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Congress of the United States

House of Representatives

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MEMORANDUM

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TO: Members of the Committee on Oversight and Government Reform
Members of the Committee on Small Business

FROM: Majority Staff, Committee on Oversight and Government Reform
Majority Staff, Committee on Small Business

SUBJECT: Committee on Oversight and Government Reform and Committee on Small Business Joint Congressional hearing: "Politicizing Procurement: Would President Obama's Proposal Curb Free Speech and Hurt Small Business?"

DATE: May 9, 2011

On Thursday, May 12, 2011, at 1:30 p.m. in room 2154 of the Rayburn House Office Building, the House Committee on Oversight and Government Reform and the House Small Business Committee will hold a joint hearing entitled "Politicizing Procurement: Would President Obama's Proposal Curb Free Speech and Hurt Small Business?"

This joint hearing will examine the proposed Obama Executive Order (E.O.) mandating the disclosure of political donations by government contractors as a prerequisite to receiving a government contract.¹

Hearing Overview

The proposed Obama E.O. directs agencies to require contractors to disclose political expenditures and contributions made within two years of all proposal submissions in an official contracting certification, and to certify their acknowledgment that full disclosure of this information has been made as a precondition for the contract award.² Disclosure is required when the aggregate of contributions made by the contractor, its directors and officers, or subsidiaries within its control is \$5,000 or more per year.³ A federal public database called Data.gov would become a repository of the information in order to make it publicly available.

¹ Executive Order, Disclosure of political Spending by Government Contractors (Draft 4/13/11; 4:00 pm).

² Id., at Section 2.

³ Id., at Section 3.

The hearing will provide Members with an opportunity to question OMB about the Administration's perspective on these issues and to hear from outside experts about the potential implications of the Executive Order if it were to go into effect.

Witnesses

- The Honorable Jacob J. Lew, Director, The Office of Management and Budget (invited)
- Mr. Alan L. Chvotkin, Executive Vice President and Counsel, Professional Services Council
- Mr. D. Mark Renaud, Partner, Wiley Rein, LLP
- Mr. Bradley A. Smith, Josiah H. Blackmore II/Shirley M. Nault Designated Professor of Law, Capital University Law School
- Ms. M.L. Mackey, CEO, Beacon Interactive Systems (testifying on behalf of the National Defense Industrial Association)
- Ms. Marian Blakely, CEO, Aerospace Industries Association

Staff Contacts: For questions related to the hearing, please contact Rich Beutel or Dan Epstein of the Oversight and Government Reform Committee staff at (202) 225-5074 or Emily Murphy of the House Small Business Staff at (202) 225-5821.