Years

According to an article on [GAO.gov](#), the federal government is one of the country's largest advertisers, spending nearly \$1 billion annually on advertising contracts. As it does for virtually all of the products and services it buys, the government seeks to provide procurement opportunities for these contracts to certain socially and economically disadvantaged small businesses and to businesses of any size owned by minorities and women. It was found that the government has generally directed an increasing share of its advertising contract dollars to these businesses, averaging about 13 percent over the past five years.

DEFENSE DEPARTMENT

Improved Information Sharing Could Help DOD Determine Whether Items are Commercial and Reasonably Priced

The Department of Defense (DOD) contracting officers buy products "off the shelf" to take advantage of innovations and save money. But at times they must navigate a complex process to determine if an item is available commercially and at a fair price. It was found that:

- Required market information on specialized products may be hard to find
- Contractors may be slow to provide information
- Additional steps may be needed to determine if a commercial item needs modification before it is DOD-ready
- Earlier determinations on products may not be valid
- DOD's process for determining if an item can be considered commercial and reasonably priced

WHITE HOUSE

NDAAs Race Through Congress at Historic Pace

According to an article on [Rollcall.com](#), the House adopted the fiscal 2019 NDAA conference report in a 359-54 vote just before that chamber's members left town for the August recess. When the Senate adopts and the president signs the measure in the coming days, as they are expected to do, it will mark 58 years in a row the legislation will have become law. But getting to yes usually takes longer than it did this year, only twice in the last 33 years has the measure been enacted prior to the Oct. 1 start of the fiscal year. The most recent time that happened was more than two decades ago, in fiscal 1997. The last time the NDAA was enacted before

September was way back in fiscal 1978. “I was actually in the first grade the last time we passed a defense authorization bill this fast,” House Speaker Paul D. Ryan told reporters this week.

LABOR AND EMPLOYMENT

NLRB Will Not Hack Into Prior Decision Regarding Employee Email Use During Non-Work Time

According to an article on Employmentlawworldview.com, network security and protection of confidential information are among the reasons many companies place limits on how and when employees may use company-provided email. However, the National Labor Relations Board (NLRB or Board) has largely ignored if not outright rejected these legitimate concerns, finding that under certain circumstances, they are outweighed by the employees’ right to use email as a means to engage in concerted activity protected by Section 7 of the National Labor Relations Act (NLRA), which includes union organizing. The NLRB’s March 24, 2017 decision in Purple Communications, Inc. reconfirmed the Board’s position, first announced in an earlier 2014 decision that an employer that provides its employees with access to company email systems must presumptively allow employees to use those systems during non-work time to engage in NLRA-protected activity. Accordingly, under this standard, an employer who maintains a policy prohibiting employees from all use of company email during non-work time presumptively violates the NLRA.

GENERAL SERVICE ADMINISTRATION

GSA Rolls out Shared Services Pilot for SBIR

According to an article on FCW.com, the General Services Administration (GSA) hopes to accelerate how small businesses introduce new technologies to federal customers by making the commercialization phase of its small business innovation program a shared services offering. GSA has stood up a pilot plan for its Small Business Innovation Research (SBIR) program. The pilot will make and manage awards for the program through its Office of Assisted Acquisition Services (AAS). AAS’ Great Lakes Region and Federal Systems Integration and Management teams will lead the pilot, which will run through September. Mark Lee, assistant commissioner for the Office of Policy and Compliance in GSA’s Federal Acquisition Service, told reporters in a July 30 conference call that the pilot was prompted by requests from the 13 agencies that use the SBIR program.

CAPITOL HILL

Risch, Schatz Legislation to Improve Cybersecurity Resources for Small Businesses Heads to President's Desk, Set to Become Law

On August 1, 2018, the U.S. Senate unanimously passed the NIST Small Business Cybersecurity Act, legislation introduced by Senators Brian Schatz and James Risch. The bipartisan bill will provide a consistent set of resources for small businesses to best protect their digital assets from cybersecurity threats. Small businesses are a pillar of the American economy and make up more than half of all jobs in the United States. But these businesses have also become a major target for cyberattacks.

“Since small and medium businesses suffer most often from cyber-attacks, it is vital that NIST, which sets the standard for cybersecurity resources, provide Main Street America with usable resources on how to keep themselves secure,” said Senator Risch, Chairman of the Senate Committee on Small Business and Entrepreneurship.

You can read more about this legislation [here](#).