

**NITAAC Government Affairs Subcommittee**  
**February 19, 2009 IAC Handout**

1. **American Recovery and Reinvestment Act of 2009 (ARRA)** signed signed 02/17/09. Office of Management and Budget Director Peter Orszag issued initial guidance to agencies on Wednesday for administering stimulus funds, providing information and requirements on financial reporting, risk management and contracting. The 62-page memorandum ([http://www.whitehouse.gov/omb/assets/memoranda\\_fy2009/m09-10.pdf](http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-10.pdf)) was sent to agency and department heads, who were directed to distribute the guidance to personnel involved in economic recovery-related activity. Orszag said the policies must take effect immediately to carry out the 2009 American Recovery and Reinvestment Act. On March 3, agencies must begin submitting weekly reports that include a breakdown of stimulus funding and a summary of major actions taken and future activities. By May 1, agencies must provide their individual recovery plans that outline broad recovery goals and coordinating efforts. On May 8, they must start submitting monthly financial reports that detail obligations, expenditures and other financial data. For each contract or order more than \$500,000, agencies must provide a summary of the contract or order, including a description of the required products and services, which then will be made public and linked to [www.recovery.gov](http://www.recovery.gov), the online clearinghouse that provides information on how the stimulus funds are spent.
2. **3% Withholding**– The House bill for ARRA repealed this requirement scheduled for 01/01/11. The Senate version has a 1 year delay.
3. **Fixed Price Contracts** – ARRA requires use of FP and competitive contracting for use of stimulus funds, with few exceptions.
4. **E-Verify System** – delayed to 03/20/09. Federal contractors need to screen employees and applicants to verify eligibility to work in the US. IDIQ contracts to be amended to add for future orders
5. **Economy in Government Contracting** – Executive Order (EO) 13494 – prevents federal contractors from being reimbursed for monies spent to deter their employees’ rights to form or join a union or engage in collective bargaining.
6. **Non-displacement of Qualified Workers under Service Contracts** – EO 13495 – under Service Contract Act contracts, any successor contractor must offer first right of refusal to incumbents, except managers and supervisors, giving 10 days to accept.
7. **Notification of Employee Rights under Federal Labor Laws** – EO 13496 – contractors must post a notice of employee’s rights under the National Labor Relations Act, expected to include topics such as the right to organize, and the right to engage in collective bargaining.
8. **GSA Alliant SB** – announced now accepting Task Orders. LB awards expected in March.
9. **Rothe Development** ruling that Congress cannot authorize programs favoring minority contractors. DOJ did not appeal to Supreme Court, giving legal ammunition for the demise of the Government set aside programs.
10. **Federal Register postings’ approval**– White House 01/20/09 memo from Chief of Staff Rahm Emanuel – “no proposed or final regulation should be sent to the Office of Federal Register for publication unless ... reviewed and approved by a department or agency head appointed ... by the President” and “consider extending for 60 days the effective date of regulations not yet taken effect.”
11. **Transparency and Open Government** – President Obama memo 01/21/09“My administration is committed to creating an unprecedented level of openness in Government” and directs the Chief Technology Officer to coordinate an Open Government Directive within 120 days.