

DRAFT 7/29/04
6:30 p.m.

EXECUTIVE ORDER

INCREASING OPPORTUNITIES IN FEDERAL CONTRACTING FOR SMALL BUSINESSES OWNED BY SERVICE-DISABLED VETERANS

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to strengthen opportunities in federal contracting for service-disabled veteran businesses, it is hereby ordered as follows:

Section 1. Policy. In light of the extraordinary service rendered to the United States by veterans with disabilities incurred or aggravated in the line of duty during active service with the armed forces, heads of agencies ~~shall significantly increase contracting and subcontracting~~ opportunities for service-disabled veteran businesses. ~~The means for achieving that objective shall include more effective implementation of section 15(g) of the Small Business Act (15 U.S.C. 644(g)), which sets a 3 percent goal for participation by service-disabled veteran businesses in Federal contracting, and section 36 of that Act (15 U.S.C. 657f), which gives agency contracting officials the authority to reserve procurements for service-disabled veteran businesses.~~

Sec. 2. Duties of Agency Heads. To implement the policy set forth in section 1, heads of agencies shall:

- (a) develop a strategy to implement the policy set forth in section 1;
- (b) publish and report annually to the Administrator of the Small Business Administration on implementation of the agency's strategy;
- (c) designate a senior level official who shall be responsible for developing and implementing the agency's strategy;
- (d) include development and implementation of the agency's strategy and achievements in furtherance of such strategy as significant elements in any performance plans of the agency's designated agency senior level official, chief acquisition officer, and director of small and disadvantaged business utilization; and
- (e) include in the agency's strategy plans for:
 - (i) reserving agency contracts exclusively for service-disabled veteran businesses;

- (ii) encouraging and facilitating participation by service-disabled veteran businesses in competitions for award of agency contracts;

encouraging agency contractors to subcontract with service-disabled veteran businesses and actively monitoring and evaluating agency contractors efforts to do so;

training agency personnel on applicable law and policies relating to participation of service-disabled veteran businesses in Federal contracting; and
- (v) disseminating information to service-disabled veteran businesses that would assist such businesses in participating in awards of agency contracts.

Sec. 3. Additional Duties of Administrator of the Small Business Administration. The Administrator of the Small Business Administration shall:

- (a) designate an appropriate entity within the Small Business Administration to provide to service-disabled veteran businesses information and assistance concerning participation in Federal contracting;
- (b) advise and assist heads of agencies in their implementation of section 2 of this order;
- (c) make available to service-disabled veteran businesses training in Federal contracting law, procedures and practices that would assist such businesses in participating in Federal contracting; and
- (d) keep the President appropriately informed of the implementation of this order.

Sec. 4. Additional Duties of Administrator of General Services. The Administrator of General Services shall:

- (a) establish a Government-Wide Acquisition Contract reserved for participation by service-disabled veteran businesses; and
- (b) assist service-disabled veteran businesses to be included in Federal Supply Schedules.

Sec. 5. Additional Duties of the Secretary of Defense. The Secretary of Defense shall direct the Defense Acquisition University (DAU) to develop training on contracting with service-disabled veteran businesses and make this training available online through the DAU continuous learning program.

Sec. 6. Additional Duties of the Secretary of Veterans Affairs. The Secretary of Veterans Affairs shall assist agencies in ensuring the accuracy of contractor registration databases with regard to service-disabled veteran businesses.

Sec. 7. Additional Duties of the Secretary of Labor. The Secretary of Labor shall direct the Transitional Assistance Program to educate service-disabled veterans on the benefits available to service-disabled veteran businesses and on potential entrepreneurial opportunities.

Sec. 8. Definitions. As used in this order:

(a) the term "agency" means an "executive agency" as that term is defined in section 105 of title 5, United States Code, excluding the Government Accountability Office or a Government corporation;

(b) the term "service-disabled" means, with respect to disability, that such disability was incurred or aggravated, in line of duty in the active service in the United States armed forces;

(c) the term "service-disabled veteran business" means a small business concern (i) not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans, and (ii) the management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran; and

(d) the term "small business concern" has the meaning specified in subsection 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the definitions and standards issued pursuant to that subsection.

Sec. 9. General Provisions. (a) Heads of agencies shall carry out duties assigned by sections 3, 4, 5, 6, and 7 of this order to the extent consistent with applicable law and subject to the availability of appropriations.

(b) An agency that consists of a multi-member commission shall implement this order to the extent it determines appropriate to the accomplishment of the agency's mission.

(c) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, agencies, entities, officers, employees, or agents thereof, or any other person.

THE WHITE HOUSE,