

115TH CONGRESS }  
*1st Session* }

SENATE

{ REPORT  
115-33

SUMMARY OF LEGISLATIVE  
AND OVERSIGHT ACTIVITIES  
DURING THE 114TH CONGRESS

(JANUARY 3, 2015 THROUGH JANUARY 3, 2017)

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R E P O R T

OF THE

COMMITTEE ON  
SMALL BUSINESS & ENTREPRENEURSHIP  
UNITED STATES SENATE



APRIL 24, 2017.—Ordered to be printed

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**LETTER OF TRANSMITTAL**

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U.S. SENATE, COMMITTEE ON  
SMALL BUSINESS AND ENTREPRENEURSHIP  
*Washington, DC.*

Hon. MICHAEL R. PENCE,  
*President of the Senate,*  
*Washington, DC.*

DEAR MR. PRESIDENT: Senate Rule XXVI.8(b) requires the submission of a report of the activities of the Senate Committee on Small Business and Entrepreneurship for the previous Congress.

In accordance with the requirements, I am submitting the report of the activities of the Committee during the 114th Congress. This report outlines the most noteworthy legislative achievements and other achievements and activities of our Committee.

Sincerely,

JAMES E. RISCH,  
*Chairman.*



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MEMBERSHIP  
COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP  
ONE HUNDRED FOURTEENTH CONGRESS  
(1ST SESSION)

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DAVID B. VITTER, Louisiana, *Chair*  
BENJAMIN L. CARDIN, Maryland, *Ranking Member*/  
JEANNE SHAHEEN, New Hampshire, *Ranking Member*<sup>1</sup>

JAMES E. RISCH, Idaho	MARIA CANTWELL, Washington
MARCO RUBIO, Florida	BENJAMIN L. CARDIN, Maryland
RAND PAUL, Kentucky	JEANNE SHAHEEN, New Hampshire
TIM SCOTT, South Carolina	HEIDI HEITKAMP, North Dakota
DEB FISCHER, Nebraska	EDWARD J. MARKEY, Massachusetts
CORY GARDNER, Colorado	CORY A. BOOKER, New Jersey
JONI ERNST, Iowa	CHRISTOPHER A. COONS, Delaware
KELLY AYOTTE, New Hampshire	MAZIE K. HIRONO, Hawaii
MICHAEL B. ENZI, Wyoming	GARY C. PETERS, Michigan

ZAK BAIG, *Republican Staff Director*  
ANN JACOBS/ROBERT DIZNOFF, *Democratic Staff Director*

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<sup>1</sup>The Democratic leadership of the Committee transferred from Senator Cardin to Senator Shaheen on April 14, 2015.

MEMBERSHIP  
COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP  
ONE HUNDRED FOURTEENTH CONGRESS  
(2D SESSION)

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DAVID B. VITTER, Louisiana, *Chair*  
JEANNE SHAHEEN, New Hampshire, *Ranking Member*

JAMES E. RISCH, Idaho	MARIA CANTWELL, Washington
MARCO RUBIO, Florida	BENJAMIN L. CARDIN, Maryland
RAND PAUL, Kentucky	HEIDI HEITKAMP, North Dakota
TIM SCOTT, South Carolina	EDWARD J. MARKEY, Massachusetts
DEB FISCHER, Nebraska	CORY A. BOOKER, New Jersey
CORY GARDNER, Colorado	CHRISTOPHER A. COONS, Delaware
JONI ERNST, Iowa	MAZIE K. HIRONO, Hawaii
KELLY AYOTTE, New Hampshire	GARY C. PETERS, Michigan
MICHAEL B. ENZI, Wyoming	

ZAK BAIG/MEREDITH WEST, *Republican Staff Director*  
ROBERT DIZNOFF, *Democratic Staff Director*/CHRIS NEARY, *Acting Democratic Staff Director*



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Mr. RISCH, from the Committee on Small Business and  
Entrepreneurship, submitted the following

R E P O R T

JURISDICTION

The jurisdiction of the Committee on Small Business and Entrepreneurship is outlined in paragraphs 1(o)(1-3) of rule XXV of the Standing Rules of the Senate. The following is a reproduction of the relevant sections:

RULE XXV

STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

(o)(1) Committee on Small Business, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the Small Business Administration.

(2) Any proposed legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of the chairman of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate; and likewise measures reported by other committees directly relating to the Small Business Administration shall, at the request of the chairman of the Committee on Small Business, be referred to the Committee on Small Business for its consideration of any portions of the measure dealing with the Small Business Administration, and be reported by this committee prior to its consideration by the Senate.

(3) Such committee shall also study and survey by means of research and investigation all problems of American small business enterprises, and report thereon from time to time.

Per paragraph 3(a) of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship shall be composed of 18 members.<sup>2</sup>

#### OVERVIEW

The 114th Congress began on January 3, 2015 and ended two years later on January 3, 2017. Throughout the entirety of the Congress, Barack H. Obama was President, consisting of his final two years in office.

During this session of Congress, Republicans were the majority party in both the House and Senate. In the Senate, the Republicans held 54 seats, with the Democrats controlling 44 in addition to two Independents who caucused with them (Senators Bernie Sanders of Vermont, and Angus King of Maine).

As the 114th Congress began, Republican Senator David B. Vitter of Louisiana was the Chair, and Democratic Senator Benjamin L. Cardin of Maryland was the Ranking Member. Senator Cardin served as Ranking Member until April 14, 2015, when Senator Jeanne Shaheen of New Hampshire became the Ranking Member of the Committee, per S. Res. 135. It should be noted that while Senator Cardin resigned from his position as Ranking Member of the Small Business Committee to serve as the Ranking Member of the Senate Committee on Foreign Relations, he remained a member of the Small Business Committee.

The makeup of the Committee is established in the Standing Rules of the Senate, which prescribes there to be 19 members of the Committee. However, for the 114th Congress, the Committee had 19 members. See S. Res. 21, S. Res. 22, and S. Res. 23, which named the members and divided the membership of the Committee between ten Republicans, and nine Democrats. The Republican members of the Committee were Chairman Vitter, Senators James E. Risch of Idaho, Marco Rubio of Florida, Rand Paul of Kentucky, Tim Scott of South Carolina, Deb Fischer of Nebraska, Cory Gardner of Colorado, Joni Ernst of Iowa, Kelly Ayotte of New Hampshire, and Mike Enzi of Wyoming. The original Democratic members of the Committee were Ranking Member Cardin, Senators Jeanne Shaheen of New Hampshire, Maria Cantwell of Washington, Heidi Heitkamp of North Dakota, Ed Markey of Massachusetts, Cory Booker of New Jersey, Chris Coons of Delaware, Mazie Hirono of Hawaii and Gary Peters of Michigan.

On April 14, 2015, Senator Cardin left his position as Ranking Member of the Committee and was succeeded by Senator Jeanne Shaheen. It should be noted that while Senator Cardin resigned from his position as Ranking Member of the Committee to serve as the Ranking Member of the Senate Committee on Foreign Relations, he remained on as a member of the Committee for the remainder of the Congress. Throughout the entirety of the Congress the Committee held 50 hearings, field hearings, roundtables and markups, and heard testimony from over 175 witnesses. Witness and expert testimony at these events centered on issues of impor-

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<sup>2</sup>For the 114th Congress, the Committee had 19 members.

tance to small businesses. Additionally, in exercise of its oversight responsibilities, the Committee sent more than 90 letters to various agencies, agency heads, members of Congress, and the White House.

#### KEY LEGISLATIVE ACTIVITIES

**Promoting Women’s Entrepreneurship.** The Committee continued its interest from previous Congresses in promoting and advancing women’s entrepreneurship. On October 5, 2015, Chairman Vitter along with Ranking Member Shaheen and Senator Cantwell led the Committee in passing legislation to reauthorize the Women’s Business Center (WBC) program to assist women entrepreneurs and small business owners. By creating public-private partnerships, providing education, and conducting outreach, the program addresses concerns regarding nascent and existing small businesses owned by women. It also continues the work of identifying gaps where female participation could be increased.

Senate bill S. 2126:

- Requires the SBA Office of Women Business Ownership to develop training and accreditation plans;
- Reauthorizes the WBC program with an increased authorization of \$21.75 million from 2016 to 2020 (consistent with SCORE’s authorization increase); and
- Sets requirements for WBC applications and quality standards to ensure transparency, accountability, and quality controls.

On March 16, 2015, Chairman Vitter convened a roundtable with Louisiana women small business owners and the National Women’s Business Council to discuss success stories and the struggles women-owned small businesses face in gaining access to capital, navigating federal regulations, competing for government contracts, and other significant issues affecting how small businesses grow.

In July 2015, Chairman Vitter and Ranking Member Shaheen led a group of 12 bipartisan Senators to introduce S. Res 225, a Senate resolution honoring the National Association of Women Business Owners. That resolution passed the Senate unanimously on July 28, 2015.

In October of 2015, Chairman Vitter and Ranking Member Shaheen passed a Senate resolution declaring October to be National Women’s Small Business Month.

**Making the Case for Regulatory Reform.** The Committee continued to focus on ways to strengthen the Regulatory Flexibility Act (RFA), which was enacted in 1980 as a comprehensive effort to protect small business interests and minimize economic burdens on them due to federal regulations. An important aspect of the law was the implementation of the initial regulatory flexibility analysis (IRFA), which requires agencies to conduct an economic analysis for small businesses when a respective rule will have a significant economic impact on a substantial number of small entities. This forces agencies to be sensitive to the needs of small businesses when proposing regulations, a provision that was widely praised by both Democrats and Republicans.

In the 114th Congress, the Environmental Protection Agency’s (EPA) came under heavy criticism when it concluded that its 2015 Waters of the United States Rule (WOTUS) would not have a sig-

nificant economic impact on a substantial number of small entities, thereby allowing the EPA to bypass writing an IRFA. Contrary to the EPA's claims, the rule significantly expanded the scope of federal jurisdiction under the Clean Water Act across the country. EPA claimed that the impact on small businesses would be indirect, which allowed the Agency to cut corners and avoid performing an IRFA, thus denying small businesses the protections that were supposed to be offered to them under the law.

In addition to mandating an IRFA, Congress passed the Small Business Regulatory Enforcement Fairness Act (SBREFA) in 1996 requiring EPA and the Occupational Safety and Health Administration (OSHA) to convene small business advocacy review (SBAR) panels when those agencies concluded that a proposed rule would have a significant economic impact on a substantial number of small entities. The Consumer Financial Protection Bureau (CFPB) was later added to the list when it was created in 2011. This law allows small businesses to participate earlier in an agency's rule-making process.

The Committee consistently received feedback from the small business community that regulatory agencies were not fully complying with the RFA and held a hearing entitled "Drowning in Regulations: The Waters of the U.S. Rule and the Case for Reforming the RFA" on April 27, 2016. This hearing focused on the need to ensure an accurate representation of economic impacts on small businesses stemming from regulations. During the hearing, industry experts and SBA's Office of Advocacy presented testimony regarding the RFA with examples of agencies' failure to comply and solutions for strengthening the existing law.

The Committee focused on four specific areas where the RFA could be improved. These were discussed at the hearing and throughout the Committee's review of the RFA.

- **Third Party Certification**—Currently, when an agency avoids implementing an IRFA or SBREFA by claiming no significant economic impact on a substantial number of small entities, there is no accountability for the agency even when SBA's Office of Advocacy requests for said agency to reconsider their assessment. Republicans on the Committee recommended having a system set in place for a third party to certify whether a rule has a significant economic impact when the Office of Advocacy and one or more Executive Branch agencies disagree on the matter. As such, Sen. Ernst introduced S. 2847, the Prove It Act, on May 24, 2016, which would allow the Chief Counsel to request third party review through the Office of Information and Regulatory Affairs (OIRA) and create greater accountability for the IRFA process. That legislation passed the Committee on a party line vote on May 24, 2016.

- **Expand SBREFA Panels**—Republicans on the Committee also support expanding SBREFA panels to every federal regulatory agency. As such, Chairman Vitter introduced S. 1536, the Small Business Regulatory Flexibility Improvements Act on April 27, 2016, which would include all federal regulatory agencies in the SBREFA process, as the Committee has consistently heard from some stakeholders that more federal regulatory agencies should be subject to SBREFA. For example, the Committee had heard from a broad range of stakeholders that Department of Labor (DOL),

which proposed overtime, fiduciary, and sick leave rules during the 114th Congress, was particularly egregious in the regulatory burdens of its rules for small firms. The Committee heard from small business interests that all three rules would have substantial economic impacts and with which would be, at minimum, very difficult to comply.

- ***Include Indirect Economic Effects***—Currently, when determining whether to conduct an IRFA or not, agencies are only required to include direct economic effects. This often results in inaccurate assessments because it neglects to recognize economic effects of a rule on small entities resulting from their transactions with other businesses and entities directly regulated by the rule. This is the loophole EPA used in the WOTUS rule to avoid conducting a SBREFA panel and IRFA. In S. 1536, Chairman Vitter included a provision to require agencies to include indirect economic effects.

- ***Strengthen the Periodic Review Process***—Agencies are required to conduct a review within 10 years of the promulgation of those regulations that have or will have a significant economic impact on a substantial number of small entities. The Government Accountability Office (GAO) conducted a number of studies on the periodic review process and identified a number of challenges regarding agency compliance with that ten-year review process. GAO determined that the problem relates to the threshold determination of whether the regulation will have a significant economic impact on a substantial number of small entities. The current language can be easily misinterpreted to avoid compliance and needs to be revised to clarify that the law requires the agencies to review regulations which have a significant economic impact on small entities. Chairman Vitter clarified the periodic review requirements in S. 1536.

**Expanding Opportunities for Veteran-Owned Small business.** The SBA's Office of Veterans Business Development (OVBD) was created by P.L. 106-50, the Veterans Entrepreneurship and Small Business Development Act of 1999, with the intent to address concerns that the government was not doing enough to meet the needs of veteran entrepreneurs. The OVBD administers several programs including:

- ***Veterans Business Outreach Center Program (VBOC)***—The VBOC Program provides entrepreneurial development services to eligible veterans owning or considering starting a small business.

- ***Operation Boots to Business: From Service to Start-up/Boots to Business Reboot***—Boots to Business is a veteran entrepreneurship initiative for transitioning service members developed by Syracuse University, which is designed to introduce more than 250,000 service members each year to the opportunities of small business ownership and entrepreneurship.

- ***Veteran Women Igniting the Spirit of Entrepreneurship (VWISE)***—VWISE is an entrepreneurial development program that specifically targets female veterans and spouses from all services and branches of the military interested in either starting a new business or growing an existing business.

- ***Entrepreneurship Boot Camp for Veterans with Disabilities (EBV)***—Created through collaboration between Syracuse Uni-

versity and the SBA's OVBD, the Entrepreneurship Boot Camp offers a hands-on one-year training program for service-disabled veterans of the wars in Iraq and Afghanistan who want to start or grow a small business.

On June 25, 2015, the Committee held a hearing entitled "Opening Doors to Economic Opportunity for Our Veterans and Their Families through Entrepreneurship." The hearing examined entrepreneurship programs available to veterans, especially those with disabilities, as they transition to civilian life. Although veterans leave military service with tremendous leadership skills, discipline, and determination, they may not have the know-how to start and run a business. The SBA's core technical assistance programs, including Small Business Development Centers (SBDCs), SCORE and Women's Business Centers serve and have outreach initiatives specific to veterans, and the SBA has supplemented their efforts with several new, innovative initiatives aimed at post 9/11 veterans and their families.

On June 23, 2016, the Committee held a hearing entitled, "Beyond the Bench: Ramifications of the Supreme Court *Kingdomware* Decision." This hearing examined the unanimous Supreme Court of the United States (SCOTUS) ruling in the *Kingdomware Technologies vs. United States* case, and what the decision meant for federal government contracting as it relates to veteran-owned small business and service-disabled veteran-owned small businesses. During the hearing, representatives from the SBA and Department of Veterans Affairs, Kingdomware Technologies, veteran advocates and contracting policy experts testified on the case and the ramifications of the SCOTUS ruling.

The Committee also passed several important pieces of legislation relevant to that mission, including:

- S. 957, Veterans Entrepreneurship Act
- S. 1400, Veterans Small Business Enhancement Act
- S. 1866, Veterans Small Business Ownership Act
- S. 1870, VET Act of 2016
- S. 3009, National Guard and Reserve Entrepreneurship Support Act

During the 114th Congress, two resolutions were passed by unanimous consent: S. Res 295 and S. Res 595. Both resolutions recognize the National Veteran Owned Small Business Week, a week which celebrates and calls awareness to the role veteran-owned small businesses play in strengthening the nation's economy.

**Reauthorizing and Strengthening the SBIR / STTR Programs.** The Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs allocate a portion of extramural federal research and development dollars for which small businesses can compete, based on scientific merit. The programs are an effective way to meet national innovation needs, jump start entrepreneurs, grow our economy, and create jobs. These public-private partnerships enable small businesses to explore promising ideas that help the agencies meet their mission and provide incentives to small businesses that can profit from the commercialization of their SBIR and STTR projects.

The SBIR program was created as part of the Small Business Innovation Development Act of 1982 (P.L. 97-219). The program was

designed to increase the participation of small innovative companies in federally funded R&D opportunities. Government agencies with extramural research and development (R&D) budgets of at least \$100 million must allocate a portion of these funds (currently 3.0 percent for FY16) to support research and development in small firms through the SBIR program. Prior to FY 2012, Agencies were required to allocate 2.5 percent of their extramural R&D budgets for SBIR awards, but the percentage increased to 2.6 percent in FY 2012 and increased by 0.1 percent each year until FY 2016 when it reached 3.0 percent. The percentage will increase to 3.2 percent for FY 2017 and will remain at that minimum value of 3.2 percent each year thereafter unless subsequently modified by statute.

Eleven departments and agencies currently participate in the program: the Department of Defense, Department of Health and Human Services, National Aeronautics and Space Administration, National Science Foundation, Department of Energy, Department of Agriculture, Department of Homeland Security, Environmental Protection Agency, Department of Education, Department of Commerce and Department of Transportation. Additionally, the SBA coordinates the program across the federal government and directs its implementation at participating agencies. A hallmark of the SBIR program is administrative flexibility, which allows each department or agency the ability to implement the program in a manner that serves its unique goals and needs. According to SBA data on SBIR projects,<sup>3</sup> agencies awarded more than \$1.9 billion to small business awardees in FY15, including \$460.7 million in Phase I awards and \$1.4 million in Phase II awards.

Congress established the Small Business Technology Transfer (STTR) program as part of the Small Business Research and Development Enhancement Act of 1992 (P.L. 102-564). The STTR program is similar to the SBIR program in structure (e.g. a three-phase process), but STTR awards are made to small firms pursuing technological innovation through collaborative R&D with Federal laboratories as well as non-profit educational and scientific institutions. Departments and agencies with annual extramural R&D budgets of at least \$1 billion are required to allocate a portion of these funds (currently 0.45 percent) to support research and development in small firms through the STTR program. Five agencies have STTR programs: Department of Defense, Department of Health and Human Services, National Aeronautics and Space Administration, National Science Foundation and Department of Energy.

According to SBA data on STTR projects, agencies awarded more than \$257 million to small business in FY15, including \$98.5 million in Phase I awards and \$158.5 million in Phase II awards.<sup>4</sup>

On October 6, 2015, Chairman Vitter introduced S. 2136, the Improving Small Business Innovative Research and Technologies Act, to make certain changes and additions to the SBIR/STTR programs. This bill would have established the Regional SBIR State Collaborative Initiative Pilot Program, providing one-year renewable grants of up to \$300,000 to a regional collaborative, consisting of a research institution or a small business located in at least

<sup>3</sup> SBIR.gov, SBIR, Year 2015, <https://www.sbir.gov/analytics-dashboard>

<sup>4</sup> SBIR.gov, STTR, Year 2015, <https://www.sbir.gov/analytics-dashboard>

three eligible states, to address the needs of small businesses in order to: (1) be more competitive in the proposal and selection process for SBIR and STTR Program awards, and (2) increase technology transfer and commercialization.

On January 28, 2016, the Committee held a hearing entitled “Reauthorization of the SBIR/STTR Programs—The Importance of Small Business Innovation to National and Economic Security.” The hearing was convened to discuss the importance of, and hear testimony on, reauthorization of the SBIR and STTR programs before they expire on September 30, 2017. Witnesses discussed issues relating to the success of the SBIR and STTR program and offered opinions on the future reauthorization of the program. Witnesses emphasized the need for Congress to provide stability and certainty for the program by acting early and authorizing the programs permanently or for the longest time possible.

On March 4, 2016, Ranking Member Shaheen—a member of the Senate Armed Services Committee—and Chairman Vitter sent a letter to Chairman McCain and Ranking Member Reed of the Senate Armed Services Committee, urging them to include several provisions in the FY2017 National Defense Authorization Act. Among other things, those provisions included permanency of the SBIR and STTR programs, Chairman Vitter’s Regional SBIR State Collaborative Initiative Pilot Program and permanency of the Rapid Innovation Fund. The Senate Armed Services Committee adopted a provision to make the SBIR and STTR programs permanent at the Department of Defense, and permanency of the Rapid Innovation Fund, in the Chairman’s mark. Those provisions served as the anchor in conference to expand permanency of the SBIR and STTR programs to all 11 agencies for five years, and became law on December 23, 2016, along with permanency of the Rapid Innovation Fund.

On April 18, 2016, Ranking Member Jeanne Shaheen introduced S. 2812, the SBIR/STTR Reauthorization Act of 2016, for herself and Chairman Vitter. Other cosponsors included Senators Ayotte and Markey. The “SBIR/STTR Reauthorization Act of 2016” would have permanently authorized the SBIR and STTR programs, increased commercialization, expanded the participation of small businesses in more regions of the country, increased the participation of small businesses owned by women and minorities, reduced administrative and reporting burdens on small businesses and agencies, accelerated application reviews and disbursements of awards, and strengthened oversight and compliance.

On May 11, 2016, the Committee passed S. 2812, the SBIR and STTR Reauthorization and Improvement Act. That legislation included Chairman Vitter’s Regional Pilot in S. 2136, along with amendments from Senators Coons and Gardner to increase commercialization, and amendments from Senator Peters to increase the participation of women and minorities.

On August 4, 2016, the Committee held a field hearing in Hawaii entitled, “Expanding Hawaii’s STEM Pipeline: Examining Opportunities to Grow Small Businesses, Entrepreneurs, and the STEM Workforce.”

**Reducing the Tax Burden for Small Businesses.** The Committee also took an active interest in ways to reduce the tax compliance burden for small businesses. The Internal Revenue Service



(IRS) has estimated that businesses with less than \$1 million in revenue bear nearly two-thirds of business compliance costs, which are significantly higher than large businesses scaled to each firm's revenue. Small business owners usually contract outside help for the tax process but are left facing a daunting and complex compliance process on a day-to-day basis. With an ever-changing federal tax landscape, small business owners are forced to spend time on compliance issues that they would otherwise be spending on the operation and expansion of their businesses. Generally, small businesses do not have the resources of many larger businesses with departments and personnel devoted to compliance issues. The Committee continues to believe that these compliance costs and requirements make it exceedingly difficult for small business to grow in the United States.

The Committee held a hearing on these issues on July 22, 2015, titled, "Targeted Tax Reform: Solutions to Relieve the Tax Compliance Burden(s) for America's Small Businesses." The hearing examined the significant tax compliance burden on small businesses and potential legislative opportunities for addressing them. Specific issues discussed include cash accounting, giving small businesses a greater legal platform to challenge penalties if they operated in good faith, rollover and holding periods for angel investors.

On July 27, 2015, the Committee reported a Sense of the Committee resolution aimed at reducing the tax burden for small businesses. The resolution outlined several reforms to the tax code that have previously received consideration from Congress, including increasing the cash accounting threshold to \$25 million and the de minimis safe harbor threshold to \$2500. Health insurance purchased by the self-employed would be made permanently fully deductible as all other businesses utilize. The resolution also established a standard inflationary adjustment to numerous fixed limitation amounts to reflect inflation. The resolution also called for shortening the holding period for reduced capital gains tax rate from five to three years and extending the rollover period on qualified small business stock from sixty days to one year. These provisions provide incentives for investors to put more money into newly formed small businesses.

**Assessing Potential Changes to U.S. Patent System and Impacts on Small Businesses.** Patents play a critical role in the American tradition of invention and innovation. Increasingly, however, claims have come forward that small businesses from a variety of sectors have experienced abusive patent practices. The rise in prominence of "patent assertion entities" and the concept of "patent trolls" have led to increased scrutiny of enforcement and litigation practices in the patent system.

The Committee entered this debate with an interest in whether the patent litigation abuse problem demands a major rewrite of our patent laws and if the changes taking place are having the desired effect, specifically on small businesses. In hearings held on March 19, 2015 and February 25, 2016, the Committee reviewed recent court decisions and policy changes that have impacted the U.S. patent system, how overly broad changes in the future could hurt small business, and how technology-based economic development impacts the U.S. economy. Committee members also discussed the importance of property rights generally and intellectual property

rights specifically (both accessibility to and defensibility by small inventors and small business). Additionally, the hearing examined how the America Invents Act (AIA), other relevant legislation (such as the PATENT Act), and subsequent court decisions may have affected the overall patent system, including unintentionally stalling innovation and/or harming small businesses.

On April 25, 2016, Senator Peters introduced S. 2846, the Small Business Innovation Protection Act, with Chairman Vitter and Senator Risch as cosponsors. The bill amended the Small Business Act to expand intellectual property education and training for small businesses through a Small Business Administration-U.S. Patent and Trademark Office partnership. On May 11, 2016, the Committee passed S. 2846, but the bill did not make it to consideration by the full Senate.

**Examining the Commercial Applications of Unmanned Aircraft for Small Businesses.** In 2016, Congress enacted the FAA Modernization and Reform Act of 2012 (FMRA), calling for the integration of Unmanned Aircraft Systems (UAS) into the national airspace by September 2015. Unfortunately, the FAA is yet to finalize regulations and continues to grapple with safety, privacy, liability, and other issues related to potential widespread commercial use of drones. This delay is having a disproportionate impact on small businesses that either wish to utilize drones to expand their operations or are in the manufacturing supply chain for these products.

The FAA currently prohibits the use of UAS for commercial purposes, except where it has granted an exemption permitting specific activities. The FAA has granted such exemptions since May 2014, primarily to firms wishing to use UAS for agricultural, real estate, film and broadcasting, oil and gas, and construction activities. As of September 2015, it had granted only about 1,400 commercial exemptions. These exemptions are issued on a case-by-case basis. According to the Association of Unmanned Vehicle Systems International (AUVSI), which analyzed the first 1,000 commercial UAS exemptions, small businesses comprised 94.5 percent of approvals. The top industries were aerial photography, real estate, aerial survey and inspection, agriculture, construction, film and TV and others. It is estimated that companies with exemptions accounted for nearly \$500 billion in revenue and represented over 600,000 jobs in 2014.

On March 10, 2016, the Committee held a hearing to examine the commercial applications of UAS by small businesses. The hearing focused on the need to create a culture of safety, compliance, and innovation to ensure that FAA regulations, once finalized, do not prevent small businesses from reaping the many benefits of drone use.

**Assessing Federal Response to Disasters that Impact Small Businesses.** This Congress, the Committee continued a long-standing focus on the impacts of disasters on small business and oversight of the federal agencies that respond to them. To put this issue in context, SBA and FEMA have responded to a number of disasters this year, including a Northeast blizzard in January, tornado outbreaks in the lower Midwest in February, and massive flooding in Louisiana and across the South in March. By September

2016 alone, FEMA has had 70 major disaster declarations and SBA has had 55 Agency declarations.

In order to enhance the ability of small business owners to recover after disasters, in 2015 Congress passed, and the President signed into law, the RISE Act. The primary focus of the Act was to address small business' access to capital post-disaster, as well as prioritize funding and assistance for small business from the federal government. The main provisions focused on improving the SBA's loan programs and their administration, including the establishment of the Recovery Opportunity Loan program, which provides long-term disaster recovery assistance to affected businesses after the SBA's application period for the traditional disaster loan programs has closed. The inclusion of provisions to give small businesses affected by a disaster federal contracting preferences, special consideration when applying for Federal and State Technology (FAST) program grants, and access to surplus federal property also all serve to meet this need for capital and business opportunities that small businesses require to rebuild.

In addition to these provisions, the Act also provided more time to those impacted by Hurricane Sandy in 2012 to apply for assistance if they had not done so already. In addition, these Sandy-related provisions also included important improvements to the SBA's notification and loan administration processes in order to reduce delays in the application process, in particular the closing and disbursement of loan funds and the requirement for the SBA to improve on their disaster plan, in order to eliminate the unacceptable delays in processing applications following Hurricane Sandy.

Finally, the RISE Act also authorized a number of actions aimed at supporting and protecting small business owners beyond their capital needs. This includes allowing for nationwide assistance from Small Business Development Centers (SBDCs), additional counseling and technical assistance funding, and allowing physical damage disaster loans to be used for preventative measures like safe rooms.

On April 6, 2016, the Committee held a hearing entitled "Federal Disaster Response and SBA Implementation of the RISE Act." The hearing focused on the federal government's response to these disasters and steps that can be taken by both agencies to ensure that small businesses in affected areas are able to rebuild and thrive after the devastation of a disaster. The witnesses were Douglas J. Kramer, Deputy Administrator at the SBA, and Elizabeth Zimmerman, Associate Administrator for response and recovery at FEMA.

On August 15, 2016, Chairman Vitter wrote SBA Administrator Contreras-Sweet, requesting a copy of locations in Louisiana that SBA had identified in advance of the flooding disaster experienced there. As part of the RISE Act, the SBA was required to compile a list for every county, parish, and borough. SBA's response was incomplete and requires substantial follow-up, particularly in light of reports from field staff that not only had complete lists been provided to administrators but that, in some cases, secondary and tertiary locations were also provided by field staff in the event that pre-identified locations were also impacted by a disaster.

**Improving Access to Capital.** The Kauffman Foundation has noted in several studies that new firm formation has yet to return to pre-recession levels. While data indicates that seed-stage and

early-stage startups are struggling to get venture capital funding in the U.S., many other countries are becoming increasingly competitive. Given the important role that small business startups play in generating economic growth, the Committee took an active interest in trends affecting new startups, including the availability of venture capital that startups need to establish and grow.

On July 14, 2016, the Committee held a hearing entitled “Searching for Capital: How Venture Capitalists and Angel Investors Fund Entrepreneurs and Startup Companies.” The hearing examined current trends and strategies in the venture capital ecosystem, and witnesses discussed different options startup companies have to raise capital throughout different stages of business development. Committee members will also look at the challenges investors and entrepreneurs face in the marketplace when searching for capital resources.

**Encouraging Entrepreneurship.** Entrepreneurship plays an important role in our economy, and the Senate Committee on Small Business and Entrepreneurship worked during the 114th Congress to address specific areas affecting entrepreneurial activity. On June 29, 2016, the Committee held a hearing entitled “America Without Entrepreneurs: The Consequences of Dwindling Startup Activity.” That hearing examined why entrepreneurship has declined, particularly among millennials, and ways to encourage and assist more Americans in starting and growing their own small business. Committee members examined potential issues impacting the rate of entrepreneurship including access to capital, intergenerational differences in entrepreneurship and the federal regulatory burden.

The Committee took an initial look into rural entrepreneurship, specifically in areas previously unserved by high-speed (“broadband”) Internet. Given the importance of broadband, Chairman Vitter and Ranking Member Shaheen explored how SBA should modify its programs to help small businesses use broadband to connect with the stream of commerce. On March 1, 2015, Ranking Member Shaheen with Chairman Vitter, introduced S. 2116, the Small Business Broadband and Emerging Information Technology Enhancement Act. This bill would modernize the approach that the SBA and its resource partners use broadband to maximize small business potential. On October 7, 2015, the Committee passed S. 2116, but the bill was not considered by the Senate before the end of the 114th Congress.

Given the increase of cyberattacks and the high costs this crime creates for small businesses, the Committee considered how the SBA’s existing support structures and services should be updated to provide greater cybersecurity assistance to small businesses. On June 6, 2016, Chairman Vitter and Senators Peters and Coons introduced S. 3024, the Small Business Cyber Security Improvements Act of 2016. The bill would amend the Small Business Act to authorize the SBA, working with the Department of Homeland Security, to use Small Business Development Centers to distribute cybersecurity resources to small businesses. The bill passed the Committee on June 8, 2016, after which the House and Senate Armed Services and the House Small Business Committee passed a modified version of the bill in the FY2017 National Defense Authorization Act.

**Export-Import Bank and Small Business Export Credit Programs.** In recent years, Congress has vigorously debated the role and future of the Export-Import Bank (Ex-Im). The program has been reauthorized four times since 2012; two of those authorizations were short-term, as disagreements in Congress over the proper role of the program precluded the House and Senate from coming to an agreement on a longer-term reauthorization. On July 1, 2015, Ex-Im's operating authority lapsed as a result of Congress not reauthorizing the program, and that authority remained lapsed until December 3, 2015. For several months preceding that lapse in authority, a range of small business exporters approached the Committee regarding their need for continued access to small business export loans and export credit insurance once the authorization lapsed. As such, Chairman Vitter introduced S. 1546, the Ensuring Small Business Can Export Act, on June 10, 2016. The legislation would effectively transfer the Ex-Im Bank's export credit insurance program to the U.S. Small Business Administration (SBA). In introducing the legislation, Chairman Vitter raised the point that the SBA and Ex-Im Bank—two government agencies—are competing for small business clients under the current structure.

Chairman Vitter also pushed both the SBA and Ex-Im Bank to take action and work together in advance of the Ex-Im Bank's lapse in authority, in order to lessen the burden on small firms once the Bank closed its doors. On June 11, Chairman Vitter wrote the Honorable Maria Contreras-Sweet, Administrator of the SBA, to request that the SBA begin working immediately with Ex-Im to find ways to mitigate impacts to small businesses resulting from the lapse in authority. Specifically, Vitter asked that the two agencies begin discussions on "how to communicate to small businesses that SBA export loan programs can meet their financing needs." He also urged the SBA to work with Ex-Im in order to "effectively set up an export credit insurance program under the SBA and transition services as seamlessly as possible."

On June 23, 2015, Chairman Vitter wrote Fred P. Hochberg, Chairman and President of the Ex-Im Bank, warning of the then-impending expiration of the bank's authorization and calling on the Bank to do more to prepare for it. Chairman Vitter criticized Mr. Hochberg's approach to the imminent expiration of the Bank's authorization, arguing that Mr. Hochberg "appear(ed) to be playing a game of chicken with Congress." Vitter quoted a previous statement by Mr. Hochberg that "there is no plan B (to authorization). We are plan B." Chairman Vitter urged the Bank to "stop playing games and instead take immediate steps today to coordinate with the (SBA) on alternatives for small businesses that use Ex-Im when your authorization lapses."

Through written and verbal follow-up with both agencies, it was conveyed that the agencies were either unable or unwilling to comply with the Committee's request. As such, once the Bank's charter expired on July 1, credit export insurance was no longer available until the Bank was reauthorized several months later. Small businesses were able to continue receiving SBA export loans, however.

The Ex-Im Bank Reform and Reauthorization Act of 2015 was included in a long-term surface transportation reauthorization bill on December 4, 2015 and will expire on September 30, 2019.

**Conducting Oversight of Burdensome Federal Regulations.** The Committee has taken an active interest in a broad range of regulations from agencies across the federal government and the impacts those regulations have on small firms. The Committee’s activities included hearings, letters to relevant agencies and other oversight measures to ensure that impacts to small businesses were documented and well understood. The Committee also explored opportunities for small business that could result from doing away with such burdensome regulations.

- Energy, Environment and Natural Resources
  - Energy Exports—The United States began exporting both natural gas and crude oil in recent years, and exports of both products are helping mitigate some of the impacts of historically low oil and natural gas prices. While actual export operations for oil and natural gas are large, capital intensive operations, small businesses play a critical role in both processes, mainly via contractors in the service sector and secondary businesses that provide needed support services for those firms. On July 14, 2016, the Committee held a hearing entitled “Challenges and Opportunities for Small Businesses Engaged in Energy Development and Energy Intensive Manufacturing.” The hearing explored the role that small businesses play particularly in the LNG export business, and also explored the role of technical colleges in providing training for blue-collar workers to transition into higher-paid positions in the energy export fields.
  - Waters of the United States—In 2015, the EPA improperly certified that its rule to alter the definition of Waters of the United States under the Clean Water Act would not have a significant economic impact on a substantial number of small entities. Subsequently, the Office of Advocacy at the SBA concluded that the EPA had improperly made that certification and that the rule would, in fact, have such impacts on small firms. The Committee held a hearing to examine that improper certification on May 19, 2015, where the Office of Advocacy explained its position and forcefully argued that by improperly certifying the proposed rule, it had failed to comply with its obligations under SBREFA. In another hearing on April 27, 2016, the Committee examined the need for regulatory reform and again referred to this particular example as a case study of why the RFA was not providing sufficient protections for small businesses. Additionally, on June 3, 2015, the Committee passed the resolution stating that the EPA had failed to comply with SBREFA when it improperly certified that the rule would not have a significant economic impact on a substantial number of small entities.
  - Well Control Rule Small Business Amendment—In April of 2016, the Department of Interior, Bureau of Safety and Environmental Enforcement (BSEE), promulgated a rule entitled Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Blowout Preventer Systems and Well Control, also known as the Well Control Rule. That rule was written in response to the 2010 Deepwater Horizon oil spill that occurred off of Louisiana’s coast, which resulted in the tragic loss of 11 workers and billions of dollars in environmental and economic damage in Louisiana and throughout the Gulf Coast. The rule will require the oil and gas industry to take a broad range of steps in order to prevent a similar

tragedy from occurring in the future. During the process of writing the rule, Chairman Vitter heard concerns from some oil and gas industry stakeholders regarding the potential for negative economic impacts to occur to small businesses in the offshore oil and gas supply chain. As a result, during Senate consideration of S. 2012, the Energy Policy Modernization Act, Senator Vitter introduced an amendment that would require BSEE, within one year of the rule's promulgation, to complete a review and assess the economic impacts of the rule for small businesses. The amendment was approved by voice vote and included in S. 2012, as reported by the Senate.

- Animas River Spill—On October 1, 2015, the Committee held a hearing entitled “Examining the Significant Costs and Related Burdens for Small Businesses Resulting from the Gold King Mine Waste Water Spill near Silverton, Colorado.” The purpose of the hearing was to assess the impacts of that spill on small businesses in southwestern Colorado. Witnesses included Rep. Scott Tipton, a local county commissioner, a representative of the Silverton Area Chamber of Commerce and the owner of a small watersports business. Policy issues discussed included the failures of the Environmental Protection Agency to timely notify relevant state and local stakeholders as the spill was occurring, and the agency's failures to provide sufficient information in a transparent manner during the early stages of the response. Senator Gardner presided over the hearing and his home-state colleague, Senator Michael Bennet, joined him on the dais as a guest of the Committee.

- Clean Air Act—The Obama Administration has undertaken a broad range of regulatory actions under the Clean Air Act in recent years, many of which would have impacts on small businesses in many industries. The Committee has taken an active interest in those issues. For example, on June 10, 2015, Chairman Vitter and several Republican Committee members sent a letter to EPA Administrator Gina McCarthy raising concerns that EPA was not fully complying with its responsibilities under the RFA in the context of its federal implementation plan for regulating greenhouse gas emissions from new power plants. Additionally, in a letter to Administrator McCarthy dated August 16, Chairman Vitter and Environment and Public Works Committee Chairman James Inhofe referenced “EPA's history of submitting rules to OMB for review *before* the SERs have been able to submit their comments to EPA, particularly in the case of EPA's rule to regulate methane emissions from new oil and natural gas infrastructure.” The Chairman has raised this particular recurrent issue (of EPA submitting a rule to OMB before the SBREFA process has concluded) with EPA on many occasions during the 114th Congress.

- Ivory—Cracking down on the illegal trade and trafficking in elephant ivory has been a priority of the United States for many years, and the Department of Interior's Fish and Wildlife Service (FWS) have developed a policy that further restricts the export, import, and commercial sale of lawfully owned elephant ivory. While the Committee shares the goals of the Administration and stakeholders to stop such harmful, illegal activity, the Committee heard from small business stakeholders with concerns that any such new regulations would have on law-abiding small business owners, particularly small businesses in the antique industry. Those stake-

holders expressed concerns that by banning the possession and sale of items containing ivory that they already have in inventory, such federal actions would eliminate substantial value from their businesses, particularly when the products were legally-acquired.

On June 30, 2015, the Committee sent a letter to FWS Director Dan Ashe, expressing concerns that FWS had essentially begun laying out the rule through an executive order before officially proposing it. The letter argued that the rule as envisioned at the time would disproportionately impact small firms and requested that the FWS conduct a comprehensive economic analysis of the proposed rule.

- Hard Rock Mining—The Obama Administration has spent roughly six years considering whether and how to implement financial assurance requirements under the Superfund law for hard rock mines in the western United States. While the process was initiated early in the President’s first term, only in the last year has the process been expedited. Under a court order, EPA must publish a notice of proposed rulemaking no later than December 1, 2016. On August 16, 2016, In August of 2016, Chairman Vitter and Senator Inhofe, Chairman of the Committee on Environment and Public Works, sent a letter to Administrator McCarthy, once again expressing concerns “regarding EPA’s insufficient compliance with SBREFA.” In that letter, the Senators raised concerns that the SBREFA process currently underway was highly unlikely to be completed before the court-ordered deadline for proposing the rule on December 16, 2016. The Senators asked that if “EPA cannot complete the SBAR panel with adequate amount of time to incorporate the final Panel Report recommendations in the proposed rule *before* OMB’s interagency review,” that EPA seek an extension of the court-ordered deadline.

- Federal Fisheries—The fishing industry is affected by a number of regulations that have a considerable impact on the local small business economy. The red snapper is a species of fish found in the South Atlantic and the Gulf of Mexico with a known range in the United States from the Carolinas to Texas. Over the last forty years, multiple efforts have been made to conserve and rebuild this important, but decades of federal mismanagement of red snapper have resulted in economic losses, particularly for the Gulf region’s three million saltwater recreational anglers and the small businesses in the supply chain. Additionally, fishing quotas for Gulf of Maine cod have been cut dramatically since 2012. Total fishing allocations are now closer to just five percent of what was allowed previously. On March 3, 2016, the Committee held a hearing entitled “The Impacts of Federal Fisheries Management on Small Businesses” to explore these issues. The hearing focused on the economic impacts that fishing industry regulations have on small businesses, and how it is greatly ignored in the current management scheme being employed in the Gulf of Mexico and Gulf of Maine regions.

- Labor

- Overtime Rule—The Committee heard from a variety of small business interests regarding potential impacts likely to result from the proposed Overtime Rule at the Department of Labor. The Committee was concerned to learn stakeholders believes the rule’s massive salary threshold increase is too much, too fast. Stakeholders



expressed concerns that in order to comply, they would have to limit hours and flexibility for employees and move salaried position to hourly wages. In response, on May 11, 2016, the Committee held a hearing entitled “An Examination of the Administration’s Overtime Rule and the Rising Costs of Doing Business.” Witness testimony focused on the undue burden on small businesses, and how the one-size-fits-all rule will do far more damage than good. Additionally, on September 4, 2015, Chairman Vitter sent a letter to the U.S. Department of Labor Secretary Tom Perez, requesting that he reconsider the decision not to extend the public comment period for the Department’s July 6, 2015 Notice of Proposed Rulemaking on overtime pay and the negative impacts that they would have on small business operations. Additionally, on September 29, 2016, Chairman Vitter introduced the Small Business Survival from Disaster Act (S. 3429), which would delay the implementation of the DOL Overtime Rule in states the President has declared that a major disaster exists until December 1, 2018.

- Joint Employer Rule—In 2015, the National Labor Relations Board (NLRB) announced a revised standard in *Browning-Ferris Industries of California, Inc. (Browning-Ferris)* which would expand the definition of a joint employer to include employers with “indirect” control. The Board’s ruling set a new precedent for future interpretations of the joint employer standard. The ambiguous language of the new standard makes it difficult to consistently determine whether a current or prospective relationship puts them at risk of being deemed a joint employer, likely forcing many business owners to seek the advice of a lawyer moving forward. On June 16, 2016, the Committee held a hearing entitled “Keeping the American Dream Alive: The Challenge to Create Jobs Under the NLRB’s New Joint Employer Standard.” Witnesses discussed how business owners and entrepreneurs are expected to enter the marketplace and make long-term strategic decisions about their businesses given the high level of uncertainty created by the NLRB’s decisions.

- Healthcare—Small businesses have been very vocal on the impacts of various mandates under the Affordable Care Act and how they would affect them. The Committee took an active interest in determining what the impacts of the law would be for American small businesses and what potential legislative solutions exist for addressing them.

- On April 29, 2015, the Committee held a hearing to discuss the potential effects of *King vs. Burwell* on small businesses and congressional action that can be taken to assist small businesses and their employees. The purpose of the hearing was to examine the potential effects of *King vs. Burwell* if the U.S. Supreme Court ruled in favor of the plaintiff, including the consequences for individuals who have purchased a health insurance policy on a federal exchange, the effect on small business employers, and any action Congress may take. Ultimately, the Court ruled for the Administration.

- On May 18, 2016, the Committee held a hearing entitled “The Small Business Struggle Under Obamacare.” The purpose of the hearing was to examine the Patient Protection and Affordable Care Act, the effect it is having on American small business and small employers, and expectations for its impact this year and in the fu-

ture. Witnesses spoke to the experience of small business owners and the effects of the ACA on small business employees, employers and their operations.

- Chairman Vitter also took an active interest in Congress's decision to apply to the DC Health Link Small Business Exchange in order to receive special Obamacare subsidies. Those applications claimed the House and Senate were "small businesses" with 45 employees because they would not qualify otherwise. Chairman Vitter believed that this move equated to an illegal exemption from Obamacare, and the Chairman argued that Congress, which is not a small business, violated the law when it claimed such a status in order to exempt itself from a law with which the rest of the country is required to comply.

- On July 21, 2015, Chairman Vitter introduced S. 1810, the No Exemption for Washington from Obamacare Act to address this matter. This bill requires Members of Congress, the President, the Vice President, and executive branch political appointees to purchase health insurance through a health insurance exchange. On June 29, 2016, Chairman Vitter introduced S. 3120, a bill to require Members of Congress, the President, and the Vice President to purchase health insurance through a health insurance exchange. This bill is similar to S.1810, but removes inclusion of executive branch political appointees and congressional staff, who would then be eligible for FEHB.

- Chairman Vitter also conducted an investigation of the events that led to Congress exempting itself from the law. On February 2, 2016, the Chairman sent a letter to the Hon. Beth Colbert, Acting Director, Office of Personnel Management (OPM), the President's nominee to become OPM Director, requesting information as to the specific person or persons who certified that Congress was a small business. On Feb. 10, 2016, the Chairman wrote a letter to the Hon. John Koskinen, Commissioner, IRS, requesting that the IRS review the statutory requirements of the ACA for Congress to purchase health insurance on an ACA exchange, and asking for the IRS position on whether Congress is a large employer. On February Feb. 24, 2016, Chairman Vitter followed up on his first letter to Acting OPM Director Colbert with additional questions related to the Obamacare Exemption and announcing he had placed a hold on her nomination.

#### **Conducting Oversight of the Small Business Administration**

- Wells Fargo—On September 20, 2016, Chairman Vitter launched an investigation into the impact of the Wells Fargo fraud on small businesses, given the megabank's role as the Small Business Administration's (SBA) largest lender. Wells Fargo is the SBA's top lender by volume and had nearly 21,000 7(a) loans outstanding as of the start of the investigation, which accounts for nearly \$7.14 billion, all guaranteed by the American taxpayer. As part of his investigation, Chairman Vitter sent letters to a range of relevant parties in the fraud and ensuing federal response.

- Two letters to Wells Fargo Chairman and CEO John Stumpf, requesting information regarding how the megabank's government-backed loans and the bank's small business clients were impacted by the fraud the second after news reports, confirming that some of the accounts affected were used by small business owners.

- Letter to SBA Administrator Maria Contreras-Sweet, urging the Administrator and SBA to investigate and take appropriate enforcement actions against Wells Fargo in order to protect small business owners from further fraud.

- Letter to Thomas Curry, U.S. Comptroller of the Currency (OCC), requesting information related to the small business impact of Wells Fargo's activities collected during the course of the OCC's investigation.

- Letter to the U.S. Attorney for the City of Los Angeles, requesting information related to the latter's assistance in investigating the fraudulent activity at Wells Fargo and their subsequent settlement with the bank.

- Letter to the U.S. attorney for the Northern District of California, requesting they include the impact on small business owners in their investigation of Wells Fargo's fraudulent activities.

- Letter to the U.S. attorney for the Southern District of New York, requesting they include the impact on small business owners in their own investigation of Wells Fargo's fraudulent activities.

- Executive Directed Funding—During meetings in February to discuss SBA's FY17 budget request, committee members discussed an additional increase in the SBA's Executive Directed account. This account has routinely been used as a fund for special projects, including multiple past IT modernization projects that were ineffectively implemented or never completed. One of the challenges of concern to Chairman Vitter in this particular area was that the SBA was not transparent in providing the Committee with information on executive directed funding from the Administrator's office, and the Office of Inspector General (OIG) has, as part of a long running issue in fulfilling their oversight role, failed to adequately investigate how Executive Directed funds are expended.

- Office of the Inspector General—The Committee continues to take an active interest in the work of the SBA OIG, the mission of which is to provide independent, objective oversight to improve the integrity, accountability, and performance of the SBA and its programs for the benefit of the American people. While the Committee believes that the SBA OIG's mission is critical, Chairman Vitter had concerns about that office's effectiveness in carrying out that mission. Chairman Vitter was concerned that the OIG did not take an active interest in SBA field office staffing levels, which is discussed in further detail below, and has routinely failed to critically evaluate the expenditures made by the SBA under Executive Directed authority in pursuit of their IT modernization plans, or their sluggish implementation of authorized disaster loan programs. Chairman Vitter had also been informed that the SBA OIG has experienced unusual and uncharacteristic levels of staff attrition in recent years. Longtime, non-partisan career staff recommended to Chairman Vitter that the OIG should take up more aggressive investigations of the SBA.

- Sacramento Loan Processing Center Modernization—The Sacramento Loan Processing Center (SLPC) is responsible for processing CDC/504 loan applications. It was brought to the Committee's attention that the SLPC was experiencing frequent difficulties with its information technology infrastructure, preventing it from processing applications in a timely manner. It was conveyed to the Committee that these disruptions regularly left the SLPC unable

to work with or process applications, including for nearly a third of the business days during the summer of 2016. In a letter to SBA Administrator Contreras-Sweet on September 14, 2016, Ranking Member Shaheen and Chairman Vitter requested that the SBA immediately restore full operation of the SLPC and provide the Committee with information about what caused the disruptions and how SBA plans to resolving these ongoing issues. The SBA worked closely with the Committee on providing the requested information. The SBA identified a failing server as the cause for the IT difficulties and stated that they moved up the implementation of their long-term SLPC IT modernization, purchasing a new server to install, and committed to minimizing downtime as they worked to complete that effort by second quarter of FY 2018. They went on to say that the SLPC was in the process of implementing procedures to allow it to continue processing applications in the event of future downtime.

- **Field office staff levels**—SBA’s field offices are a critical component of the services that SBA provides to small businesses on the ground, offering services including free counseling through the Service Corps of Retired Executives (SCORE) program, financial assistance through guaranteed loans, assistance to socially and economically disadvantaged individuals, and many others. It is through these offices and programs that small business owners have a majority of their interactions with the SBA. As such, the Committee was concerned to learn of staff vacancies in many field offices. Through various correspondence and discussions with SBA leadership, the Committee inquired into the numbers and job descriptions of various field office vacancies and the reasons for them. SBA provided detailed information to that effect and claimed that funding constraints were limiting the agency’s ability to fill those positions by hiring additional personnel, relying on reassignment of existing staff to offices on an as needed basis. While the Committee understands that funding constraints are limiting the ability to fill these vacant positions, it remains committed to working with the SBA on potential funding reforms and elimination of ineffective programs that could free up additional resources to fill these important positions.

- **SBA 7(a) Loan Program**—The SBA provides loan guarantees for small businesses that cannot obtain credit elsewhere. Its largest loan guaranty program is the 7(a) loan guaranty program. These are loans made by SBA partners (mostly banks but also some other financial institutions) and partially guaranteed by the SBA. The 7(a) program’s current guaranty rate is 85 percent for loans of \$150,000 or less and 75 percent for loans greater than \$150,000 (up to a maximum guaranty of \$3.75 million—75 percent of \$5 million). Although the SBA’s guarantee on a loan provides an incentive for lenders to make the loan, lenders are not required to do so.

In July of 2015, the Senate passed legislation by unanimous consent to increase the cap from \$18.75 billion to \$23.5 billion allowing the program to continue through the 2015 fiscal year. The program’s authorization cap for fiscal year 2016 was \$26.5 billion.

On May 26, 2016, the Committee held a hearing entitled “Oversight of the SBA’s 7(a) Loan Guaranty Program.” This hearing examined the SBA’s lender oversight efforts following dramatic growth in the 7(a) program in recent years, whether taxpayers

were being adequately protected, and also addressed legislative changes proposed in S. 2992, the Small Business Lending Oversight Act of 2016. The bill would bolster protections for taxpayers and small businesses through reforms to the 7(a) program, strengthen of the Office of Credit Risk Management, and authorize new, graduated options for the enforcement that would provide regulators with flexibility they had previously lacked.

**Louisiana Flood Recovery**—The Committee took an active interest in helping citizens of the State of Louisiana recover from major flooding that occurred during the summer of 2016. The flooding and storm damage represents the worst U.S. natural disaster since Hurricane Sandy and, were it a hurricane, would rank only behind Hurricanes Katrina and Sandy in terms of cost. The thousand year flooding event damaged or destroyed nearly 146,000 homes. In response, in August 2016, Chairman Vitter arranged for the SBA Administrator to join him on a tour of the flood-impacted areas in Livingston, Ascension, and East Baton Rouge parishes. Also joining them on the tour was Julian Castro, Administrator of the Department of Housing and Urban Development (HUD).

On September 15, 2016, the Committee held a hearing entitled “An Examination of the Federal Response and Resources for Louisiana Flood Victims.” This hearing focused on federal disaster response and recovery efforts by the SBA, FEMA, and HUD in response to recent disasters, particularly the historic flooding seen in Louisiana this past August. The hearing also examined coordination efforts by the three agencies invited and the SBA’s continued implementation of the Recovery Improvements for Small Entities After Disaster Act of 2015 (RISE Act), signed into law in November 2015, which is intended to assist small business owners in rebuilding after a disaster.

**Government Contracting**—Under Chairman Vitter’s leadership, the Committee passed two contracting bills during the 114th Congress. The Small Business Subcontracting Transparency Act of 2015 (S. 2138) was authored by Chairman Vitter to encourage transparency in the complicated world of federal contracting and procurement. It would require the SBA to issue clear regulations that would apply to subcontracting plans. The Small Contractors Improve Competition Act of 2015 (S. 2139) was authored by Chairman Vitter to prohibit the use of reverse auctions for certain SBA federal procurement contracts. These two bills resulted from consultation with firms in Louisiana experiencing challenges with the federal procurement process. The bills address small business challenges to level the playing field and ensure fair competition in government contracting.

As our global security environment evolves, the Senate Small Business and Entrepreneurship Committee made it a priority to ensure that our military keeps pace. Enhancing the ability of small businesses to commercialize innovative technologies helps our military meet urgent policy and operational needs. Recognizing that small businesses are often more agile, creative and responsive, the Rapid Innovation Fund (RIF) program ensures that our defense agencies can rely on small businesses, while also providing them with critical revenue to bring these products to market. A RIF pilot was established at the Department of Defense (DoD) in 2011 to commercialize technologies beyond the first two phases funded by

the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs. On April 13, 2016, Ranking Member Shaheen and Chairman Vitter introduced the Rapid Innovation Fund Enhancement Act of 2016, which made the RIF program permanent and prioritized small business RIF contracts within the DoD's funding order. Ultimately, this bill passed into law when the Senate Armed Services Committee adopted it as part of the FY2017 National Defense Authorization Act.

Small Business Jobs Act of 2016—The Small Business Jobs Act of 2016 was introduced as an amendment to H.R. 4326 on September 12, 2016 as a package of bipartisan bills, each reported out of the Committee with wide support. In this package, Chairman Vitter and Ranking Member Shaheen focused on reforming and modernizing existing SBA programs through greater efficiency and transparency. The bills would have provided better outcomes for small businesses and taxpayers. Each of these bills received support from the small business community and relevant stakeholders. Committee-passed measures in this package include:

- S. 967 CLEAR SBA Act
- S. 999 SBDC Improvement Act
- S. 1000 SCORE for Small Business Act
- S. 1400 Veterans Small Business Enhancement Act
- S. 1756 Small Business Energy Efficiency Act
- S. 2116 Small Business Broadband and Emerging Information Technology Enhancement Act
- S. 2126 Women's Small Business Ownership Act
- S. 2138 Small Business Subcontracting Transparency Act
- S. 2139 Small Contractors Improve Competition Act
- S. 2838 Small Business Transforming America's Regions Act
- S. 2846 Small Business Innovation Protection Act
- S. 2850 Microloan Modernization Act
- S. 2992 Small Business Lending Oversight Act
- S. 3009 National Guard Reserve Entrepreneurship Support Act
- S. 3024 Small Business Cyber Security Act of 2016

MEASURES ENACTED OR OBIATED RELEVANT TO THE SENATE  
COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Rules of Procedure for the Senate Committee on Small Business and Entrepreneurship for the 114th Congress adopted by voice vote and published on January 28, 2015.

S. Res. 22: Introduced by Sen. Reid on January 7, 2015. Constituted the minority party's membership on the Senate Committee on Small Business and Entrepreneurship for the 114th Congress.

S. Res 23: Introduced by Sen. McConnell on January 8, 2015. Constituted the majority party's membership on the Senate Committee on Small Business and Entrepreneurship for the 114th Congress.

S. Res. 45: Introduced by Sen. Vitter on January 28, 2015. Authorized expenditures by the Committee on Small Business and Entrepreneurship for the 114th Congress.

S. Res. 135: Introduced by Sen. Reid on April 14, 2015. Constituted the minority party's membership on the Senate Committee on Small Business and Entrepreneurship for the 114th Congress.

S. Res. 172: Introduced by Sen. Vitter on May 6, 2015. Honored the vital role of small businesses and the passion of entrepreneurs

in the United States during “National Small Business Week”, from May 4, through May 8, 2015.

S. Res. 243: Introduced by Sen. Vitter on August 5, 2015. Celebrated the 35th anniversary of the Small Business Development Centers of the United States.

S. Res. 252: Introduced by Sen. Vitter on September 15, 2015. Expressed the sense of the Committee on Small Business and Entrepreneurship of the Senate relating to easing the burden of Federal tax compliance on small businesses.

S. Res. 280: Introduced by Sen. Vitter on October 7, 2015. Recognized the month of October 2015 as “National Women’s Small Business Month”.

S. Res. 295: Introduced by Sen. Shaheen on October 22, 2015. Designated the week of November 2 through November 6, 2015 as “National Veterans Small Business Week”.

S. Res. 304: Introduced by Sen. Vitter on November 3, 2015. Recognized November 28, 2015, as “Small Business Saturday” and supporting efforts to increase awareness of the value of locally owned small businesses

S. Res. 450: Introduced by Sen. Vitter on April 28, 2016. Honored May 1 through May 7, 2016, as “National Small Business Week” and celebrating the contributions of small businesses and entrepreneurs in every community in the United States.

S. Res. 569: Introduced by Sen. Vitter on September 15, 2016. Recognized November 26, 2016, as “Small Business Saturday” and supporting the efforts of the Small Business Administration to increase awareness of the value of locally owned small businesses.

S. Res. 595: Introduced by Sen. Shaheen on September 29, 2016. Celebrated National Veterans Small Business Week.

P.L. 114–113 (S. 522): The Small Business Investment Capital Company Act of 2015 was introduced by Sen. Risch on February 24, 2015. Amended the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control. Unanimously reported out of committee on April 23, 2015 and identical legislative language signed into law on December 18, 2015 as a provision of H.R. 2029, the Consolidated Appropriations Act of 2016.

P.L. 114–38 (H.R. 2499): Veterans Entrepreneurship Act of 2015 was introduced by Rep. Steve Chabot on May 21, 2015. Amended the Small Business Act of 1953 to prohibit the administrator of the Small Business SBA from assessing a guarantee fee in connection with a loan made under the SBA Express Program to a veteran or spouse of a veteran beginning. Increased the 7(a) Loan Program funding level for fiscal year 2015. Includes identical language to S. 957 & S. 1001 and enacted on July 28, 2015.

P.L. 114–92 (S. 1356): National Defense Authorization Act for Fiscal Year 2016 introduced by Sen. Johnson on May 14, 2015. Included identical language from S. 958, the Small Business Fairness Act, which amends the Small Business Act to revise requirements with respect to solicitation of offers for bundled contracts issued by the head of a federal agency that allows a small business to submit an offer that provides for the use of a particular team of subcontractors for the performance of the contract. Also includes identical language from S. 1292, the HUBzone Revitalization Act, which amends the Small Business Act to redefine HUBZones eligi-

ble for certain assistance to include a qualified disaster area. Enacted on November 25, 2015.

P.L. 114–113 (S. 966): The Commercial Real Estate and Economic Development Act of 2015 was introduced by Sen. Shaheen on April 15, 2015. Reinstates the 504 Debt Refinancing Program as a permanent part of the SBA 504 Loan Program. Unanimously reported out of committee on April 23, 2015 and identical legislative language signed into law on December 18, 2015 as a provision of H.R. 2029, the Consolidated Appropriations Act of 2016.

P.L. 114–88 (H.R. 208): The Recovery Improvements for Small Entities After Disaster Act of 2015 was introduced by Rep. Nydia Velazquez on January 8, 2015. Amends the Small Business Act to authorize a small business, homeowner, nonprofit entity, or renter that was located within a declared major disaster area during Super storm Sandy in 2012 to apply for an SBA loan to: (1) repair, rehabilitate, or replace property damaged or destroyed because of the storm; or (2) assist a small business that suffered substantial economic injury because of it. Included legislative language from S. 1470 & S. 1811 and enacted on January 25, 2015.

P.L. 114–328 (S. 2943): The National Defense Authorization Act for Fiscal Year 2017 was introduced by Sen. McCain on May 18, 2016. Included a five-year authorization of the SBIR and STTR programs based on a provision in the Shaheen/Vitter bill, S. 2812, and permanency of the Rapid Innovation, based on the Shaheen/Vitter bill, S. 2792.

#### NOMINATIONS

The Small Business Administration has four positions which are filled by presidential nomination and require Senate confirmation under the jurisdiction of the Senate Committee on Small Business and Entrepreneurship. The positions are: Administrator, Deputy Administrator, Chief Counsel for Advocacy, and Inspector General.

During the 114th Congress, the position of Deputy Administrator and the position of Chief Counsel for Advocacy required Senate action. The position of SBA Deputy Administrator was held by Marie Collins Johns, who served from June 24, 2010, to May 31, 2013. The position of SBA Chief Counsel for Advocacy was held by Dr. Winslow Sargeant, who served from August 23, 2010, to January 24, 2015.

##### *Douglas Kramer*

On March 18, 2015, President Obama nominated Douglas Kramer to serve as Deputy Administrator for the Small Business Administration. The nomination was reported unanimously out of committee, on June 3, 2015. On June 11, 2015, Mr. Kramer's nomination was confirmed by a voice vote by the full Senate.

##### *Gilberto de Jesus*

On September 8, 2014, President Obama nominated Gilberto de Jesus to serve as the Chief Counsel for Advocacy for the Small Business Administration. Due to issues of concern that came to the Committee's attention during the vetting process, the Chairman requested that the president rescind the nomination. The White House agreed to do so and the position was filled on an acting basis



by Claudia Rogers, Deputy Chief Counsel for Advocacy, until Darryl L. DePriest was confirmed.

*Darryl L. DePriest*

On July 28, 2015, President Obama nominated Darryl L. DePriest to serve as the Chief Counsel for Advocacy for the Small Business Administration. The nomination was reported favorably out of the Committee, 19–0, on October 12, 2011. Mr. DePriest’s nomination was confirmed by a voice vote by the full senate.

HEARINGS, ROUNDTABLES, AND MARKUPS OF THE 114TH CONGRESS  
FIRST SESSION

*January 15, 2015: Field Hearing titled “The Effects of the Affordable Care Act on Small Businesses and How Congress is Exempted From the Law,”* Senator Vitter chaired. Testimony from Ms. Hedy Hebert, Partner, Benefits Consulting; Ms. Debbie Martin, President, North Shreveport Business Association; Mr. David Scruggs, COO, Piggly Wiggly and Save-A Lot Grocery Stores; Ms. Brenda Little, Healthcare Administration, Jean Simpson Personnel Services. The committee met to examine the real life consequences of how small businesses are navigating Obamacare implementation. They also heard how Members of Congress have been exempted from Obamacare by allowing themselves to maintain a taxpayer subsidy unavailable to any other American.

*January 28, 2015: Meeting to Organize the Committee on Small Business and Entrepreneurship,* Senator Vitter chaired. The Committee met to consider the Committee’s rules of procedure and to discuss a budget resolution. The rules establish how the Committee will operate and the rights of the majority and the minority for the session of Congress.

*February 19, 2015: Field Hearing titled “How Innovative Education Systems Can Better Prepare Students To Enter The Workforce,”* Senator Vitter chaired. Testimony from Sandra Partain, Dean of Technology, Engineering, and Math Bossier Parish Community College; David Helveston, Vice President for Workforce, Career and Technical Education, Louisiana Community and Technical College System; Gayle Flowers, Director of Career, Adult, and Alternative Education, Caddo Parish School Board; Alvin Bargas, President, Pelican Chapter Associated Builders and Contractors. The committee met to examine ways to modernize and improve this nation’s education and K–12 systems in order for students to be in the best possible position for employment upon graduation.

*February 20, 2015: Field Hearing titled “How Innovative Education Systems Can Better Prepare Students To Enter The Workforce,”* Senator Vitter chaired. Testimony from Dr. Nick Bruno, President, University of Louisiana at Monroe; Dr. Barbara Hanson, Chancellor, Louisiana Delta Community College; John Jones, Vice President of Policy and Federal Legislative Affairs, CenturyLink; Dana Talley Network 2 Deputy Leader, Louisiana Department of Education. The committee met to discuss ways to modernize and improve this nation’s education and K–12 systems in order for students to be in the best possible position for employment upon graduation. Witnesses discussed how partnerships and communication

between schools and employers need to be strengthened so that students can transition into the workforce with better prospects.

*March 2, 2015: Field Hearing titled “How Small Businesses Are Supporting America’s Energy Renaissance.”* Senator Vitter chaired. Testimony from Mr. Joey Jarreau, Owner, Southside Machine Works; Bryan Galley, Owner, Bryan Galley Builders, Inc.; Neil Aspinwall, Chancellor, SOWELA Technical Community College, Patricia Outtrim, Vice President of Governmental and Regulatory Affairs, Cheniere Energy, Inc. The committee heard testimony on the role of small businesses in Louisiana, which is one of the top oil and natural gas producers in the United States.

*March 19, 2015: Hearing titled “Patent Reform: Protecting Innovation and Entrepreneurship.”* Senator Vitter chaired. Testimony from Mr. David Winwood, President-Elect, Association of University Technology Managers, Chief Business Development Officer, Louisiana State University’s Pennington Biomedical Research Center; Mr. Robert N. Schmidt, Co-Chair, Small Business Technology Council, National Small Business Association; Ms. Rachel King, Founder & CEO, GlycoMimetics, Chair of the Maryland Life Sciences Advisory Board; Mr. Craig Bandes, President & CEO, Pixelligent Technologies; Mr. Tim Molino, Director of Policy, BSA | The Software Alliance. The purpose of the hearing was to examine the effects of current law on property rights, invention, and investment for small businesses and innovators. The Committee also discussed legislative options to improve patent law and protection of property rights.

*March 23, 2015: Field Hearing titled “How Small Businesses Are Supporting America’s Energy Renaissance.”* Senator Vitter chaired. Testimony from Dr. Natalie J. Harder, Ph.D., Chancellor, South Louisiana Community College; Joshua A. Pellerin, President and Chief Executive Officer, Pellerin Energy Group, LLC; Bill Fenstermaker, Chairman and CEO, C.H. Fenstermaker and Associates. The Committee met to discuss various ways the federal government can support job-creating initiatives in the energy sector, as well as efforts to reduce President Obama’s unnecessary federal burdens on domestic energy production.

*March 30, 2015: Field Hearing titled “How the Hidden Cost of Federal Regulations Impact Small Businesses and Economic Growth.”* Senator Vitter chaired. Testimony from J.H. Campbell, Jr., President and CEO, Associated Grocers, Inc.; Charlotte Johnston, Owner, 3south Companies; Preston Kennedy, Bank of Zachary; John Overton, President and CEO, TurnKey Solutions. The Committee met to discuss the impact of unnecessary government regulations and their hidden costs to our local community, small businesses, and economy.

*April 2, 2015: Field Hearing titled “Reducing the Federal Tax Burden for America’s Small Businesses.”* Senator Vitter chaired. Testimony from Sadie Shamsie, President and Co-Founder, Standard Title; Alan Hebert, Partner, Thibodaux Hebert Deshotels Leblanc, L.L.C.; Dan Feibus, Chief Executive Officer, Zagis USA; Robert Moring, Owner, Weld Done Design. The Committee met to examine the impact of tax regulations on small businesses and how small business tax reform can reduce the time and costs associated with compliance.

*April 9, 2015: Field Hearing titled “Reducing the Burden of Federal Regulations on Community Banks and Small Businesses”.* Senator Gardner chaired. Testimony from David Kelly, FirstBank; Tony Gagliardi, Colorado State Director, National Federation of Independent Business; Dave Reyher, President, Colorado East Bank & Trust; Koger Propst, President, ANB Bank; Roger Hays Jr., President & CEO, Premier Employer Services, Inc.; Don Childears, President & CEO, Colorado Bankers Association; Mike O’Donnell, Executive Director, Colorado Lending Source; Jay Davidson, Founder, Chairman of the Board, and CEO, First American State Bank. The committee met to focus on reducing the burden of federal regulations on community banks and small business.

*April 23, 2015: Meeting to Consider Eight Pieces of Legislation,* Senator Vitter chaired. The Committee met to consider S. 552, Small Business Investment Capital Company Act of 2015; S. 957; Veterans Entrepreneurship Act; S. 958, Small Business Fairness Act; S. 966, Commercial Real Estate and Economic Development Act of 2015; S. 967, Communicating Lender Activity Reports from the Small Business Administration Act; S. 999, Small Business Development Centers Improvement Act of 2015; S. 1000, SCORE for Small Business Act of 2015; S. 1001, Small Business Lending Reauthorization Act. The manager’s package was reported favorably out of Committee to the Senate.

*April 29, 2015: Hearing titled “King vs Burwell Supreme Court Case and Congressional Action that can be taken to Protect Small Businesses and their Employees.”* Senator Vitter chaired. Testimony from Michael Cannon, Director of Health Policy Studies, Cato Institute; Linda Blumberg, Senior Fellow, Urban Institute; Jeffrey Anderson, Executive Director, The 2017 Project. The Committee met to examine the King vs Burwell Supreme Court case and congressional action that could be taken to protect small businesses and their employees.

*May 1, 2015: Field Hearing titled “How Flood Insurance Rate Increases and Flood Mapping Policy Changes Will Impact Small Businesses and Economic Growth.”* Senator Vitter chaired. Testimony from Brad J. Kieserman, Deputy Associate Administrator for Federal Insurance, Federal Emergency Management Agency; Roy Wright, Deputy Associate Administrator for Mitigation, Federal Emergency Management Agency; Dwayne Bourgeois, Executive Director, North Lafourche Conservation, Levee and Drainage District; Jerry Passman, President, Louisiana Home Builders Association, Passman Homes, Inc.; David McKey, Broker and Owner, Coldwell Banker One. The Committee met to examine the impact of higher flood insurance rates on small businesses and the need to avoid new rate increases in Louisiana.

*May 4, 2015: Field hearing titled “Reducing the Federal Tax Burden for America’s Small Businesses.”* Senator Vitter chaired. Testimony from Margot May, Owner, Inspired Media. Jim Urdiales, Owner, Mestizo Restaurant; Candy Forbes, Vice President & Sales Manager, Denham Springs Housing; Ron Gitz, Executive Director, LCPA. The Committee heard testimony from Louisiana small businesses on the federal tax burdens that they face, what the impacts are on their day-to-day operations, and opportunities for reducing those burdens.

*May 6, 2015: Hearing titled "Impact of Federal Labor and Safety Laws on the U.S. Seafood Industry."* Senator Vitter chaired. Testimony from Ms. Portia Wu, Assistant Secretary of the Employment and Training Administration, U.S. Department of Labor; Dr. Steven Solomon, Deputy Associate Commissioner for Regulatory Affairs, U.S. Food and Drug Administration; Dr. Mike Strain, Commissioner, Louisiana Department of Agriculture and Forestry; Mr. John P. Connelly, President, National Fisheries Institute; Mr. Frank Randol, President, Randol, Inc. The Committee met to examine the safety of seafood import and how federal H-2B Visa regulations are affecting the seafood industry.

*May 19, 2015: Hearing titled "An Examination of Proposed Environmental Regulation's Impacts on America's Small Businesses."* Senator Vitter chaired. Testimony from Mr. Charles Maresca, Director of Interagency Affairs, Small Business Administration, Office of Advocacy; Mrs. Darcy Dougherty Maulsby, Fifth-Generation Iowa Farmer, Dougherty Farm; Mr. Karl Randall Noel, President, Reve Inc.; Ms. Elizabeth Milito, Esq., Senior Executive Counsel, National Federation of Independent Business; Mr. Benjamin Bulis, President, American Fly Fishing Trade Association. The committee met to examine the economic and regulatory impacts of the Obama Administration's proposal to modify the definition of "Water of the United States" under the Clean Water Act.

*June 3, 2015: Markup for the Nomination of Douglas J. Kramer of Kansas to be Deputy Administrator of the Small Business Administration;* Senator Vitter chaired. S. 1470, Recovery Improvements for Small Entities (RISE) After Disaster Act of 2015; S. 1292, HUBZone Revitalization Act of 2015; Resolution expressing the Sense of the Senate Committee on Small Business and Entrepreneurship that the Waters of the United States rule will have a significant economic impact on a substantial number of small entities. The manager's package was reported favorability. The resolution proposed by the Chairman was adopted by an 11 to 8 vote.

*June 8, 2015: Field Hearing titled "Need to Invest Federal Funding to Relieve Traffic Congestion and Increase Small Business Growth by Improving Our Roads and Bridges at the State and Local Level."* Senator Vitter chaired. Testimony from Mr. David Kim, Associate Administrator for Policy and Governmental Affairs, Federal Highway Administration, U.S. Department of Transportation; Terry Baugh, CFO, D&J Construction; Kam Movassaghi, P.E., Ph.D., F., ASCE; Mr. Don Hargroder, Owner, Courtesy Automotive; Ms. Missy Rogers, President, Noble Plastics. The Committee met to examine the need for federal transportation infrastructure investment to relieve traffic congestion and improve and modernize our roads and bridges, which prevents traffic problems from impeding state and local economic development.

*June 25, 2015: Hearing titled "Opening Doors to Economic Opportunity for Our Veterans and Their Families Through Entrepreneurship."* Senator Vitter chaired. Testimony from Mrs. Katrina Nowosielski, Owner, Storm Guard of LA; Mr. Albert Tansey, President, Tansey Electric; Ms. Laurie Sayles Artis, President and CEO, Civility Management Solutions (CMS); Ms. Barbara Carson, Acting Associate Administrator, Office of Veterans Business Development, U.S. Small Business Administration (SBA); Dr. Michael Haynie, Vice Chancellor and Executive Director, Institute for Veterans and

Military Families, Syracuse University; Mr. Scott R. Daugherty, Assistant Vice Chancellor and State Director, Small Business Technology & Development Center, North Carolina State University; Mr. Charles W. McCaffrey, Acting Director, Veterans Business Outreach Center at Community Business Partnership. The Committee met to examine entrepreneurship programs available to veterans, particularly those with service-related disabilities, as they transition to civilian life.

*July 2, 2015: Field Hearing titled “The North Dakota Entrepreneur: The Role of the Small Business Administration in Startups, Entrepreneurship and Innovation.”* Senator Heitkamp chaired. Testimony from The Honorable Maria Contreras-Sweet, Administrator, U.S. Small Business Administration; Mr. John Machacek, Senior Vice President, Greater Fargo Moorhead Economic Development Corporation; Mr. Dan Mahli, Community Development Administrator, City of Fargo; Mr. Jake Joraanstad, CEO, Myriad Mobile. The Committee met to examine the SBA’s role in assisting startups, entrepreneurship and innovation in North Dakota.

*July 13, 2015: Field Hearing titled “Relieving Traffic Congestion and Improving the Flow of Commerce for Small Businesses.”* Senator Vitter chaired. Testimony from Mr. Randy Guillot, President, Triple G Express, Inc., Southeastern Motor Freight, Inc.; Mr. Donald Rouse Jr., Managing Partner Rouse’s Enterprises, LLC; Mr. Wayne Dugas, Director of Dealer Sales, Lard Oil; Mr. Larry Collins, President and CEO, Livingston Economic Development Council. The Committee met to examine the need for federal transportation infrastructure investment to relieve traffic congestion and improve and modernize our roads and bridges, which prevents traffic problems from impeding state and local economic development.

*July 14, 2015: Hearing titled “Challenges and Opportunities for Small Businesses Engaged in Energy Development and Energy Intensive Manufacturing.”* Senator Vitter chaired. Testimony from Mr. Toby Mack, President & CEO, Energy Equipment and Infrastructure Alliance; Dr. Neil Aspinwall, Chancellor, SOWELA Technical Community College; Ms. Kateri Callahan, President, Alliance to Save Energy; Mr. Tyson Slocum, Director, Public Citizen Energy Program. The Committee met to examine how federal energy policies can support the growth of small businesses in the energy sector, the communities in which they are located and related service industries.

*July 22, 2015: Hearing titled “Targeted Tax Reform: Solutions to Relieve the Tax Compliance Burden(s) for America’s Small Businesses.”* Senator Vitter chaired. Testimony from Mr. Don Begneaud, Founder/Owner, Begneaud Manufacturing; Ms. Diana Beebe, CFO, Prosys, Inc.; Ms. Cori O’Steen, Owner, UPakNShip; Mr. Nick Karellas, Tax Counsel, National Federation of Independent Business; Mr. Tom Mathison, Principal, MATHISON | MATHISON architects; Mr. Jeffrey A. Porter, Owner, Porter & Associates, CPA’s; Ms. Caroline Bruckner, Professor, Kogod Tax Policy Center, American University; Mr. Dean Zerbe, National Managing Director, alliantgroup. The Committee met to examine the impact of tax regulations on small businesses and how certain, targeted reforms can ease their compliance costs and spur growth.

*July 29, 2015: Meeting to Consider Five Pieces of Legislation and a Sense of the Committee Resolution*, Senator Vitter chaired. The Committee met to consider the substitute amendment for S. 1400, S. 1756, S. 1857, the substitute amendment for S. 1866, the Ayotte-Shaheen amendment to the Veterans Small Business Improvements Act, a Sense of the Committee on the Small Business Tax Compliance Relief Act of 2015, and the substitute amendment for S. 1870. The managers package was reported favorably to the Senate.

*August 6, 2015: Roundtable titled "Rising After Disaster: Improvements and Continuing Challenges."* Senator Vitter chaired. Testimony from Mr. James Rivera, Associate Administrator, Office of Disaster Assistance, U.S. Small Business Administration; Ms. Gerillee Bennett, Deputy Director, National Disaster Recovery Planning Division, Federal Emergency Management Agency (FEMA); Mr. Russ Paulsen, Executive Director, Office of Community Preparedness and Resilience, American Red Cross; Mr. William B. Shear, Director, Financial Markets & Community Investment, Government Accountability Office; Ms. Andrea Deadwyler, Director, Credit Programs Group—Audit Division, SBA Office of the Inspector General; Mr. C.E. "Tee" Rowe, President & CEO, America's Small Business Development Centers (SBDC). The roundtable examined disaster protection and recovery improvements over the past decade; what continuing challenges local, state, and federal officials still face; and what recommendations can be made to Congress for continued improvements regarding small business loan programs, economic recovery, agency coordination, assistance-delivery efficiency, and related topics.

*August 31, 2015: Field hearing titled "Opportunities and Challenges Small Businesses Face in Hiring a Skilled Workforce."* Senator Shaheen chaired. Testimony from Mr. Ross Gittell, Chancellor, Community College System of New Hampshire; Ms. Heather Wells, Adjunct Professor, Advanced Welding Technology, White Mountains Community College; Ms. Adria Bagshaw, Vice President, W.H. Bagshaw; Ms. Wendy Tirollo, Owner and CEO, TRM Microwave; Mr. Michael Power, Community Outreach Administrator, Office of Workforce Opportunity, New Hampshire Department of Resources & Economic Development; Mr. Zenagui Brahim, President, New Hampshire Manufacturing Extension Partnership; Ms. Erin E. Andrew, Assistant Administrator, Office of Women's Business Ownership, SBA. The Committee met to examine workforce development needs of small businesses and ways to ensure small businesses have access to a skilled workforce.

*October 1, 2015: Hearing titled "Examining the Significant Costs and Related Burdens for Small Businesses Resulting from the Gold King Mine Waste Water Spill near Silverton, Colorado."* Senator Gardner chaired. Testimony from The Honorable Scott Tipton, 3rd District of Colorado, U.S. House of Representatives; Mr. Brad Blake, Commissioner, La Plata County, Colorado; Mr. Andy Corra, Owner, 4Corners Riversports; Ms. DeAnne Gallegos, Executive Director, Silverton Area Chamber of Commerce. The Committee met to examine how Colorado small business employers and local stakeholders were affected by the EPA-caused Gold King Mine waste water spill, including temporary closures and layoffs for river-related tourism business.

*October 7, 2015: Business Meeting to Consider Six Pieces of Legislation*, Senator Vitter chaired. The Committee met to consider S. 2111, with the Vitter and Booker amendments; the substitute for S. 2116; S. 2126; the substitute for S. 2136; S. 2138; and S. 2139, with the Cardin amendment. The managers package was reported favorably.

*December 4, 2015: Field Hearing titled “Strategies for Rebuilding: An Examination of Small Business Recovery Efforts in South Carolina.”* Senator Scott chaired. Testimony from Mr. Michael Marsha, Owner, Forest Lakes Fabrics; Ms. Kay Stafford, Owner, Web Rawls Galleries; Mr. Ted Pitts, CEO, South Carolina Chamber of Commerce; Mr. Jeremy Cannon, Owner, Cannon Ag Products; Mr. James Rivera, Associate Administrator of the Office of Disaster Assistance, U.S. Small Business Administration; Mr. W. Jack Nettles, Acting State Executive Director, South Carolina Farm Service Agency. The Committee met to examine the ongoing efforts to support recovery of South Carolina’s small businesses following October’s severe storms.

*December 9, 2015: Markup for the nomination of Darryl L. DePriest to be the Chief Counsel for the Office of Advocacy at the Small Business Administration.* Senator Vitter chaired. Voted out of Committee by a vote of 19–0.

#### SECOND SESSION

*January 28, 2016: Hearing titled “Reauthorization of the SBIR/STTR Programs—The Importance of Small Business Innovation to National and Economical Security,”* Senator Vitter chaired. Testimony from Mr. Robert Smith, Director, Department of Navy SMIR/STTR Programs, Office of Naval Research; Mr. John Williams, Director of Innovation and Technology, SBA Office of Investment and Innovation; Mr. Robert Kline-Schoder Ph.D., President, Creare LLC; Mr. Jere W. Glover, Executive Director, Small Business technology Council; Mr. Roy Keller, Director, LA Technology Transfer Office, LSU Innovation Park at Louisiana Business & Technology Center. The Committee met to examine the SBIR/STTR programs and the successful increase of innovation and how the incentive to commercialize these technologies helps the country’s general economy as well as our national security.

*February 25, 2016: Hearing titled “An Examination of Changes to the U.S. Patent Systems and Impacts on America’s Small Businesses,”* Senator Vitter chaired. Testimony from Brian O’Shaughnessy, Chairman-elect, Licensing Executives Society (USA and Canada), Inc.; Mr. Robert L. Stoll, Partner and Co-Chair of the Intellectual Property Practice Group, Drinker Biddle & Reath; Neil Veloso, Executive Director, Technology Transfer, Johns Hopkins Technology Ventures. The Committee met to examine whether or not the patent litigation abuse problem demands a major rewrite of our patent laws or if the changes taking place are having the desired effect, specifically with regards to protecting small businesses, small business entrepreneurs, and universities.

*March 3, 2016: Hearing titled “The Impacts of Federal Fisheries Management on Small Businesses,”* Senator Vitter chaired. Testimony from Ms. Pam Anderson, Operation Manager, Capt. Andersons’s Marina; Mr. Hughes Andry, Regional Manager, Sportco Marketing, Mr. Brad Gentner, President, Gentner Group

Consulting, LLC; Mr. James Hayward, President, XI Northeast Fisheries Sector, Inc.; Dr. Joshua Wiersma, Manager, Northeast Fisheries, Environmental Defense Fund. The Committee met to discuss how the National Marine Fishery Service (NMFS) and the Gulf of Mexico Regional Fishery Management Council (Gulf Council). The Committee met to analyze the impact of federal fisheries management on small business, specifically as it relates to the National Marine Fishery Service (NMFS) and the Gulf of Mexico Regional Fishery Management Council (Gulf Council), given the continued diminishing rights of the recreational angler and a failure to use proper data collection strategies.

*March 10, 2016: Hearing titled "Up in the Air: Examining the Commercial Applications of Unmanned Aircraft for Small Businesses,"* Senator Vitter chaired. Testimony from Mr. Brian Wynne, President and CEO, Association for Unmanned Vehicle Systems International; Captain Tim Cannoll, President, Air Line Pilots Association, International; Mr. Eli Dourado, Director Technology Policy Program, Mercatus Center at George Mason University; Dr. Thomas W. Vaneck, Vice President, Disruptive Technologies, Physical Sciences, Inc.; Mr. Gregory S. McNeal JD/PhD, Professor of Law at Pepperdine University, Co-Founder at AirMap. The Committee met to examine the commercial application of Unmanned Aircraft Systems (UAS) by small businesses and to highlight the need to integrate UAS into the national airspace in a way that ensures safety as the top priority.

*April 6, 2016: Hearing titled "Federal Disaster Response and SBA implementation of the RISE Act,"* Senator Vitter chaired. Testimonies by Mr. Douglas J. Kramer, Deputy Administration, U.S. Small Business Administration; Ms. Elizabeth Zimmerman, Association Administration for Response and Recovery, FEMA. The Committee met to take a closer look at how well the federal government is responding to major natural disasters, in particular, the SBA's implementation of the RISE act for small businesses, given its ineffective history of standing up such programs in the past.

*April 27, 2016: Hearing titled "Drowning in Regulations: The Waters of the U.S. Rule and the Case for Reforming the RFA,"* Senator Vitter chaired. Testimony from the Honorable Darryl L. DePriest, Chief Counsel for the Office of Advocacy, U.S. Small Business Administration; Ms. Elizabeth Milito, Senior Executive Counsel, National Federation of Independent Business; Mr. Frank Knapp Jr., President and CEO, South Carolina Small Business Chamber of Commerce; Mr. Rosario Palmieri, Vice President, Labor, Legal, and Regulatory Policy, National Association of Manufacturers. The Committee met to examine the implementation of the Regulatory Flexibility Act and the need for regulatory reform in light of how federal agencies oftentimes issue new rules and regulations that cause undue burdens on small businesses.

*May 11, 2016: Hearing titled "An Examination of the Administration's Overtime Rule and the Rising Cost of Doing Business,"* Senator Vitter chaired. Testimony from Ms. Tammy McCutchen, Principal, Littler Mendelson, P.C.; Ms. Sarita Gupta, Executive Director, Jobs with Justice; Mr. Octavio Mantilla, Co-Owner, Besh Restaurant Group; Mr. Ross Eisenbrey, Vice President of Human Resources, Operation Smile. The Committee met to examine the Obama Administration's proposal to more than double the current



salary threshold under the Fair Labor Standards Act's overtime exemption for administrative, executive, and professional employees and the negative impact it will have on small businesses.

*May 11, 2016: Meeting to Consider Six Pieces of Pending Legislation,* Senator Vitter chaired. The Committee met to markup S. 2812, SBIR and STTR Reauthorization and Improvement Act of 2016; S. 2831, A bill to amend the Small Business Investments Act of 1958 to provide priority for applicants for a license to operate as a small business investment company that are located in a disaster area; S. 2838, Small Business Transforming American's Regions Act of 2016; S. 2850 Microloan Program Modernization Act of 2016; S. 2847, Prove it Act of 2016. The manager's package was reported favorably.

*May 18, 2016: Hearing titled "The Small Business Struggle Under Obamacare,"* Senator Vitter chaired. Testimony from the Honorable Richard G. Frank, Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services; Mr. Tom Kunkel, President, Full House Marketing, Inc.; Mr. Kevin Kuhlman, Director of Legislation Affairs, National Federation of Independent Business; Mr. Mike Brey, President, Hobby Works. The Committee met to discuss the impact of the Affordable Care Act on America's small businesses and employees due to rising premiums, increased health care costs, reduced access to doctors and hospitals, and the high cost of providing health insurance that must be purchased on the small group market.

*May 26, 2016: Hearing titled "Oversight of the SBA's 7(a) loan Guaranty Program,"* Senator Vitter chaired. Testimony from the Honorable Maria Contreras-Sweet, Administrator, U.S. Small Business Administration. The Committee met to discuss oversight of the SBA 7(a) loan program and efforts to reform and strengthen it, given the program's steady and dramatic growth that has required regular authorization increases, including two emergency increases in 2014 and 2015.

*June 8, 2016: Meeting to Consider Three Pieces of Pending Legislation,* Senator Vitter chaired. The Committee met to markup S. 2992, Small Business Lending Oversight Act of 2016; S. 3009 National Guard and Reserve Entrepreneurship Support Act of 2016; S. 3024, Small Business Cyber Security Improvements Act of 2016. The legislation was reported favorably.

*June 16, 2016: Hearing titled "Keeping the American Dream Alive: The Challenge to Create Jobs Under the NLRB's New Joint Employer Standard,"* Senator Vitter chaired. Testimony from Ms. Ciara Stockeland, Founder and COO, MODE; Mr. Keith R. Bolek, Partner, O'Donoghue & O'Donoghue LLP; Ms. Lynn Berberich, Owner, BrightStar Healthcare of Baltimore City/County; Mr. Harris Freeman, Professor, Western New England School of Law; Mr. James Sherk, Research Fellow, Labor Economics, Institute for Economic Freedom and Opportunity, the Heritage Foundation. The Committee met to examine the impact the National Labor Relations Board's (NLRB) new joint-employer standard will have on small businesses across the country.

*June 23, 2016: Hearing titled "Beyond the Bench: Ramifications for the Supreme Court Kingdomware Decision,"* Senator Vitter chaired. Testimony from Mr. Thomas J. Leney, Executive Director, Office of Small and Disadvantaged Business Utilization, U.S. De-

partment of Veterans Affairs; Mr. A. John Shoraka, Associate Administrator of Government Contracting and Business Development, U.S. Small Business Administration; Ms. LaTonya Barton, Kingdomware Technologies, Inc.; Mr. Michael Phipps, Managing Director, The Millennium Group Int'l LLC; Mr. Johnathan T. Williams, Partner, Pillero Mazza. The Committee met to review the ramifications of the Supreme Court's decision to rule in favor of Kingdomware Technologies, a Service-Disabled Veteran-Owned small business that had lost its bid for a federal contract with the Department of Veterans Affairs in 2012 to a non-veteran owned company, in *Kingdomware Technologies, Inc. vs. the United States*.

*June 29, 2016: Hearing titled "America without Entrepreneurs: The Consequences of Dwindling Startup Activity,"* Senator Vitter chaired. Testimony from Mr. Dane Stangler, Vice President of Research & Policy, Ewing Marion Kauffman Foundation, Mr. John Lettieri, Co-founder, Economic Innovation Group; Ms. Donna Harris, Chief Executive Officer, 1776. The Committee met to examine the long-term economic outlook for small start-up businesses in the United States.

*June 30, 2016: Hearing titled "No More Hikes: Small Business Survival Amidst Unaffordable Flood Insurance Rate Increases,"* Senator Vitter chaired. Testimony from Mr. Kevin Robles, CEO, Domain Homes; Ms. Ceil Strauss, Chair, Association of State Floodplain Managers; Mr. David G. McKey, Broker and Owner, Coldwell Banker One; Mr. Randy Noel, 2016 Second Vice Chairman, National Association of Homebuilders. The Committee met to discuss the need to avoid unaffordable flood insurance rate increases on small businesses and to begin a conversation in the Senate about the National Flood Insurance Program in advance of the September 30, 2017 deadline for reauthorization.

*July 14, 2016: Hearing titled "Searching for Capital: How Venture Capitalists and Angel Investors Fund Entrepreneurs and Startup Companies,"* Senator Vitter chaired. Testimony from Mr. Scott Kupor, Managing Partner, Andreessen Horowitz; Mr. Michael J. Eckert, Chairman, NO/LA Angel Network; Mr. Joseph L. Schocken, Founder and CEO, Broadmark Capital; Dr. Jeffery E. Sohl, Ph.D., Director, Center for Venture Research and Professor of Entrepreneurship and Decision Sciences, Peter T. Paul College of Business and Economics, University of New Hampshire; Dr. Ali Behbahani, MD, Partner, New Enterprise Associates. The Committee met to examine current trends, strategies, and the significant role of venture capitalists and angel investors in America's entrepreneurial ecosystem, as well as to discuss the benefits of access to capital for entrepreneurs and the serious challenges faced by VCs and angels.

*August 3, 2016: Field Hearing titled: "Examining Access to Capital and Other Headwinds to Entrepreneurship,"* Senator Fisher chaired. Testimony from Mr. Eric Dinger, Co-founder and CEO, Powderhook; Mr. Dan Hoffman, CEO, Invest Nebraska Corporation; Ms. Julia Parker, Executive Director, Omaha Small Business Network; Mr. T.J. Casady, Vice President, Union Bank and Trust; Dr. Jon P. Anderson, Manager, Advanced Research & Development, Li-COR Biosciences. The Committee met in Lincoln, NE to hear from a panel of entrepreneurial experts from across the state in order to determine what is and is not working in the way of small business access to capital and other obstacles and to receive

direction and feedback regarding how to improve the overall environment for innovators and businesses.

*August 4, 2016: Field Hearing titled: "Expanding Hawaii's STEM Pipeline: Examining Opportunities to Grow Small Businesses, Entrepreneurs, and the STEM Workforce,"* Senator Hirono chaired. Testimony from Dr. Walter Jones, Executive Director, Office of Naval Research; Dr. Sylvia James, Director, Division of Human Resource Development, National Science Foundation; Ms. Jane A. Sawyer, Hawaii District Office Director, U.S. Small Business Administration; Dr. Lui Hokoana, Chancellor, Maui College; Ms. Sarah A. Jenkins, Student, Duke University; Ms. Lily N. Jenkins, Student, Molokai High School; Ms. Audrey S.C. Cabrera, P.E., Brown and Caldwell; Ms. Leslie Wilkins, Vice President, Women in Technology Program Director, Maui Economic Development Board, Inc. The Committee met in Maui in order to examine the Science, Technology, Engineering, and Mathematics (STEM) workforce and how to increase STEM opportunities for minorities and women.

*September 15, 2016: Hearing titled "An Examination of the Federal Responses and Resources for Louisiana Flood Victims,"* Senator Vitter chaired. Testimony from the Honorable Maria Contreras-Sweet, Administrator, U.S. Small Business Administration; Mr. Patrick Mulhearn, Executive Director, Celtic Studios; Mr. Ron Erickson Sr., President and CEO, City of Central Camber; Representative Clay Schexnayder, Louisiana House of Representatives, Owner and Manager, Car Craft Automotive. The Committee met to discuss the federal response and recovery efforts to help the Louisiana communities suffering from the devastating August floods and to highlight the magnitude of the disaster in the Senate.

#### OVERSIGHT

*Letter to Comptroller General of the U.S. of the U.S. Government Accountability Office Regarding GAO's Evaluation of SBA Operations:* On January 30, 2015, Chairman Vitter issued a letter to U.S. Government Accountability Office Comptroller General of the U.S. Gene Dodaro requesting that he become co-requestor for GAO's evaluation of SBA operations and the role of regional offices.

*Letter to General Clark Regarding His Efforts to Promote Lifeline:* On February 24, 2015, Chairman Vitter submitted a letter to General Wesley Clark of Wesley K Clark & Associates, LCC requesting that the general provide detailed press reports of his trips promoting Lifeline, companies that the general was associated with, and if the consulting group that General Clark is associated with receive any type of financial support from the Lifeline mobile phone program.

*Letter to Mr. Pollak Regarding His Association with Lifeline:* On February 24, 2015, Chairman Vitter submitted a letter to F.J. Pollak, CEO of TracFone requesting information regarding TracFone's activities relating to the Lifeline mobile phone program and their efforts to promote it.

*Letter to Chairman of the FCC Regarding Fraud in the Lifeline Program:* On February 25, 2015, Chairman Vitter submitted a letter to Chairman Tom Wheeler of the Federal Communications Commission addressing the failure of the FCC to conduct appropriate oversight and enforcement of the rules of FCC in accordance with the Lifeline program.

*Letter to the Budget Committee Regarding SBA Funding in FY16 Budget:* On February 27, 2015, Chairman Vitter submitted a letter to Chairman Enzi and Ranking Member Sanders of the Senate Budget committee requesting that the Budget committee should consider alternative funding amount for the SBA budget request.

*Letter to the Chairman and Ranking Member of the Committee on the Budget Regarding Proposed FY16 Budget:* On February 27, 2015, Ranking Member Cardin sent a letter to Chairman Enzi and Ranking Member Sanders requesting that the Budget Committee consider an overall funding level of at least \$900 million for the SBA in FY 2016.

*Letter to the Financial Clerk of the Senate Regarding Congress's Access to DCHBEA:* On March 2, 2015, Chairman Vitter submitted a letter to the Financial Clerk of the Senate Ileana Garcia requesting information into how Congress qualifies as a "Small Business" to allow it benefits from the District of Columbia Health Benefit Exchange Authority, small business exchange.

*Letter to the CAO of the House of Representatives Regarding Congress's Access to DCHBEA:* On March 2, 2015, Chairman Vitter submitted a letter to the Chief Administrative Officer of the U.S. House of Representatives requesting information into how Congress qualifies as a "Small Business" to allow it benefits from the District of Columbia Health Benefit Exchange Authority, small business exchange.

*Letter to the FERC Commissioners in Support of the Magnolia LNG application:* On March 5, 2015, Chairman Vitter submitted a letter to Chairman LaFleur, Commissioner Moeller, Commissioner Clark, Commissioner Bay, and Commissioner Honorable of the Federal Energy Regulatory Commission expressing his support for Magnolias LNG LLC's application before the Commission. The Chairman makes the case that Magnolia's facility will provide thousands of jobs to Louisiana and enter Louisiana in to the LNG market.

*Letter to OPM Director Regarding Congress's Health Benefits:* On March 9, 2015 Chairman Vitter submitted a letter to Director Katherine Archuleta of the Office of Budget Management seeking information on the September 30, 2013 rule affecting how members of Congress and their staffs receive health benefits.

*Letter to the Director of OPM Regarding Failure to Address Information:* On March 13, 2015, Chairman Vitter submitted a letter to Director Kathrine Archuleta of the Office of Personnel Management acknowledging his receipt of a March 13, 2015 letter, but also asking for information that the agency did not disclose about Federal Employee Health Benefit contributions and email correspondence.

*Letter to the Speaker of the House Requesting Unredacted Healthcare Applications:* On March 24, 2015, Chairman Vitter submitted a letter to Speaker John Boehner of the U.S. House of Representatives regarding the investigation into the House and Senate procuring benefits through the small business exchange and the relevant applications.

*Letter to Appropriators Regarding Small Business Programs for Fiscal Year 2016:* On March 24, 2015, Ranking Member Cardin submitted a letter to Chairman Boozman and Ranking Member Coons of the Committee on Appropriations to express his support

for sufficient levels of funding to enable SBA to support our nation's small businesses and entrepreneurs.

*Letter to Appropriators Regarding Small Business Programs for Fiscal Year 2016:* On March 27, 2015, Chairman Vitter submitted a letter to Chairman Boozman and Ranking Member Coons of the Committee on Appropriations to express his support for a program level for Small Business Development Centers of \$130 million to handle increased demand for small businesses. The Chairman also expressed his support for Small Business Technology Transfer and Small Business Innovative Research Programs in the letter.

*Letter to the SBA Regarding the "Tan Tax":* On April 15, 2015, Chairman Vitter submitted a letter to Administrator Maria Contreras-Sweet requesting information on the yearly number of tanning salon businesses that have received loans backed by the SBA from 2005 to today, the yearly number of tanning salon businesses that have defaulted on loans backed by the SBA from 2005 to today, and the total cost of any defaults related to the tan tax.

*Letter to FEMA Administrator Requesting Funding for New Orleans Lakefront Airport's Floodwall:* On April 22, 2015, Chairman Vitter submitted a letter to Administrator Fugate of the Federal Emergency Management Agency to request funding to augment the existing floodwall and bring it to current codes and standards.

*Letter to the Chief of Staff of the Joint Committee on Taxation Regarding the Preliminary Draft of the Small Business Tax Compliance Relief Act:* On May 6, 2015, Chairman Vitter issued a letter to Joint Committee on Taxation Chief of Staff Thomas A. Barthold requesting that a revenue estimate for a preliminary draft of the Small Business Tax Compliance Relief Act be provided along with revenue estimates on each provision.

*Letter to the SBA Administrator Regarding the Historic Flooding Along the Red River in Louisiana:* On May 18, 2015, Chairman Vitter issued a letter to SBA Administrator Maria Contreras-Sweet noting the damage assessment that was conducted after the flooding along the Red River in Louisiana amounting to a total of \$17,209,157.74.

*Letter to SBA Administrator for Determining Annual Procurement Scorecard:* On May 19, 2015, Chairman Vitter submitted a letter to Administrator Maria Contreras-Sweet of the SBA expressing his concerns over the determination of the annual procurement scorecard for awarding federal contracting money to small businesses.

*Letter to the EPA Regarding Their WOTUS Rule:* On May 21, 2015, Chairman Vitter submitted a letter to Administrator McCarthy of the Environmental Protection Agency regarding the media reports that the EPA orchestrated a lobbying and public relations campaign to build support for their proposed rule.

*Letter to SBA Counselor Nomination to Deputy Administrator of the SBA:* On May 22, 2015, Chairman Vitter submitted a letter to Douglas Kramer a Counselor at the Small Business Administration thanking him for taking a meeting with the Chairman's staff in accordance with the confirmation process.

*Letter to the National President and CEO of the U.S. Pan Asian American Chamber of Commerce Regarding the 30th Anniversary of the USPAACC:* On June 3, 2015, Chairman Vitter issued a letter to the U.S. Pan American Chamber of Commerce National Presi-

dent and CEO Susan Au Allen congratulating her and the USPAACC on their 30th anniversary.

*Letter to the American Ambassador to China Regarding Confiscated Property:* On June 5, 2015, Chairman Vitter submitted a letter to Ambassador Baucus to China regarding the continued confiscation of U.S. investor property in China.

*Letter to Louisiana Department of Environmental Quality:* On June 8, 2015, Chairman Vitter submitted a letter to Secretary Hatch of the Louisiana Department of Environmental Quality urging them to support the compliance plan that the Evangeline Training Center submitted.

*Letter to the EPA Regarding their Failure to follow the Regulatory Flexibility Act:* On June 10, 2015, Chairman Vitter submitted a letter to Administrator McCarthy of the Environmental Protection Agency outlining the concern of the committee that the EPA is failing to follow the Regulatory Flexibility Act, as it proceeds with formulation and implantation of the president's controversial Clean Power Plan.

*Letter to the SBA Regarding the Export-Import Bank:* On June 11, 2015, Chairman Vitter submitted a letter to Administrator Maria Contreras-Sweet requesting the SBA to take preventive action should there be a lapse in authorization or a termination of the Export-Import Bank. This action was directed so that small business would continue to have access to export credit, capital and insurance to continue their international sales.

*Letter to GAO Regarding CRPB's Analysis of Small Entity Impacts:* On June 11, 2015, Chairman Vitter submitted a letter to Comptroller General Dodaro of the U.S. Government Accountability Office requesting that the GAO examine the aspects of the CFPB's conduct during the rulemaking process of the four SBREFA panels.

*Letter to the Chairman Regarding the Potential Closure of the Export-Import Bank:* On June 23, 2016, Chairman Vitter sent a letter to Chairman Hochberg of the Export-Import Bank of the United States of America demanding that the bank steps to coordinate with the Small Business Administration on alternatives for small business if the congressional authorization were to lapse.

*Letter to the SBA Regarding the 7(a) loan program:* June 23, 2015, Chairman Vitter submitted a letter to Administrator Maria Contreras-Sweet regarding the changes to the Office of Credit Risk Management (OCRM) leadership and the continued oversight of SBA's programs.

*Letter to the Export-Import Bank of the United States of America Regarding the Authorization of the Export-Import Bank's expiration:* On June 23, 2015, Chairman Vitter issued a letter to Export-Import Bank of the United States of America Chairman and President Fred P. Hochberg noting that the expiration of Ex-Im expired in five business days creating a number of uncertainties for small businesses that were currently utilizing the Bank's credit insurance and lending programs and urged the Ex-Im to coordinate with SBA and create a contingency plan to prepare for the possibility of Bank closure.

*Letter to Appropriators Regarding 7(a) loan program:* On June 24, 2015, Chairman Vitter & committee members submitted a letter to Chairman Boozman and Ranking Member Coons of the Committee on Appropriations to express their concern about raising the

cap on SBA lending cap in the 2015 Omnibus Appropriations Act to increase the SBA 7(a) lending program ability to provide loans to small businesses.

*Letter to EPA Regarding WOTUS rule:* On June 30, 2015, Chairman Vitter submitted a letter to Administrator McCarthy of the U.S. Environmental Protection Agency regarding the EPA's wrongdoing in their aggressive, taxpayer-funded public relations campaign to build public support for Waters of the United States rule.

*Letter to the Fish and Wildlife Service Regarding a Rule on Ivory:* On June 30, 2015, Chairman Vitter submitted a letter to Director Ashe of the U.S. Fish and Wildlife Service to express his concern about the proposed rule of the FWS further restricting the export, import, and commercial sale of lawfully owned elephant ivory in America.

*Letter to the EPA regarding EPA's response to the WOTUS rule passed:* On June 30, 2015, Chairman Vitter issued a letter to U.S. Environmental Protection Agency Administrator Gina McCarthy, noting the failed response to an original letter dating May 26, 2015 that requested information on how the EPA conducted during the WOTUS rulemaking process.

*Letter to the President of the United States Regarding the Inter-agency Task Force on Veterans Small Business Development (IATF):* On July 17, 2015, Ranking Member Shaheen issued a letter to the President of the United States Barack Obama encouraging full participation in the IATF, and emphasizing the importance of contributing to the IATF to develop entrepreneurship policies and programs for veterans.

*Letter to the President of the United States Regarding the Renomination of Ken Kopocis and Janet McCabe:* On July 15, 2015, Chairman Vitter issued a letter to the President of the United States Barack Obama expressing serious concern in his re-nomination of Ken Kopocis to Assistant Administrator for the Office of Water and Janet McCabe to be Assistant Administrator for the Office of Air and Radiation at the EPA.

*Letter to the SBA Administrator Regarding the SBA's 7(a) Loan Guaranty Program:* On July 21, 2015, Chairman Vitter issued a letter to SBA Administrator Maria Contreras-Sweet noting the lack of action the SBA has taken in regards to the SBA's 7(a) loan guaranty program for small businesses with the rapidly approaching statutory cap and some necessary actions they should take to include the cap increase to preserve the program.

*Letter to the Secretary of Commerce Regarding the Billfish Conservation Act of 2012:* On July 27, 2015, Chairman Vitter issued a letter to Secretary of Commerce Penny Pritzker urging the Department of Commerce to expedite its rulemaking to implement BCA, in order that the U.S. can gain the full conservation and economic benefits of this important bipartisan legislation.

*Letter to the Under Secretary of Defense for Acquisition, Technology, and Logistics Regarding the Effect of Department of Department (DoD) SBIR Data System Flaws:* On August 11, 2015, Ranking Member Shaheen issued a letter seeking a resolution to flaws in the DoD SBIR data management system that prevented SBIR participants from applying for and retaining SBIR awards.

*Letter to the U.S. Department of Labor Regarding Notice of Proposed Rulemaking on Overtime Pay:* On September 4, 2015, Chair-

man Vitter issued a letter to the U.S. Department of Labor Secretary Tom Perez, requesting that he reconsider the decision not to extend the public comment period for the U.S. Department of Labor's July 6, 2015, Notice of Proposed Rulemaking on overtime pay and the negative impact they would have on effective small business operations.

*Letter to the Secretary of the Treasury Regarding Ruling by the Internal Revenue Service:* On September 17, 2015, Chairman Vitter issued a letter to Secretary of the Treasury Jacob Lew noting that a ruling by the Internal Revenue Service led to the imposition of extreme penalties on small businesses that use pre-tax dollars to assist their individual employees in the purchase of health insurance policies on the individual health insurance market.

*Letter to America's SBDCs on Their 35th Anniversary in San Francisco:* On September 8, 2015, Chairman Vitter submitted a letter to the counselors, coaches, and advisors of American's Small Business Development Centers congratulating them on 35 years in San Francisco. The Chairman also highlights the importance of SBDCs in communities like New Orleans and their impact on creating a better job market.

*Letter to the Department of Agriculture Regarding SNAP Beneficiaries in the Lifeline Program:* On September 25, 2015, Chairman Vitter submitted a letter to Administration Audrey Rowe of the Food and Nutrition Service of the U.S. Department of Agriculture addressing the reports of purported beneficiaries of the Supplemental Nutrition Assistance Program (NAP) engaging in rampant fraud and abuse of the Federal Communication's Lifeline program.

*Letter to Office of Fossil Energy Regarding Comments on Cameron LBG's Application:* On September 29, 2015, Chairman Vitter submitted a letter to Ms. Larine Moore of the U.S. Department of Energy expressing his support of Cameron LNG's application to export additional supplies of domestically produced natural gas from the LNG terminal in Cameron Parish to country that do not have a free trade agreement with the United States.

*Letter to the Office of Federal Procurement Policy Regarding Women-Owned Small Business (WOSB) Contracting Program Expansion:* On December 4, 2015, Ranking Member Shaheen issued a letter to Administrator Anne Rung urging the Federal Acquisition Regulatory Council to update its regulations to reflect SBA's final rule expanding the WOSB contracting program.

*Letter to Senior Consultant of Hill+Strategies Regarding the Chief of Counsel for Advocacy Position:* On December 7, 2015, Chairman Vitter issued a letter to Hill+Strategies Senior Consultant Darryl DePriest noting his priorities and commitment for the Chief Counsel for Advocacy position for which he was nominated for while urging him to consider the integral importance of SBAR panels in protecting small businesses, and supporting the expansion of SBAR panel requirements to additional agencies.

*Letter to Appropriators Regarding the 504 Loan Guaranty Refinance Program:* On March 10, 2015, Ranking Member Shaheen and Senator Isakson wrote to Chairman Boozman and Ranking Member Coons of the Appropriations Subcommittee on Financial Services and General Government to urge them to retain a provision from S. 1910, the FY2016 Appropriations Act for Financial Services and General Government, in the FY2016 Omnibus Appropriations



Act. The provision re-instated a version of the 504 Loan Guaranty Refinance Program and was based on their bill, S. 966, the Commercial Real Estate and Economic Development Act of 2015.

*Letter to SBA Administrator Regarding the Fiscal Year 2017 Budget:* On February 18, 2016, Chairman Vitter issued a letter to SBA Administrator Maria Contreras-Sweet requesting more clarification on the Administration's Fiscal Year 2017 budget for the SBA.

*Letter to the Chairman and Ranking Member of the Committee on the Budget Regarding Proposed FY17 Budget:* On February 22, 2016, Chairman Vitter issued a letter to the Committee on the Budget Chairman Mike Enzi and Ranking Member Bernie Sanders requesting that the Committee reject the President's proposed FY17 and recommended adjustments that would reduce the SBA's budget for FY17 to \$849.36 million, but would realign its funding to continue focusing on the programs and work with which the SBA has seen success in assisting small business owners.

*Letter to the Chairman and Ranking Member of the Budget Committee Regarding Proposed FY17 Budget:* On February 22, 2016, Ranking Member Shaheen sent a letter to Chairman Enzi and Ranking Member Sanders requesting that the Budget Committee consider an increase in funding for SBA's lending, counseling, trade and contracting programs.

*Letter to the Chairman and Ranking Member of the Senate Armed Services Committee Regarding the FY2017 National Defense Authorization Act.* On March 4, 2016, Ranking Member Shaheen and Chairman Vitter sent a letter to the Senate Armed Services Committee Chairman McCain and Ranking Member Reed urging them to include several provisions in the FY2017 National Defense Authorization Act that would help the Department of Defense diversify the country's industrial base and increase readiness of the warfighter. Among other things, those provisions included permanency of the SBIR and STTR programs, Chairman Vitter's Regional SBIR State Collaborative Initiative Pilot Program, and permanency of the Rapid Innovation Fund.

*Letter to the Chairman and Vice Chairwoman of the Committee on Appropriations Regarding the FY 2017 Appropriations for the SBA:* On March 18, 2016, Chairman Vitter issued a letter to the Committee on Appropriations Chairman Thad Cochran and Vice Chairwoman Barbara Mikulski urging them to make changes to the FY 2017 budget appropriation for the SBA.

*Letter to Appropriators Regarding Small Business Programs for Fiscal Year 2017:* On March 18, 2016, Ranking Member Shaheen submitted a letter to Chairman Boozman and Ranking Member Coons of the Appropriations Subcommittee on Financial Services and General Government to express her support for sufficient levels of funding to enable SBA to support our nation's small businesses and entrepreneurs.

*Letter to the Administrator of the U.S. Small Business Administration Regarding the Records from the Office of Credit Risk Management:* On April 12, 2016, Chairman Vitter issued a letter to the U.S. Small Business Administration Administrator Maria Contreras-Sweet requesting records related to the SBA's actions to protect borrowers as part of the Agency's lender oversight efforts.

*Letter to the Administrator of the U.S. Small Business Administration Regarding the Small Business Administration Guaranteed Loans:* On April 21, 2016, Chairman Vitter issued a letter to U.S. Small Business Administration Administrator Maria Contreras-Sweet requesting record relating to the SBA's actions in the secondary market for SBA guaranteed loans, projection on the Master Reserve Fund's expected financial performance over the next three years, information on how many loans have been sold into the market since the start of FY11, documents found on the SBA website for the fiscal years 2011, 2012, 2013, and 2015, and information related to individual lenders for fiscal years 2013–2015.

*Letter to the Assistant Administrator for Technology of the U.S. Small Business Administration Regarding the SBA FAST Program Announcement 2016–R–0010:* On May 18, 2016, Chairman Vitter issued a letter to offer strong support for the proposal outreach under the SBA FAST program Announcement 2016–R–0010 to support and enhance SBIR Program outreach initiatives in Louisiana, submitted by the Louisiana Business & Technology Center at LSU.

*Letter to the EPA Regarding 2016 Greenhouse Gas Inventory:* On May 20, 2016, Chairman Vitter and other committee members submitted a letter to Administrator McCarthy of the Environmental Protection Agency regarding the abrupt change in estimates for domestic methane emissions in the 2016 Greenhouse Gas Inventory.

*Letter to the Administrator of the U.S. Small Business Administration Regarding a Meeting Request with the U.S. Department of Agriculture:* On May 24, 2016, Chairman Vitter issued a letter to U.S. Small Business Administration Administrator Maria Contreras-Sweet requesting a meeting between Mr. Clyde McShan of the USDA's NFC and the relevant staff of the SBA to discuss concerns with the leadership change at the USDA NFC regarding past performance and adjustments the agency can make to better serve in the future.

*Letter to the Assistant Administrator of the SBA Regarding Boots to Business:* On June 6, 2016, Chairman Vitter submitted a letter to Assistant Administrator Carson of the U.S. Small Business Administration requesting a breakdown of the Veteran Entrepreneurial development program budget.

*Letter to SBA Administrator Requesting an Update of RISE Act Implementation:* On August 15, 2016, Chairman Vitter submitted a letter to Administrator Maria Contreras-Sweet of the SBA requesting an update on the SBA's implementation of the RISE after Disaster Act.

*Letter to the Chairman and Ranking Member of the House and Senate Armed Services Committees Regarding Inclusion of the Rapid Innovation Fund in the FY2017 National Defense Authorization Act (NDAA).* On August 16, 2016, Ranking Member Shaheen and Congresswoman Niki Tsongas sent a letter to the House and Senate NDAA conferees urging them to retain Section 212 of the Senate NDAA, which made permanent the Rapid Innovation Fund program.

*Letter to the FEMA Administrator Regarding the Need for Disaster Recovery Centers:* On August 19, 2016, Chairman Vitter submitted a letter to Administrator Fugate of the Federal Emergency Management Agency Regarding the urgent need for operation Dis-

aster Recovery Centers in the twenty Louisiana parishes that were declared disaster zones in the unprecedented flooding event.

*Letter to the Administrator of the Federal Emergency Management Agency Regarding Attendance to the Louisiana Flood Disaster Hearing:* On September 9, 2016, Chairman Vitter issued a letter to Federal Emergency Management Agency Administrator Craig Fugate regarding his decision to not participate in the U.S. Senate Small Business and Entrepreneurship hearing to examine the Louisiana Flood Disaster.

*Letter to the CEO of Wells Fargo Regarding Their Fraudulent Activity:* On September 20, 2016, Chairman Vitter issued a letter to Wells Fargo CEO John Stumpf to discuss the recent settlement that Wells Fargo has come to with federal regulators over the fraudulent activity of some employees and to request any information as to how their small business clients and his participation in the SBA's 7(a) lending program were impacted by those activities.

*Letter to the Inspector General Regarding Wells Fargo's Involvement in SBA Lending Programs:* On September 20, 2016, Chairman Vitter submitted a letter to Inspector General Gustafson requesting they investigate Wells Fargo's participation in the SBA's lending programs.

*Letter to the North District of California Attorney's Office Regarding Their Investigation of Wells Fargo:* On September 20, 2016, Chairman Vitter submitted a letter Brian Stretch U.S. Attorney's Office for the Northern District of California requesting they investigate Wells Fargo's fraudulent banking activities, that you look into their impact on small business owners.

*Letter to SBA Administrator Requesting Information on SBA Actions Against Wells Fargo:* On September 20, 2016, Chairman Vitter submitted a letter to Administrator Maria Contreras-Sweet of the SBA requesting information related to the Small Business Administration's (SBA) enforcement actions against Wells Fargo.

*Letter to the Southern District of New York Attorney's Office Regarding Their Investigation of Wells Fargo:* On September 20, 2016, Chairman Vitter submitted a letter to Preet Bharara of the U.S. Attorney's Office for the Southern District of New York requesting they investigate Wells Fargo's fraudulent banking activities, that you look into their impact on small business owners.

*Letter to the Department of the Treasury Regarding Their Consent Order Against Wells Fargo:* On September 20, 2016, Chairman Vitter submitted a letter to Comptroller of the Currency Curry of the U.S. Department of the Treasury request information related to your recent Consent Order against Wells Fargo for unsafe or unsound sales practices, particularly in relation to the impact of Well Fargo's activities on small businesses.

*Letter to the Director of the U.S. Geological Survey Regarding Pavement Sealcoat Activities:* On September 21, 2016, Chairman Vitter issued a letter to the Director of the U.S. Geological Survey requesting more information about the USGS activities regarding pavement sealcoat made from refined coal tar.

*Letter to Associate Administrator of the Small Business Administration Regarding Next Generation Logistics, LLC Application in The 8(a) Business Development Program:* On September 29, 2016, Chairman Vitter issued a letter to SBA Associate Administrator Jackie Robinson Burnette noting that Next Generation Logistics,

LLC of Metairie, Louisiana is applying to participate in the 8(a) Business Development program and fits all qualifications to excel in the program.

*Letter to SBA Administrator Requesting an Extension of Disaster Loan Registration Period:* On October 5, 2016, Chairman Vitter submitted a letter to Administrator Maria Contreras-Sweet of the SBA requesting an extension of the registration period for businesses and individuals affected by the August flooding in Louisiana to apply for disaster loans through the Small Business Administration (SBA).

RULES FOR THE U.S. SENATE COMMITTEE ON SMALL BUSINESS AND  
ENTREPRENEURSHIP FOR THE 114TH CONGRESS

(Adopted January 28, 2015)

JURISDICTION

Per Rule XXV(1) of the Standing Rules of the Senate:

(o)(1) Committee on Small Business and Entrepreneurship to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the Small Business Administration;

(2) Any proposed legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of the chairman of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate; and likewise measures reported by other committees directly relating to the Small Business Administration shall, at the request of the Chair of the Committee on Small Business and Entrepreneurship, be referred to the Committee on Small Business and Entrepreneurship for its consideration of any portion of the measure dealing with the Small Business Administration and be reported by this committee prior to its consideration by the Senate.

(3) Such committee shall also study and survey by means of research and investigation all problems of American small business enterprises, and report thereon from time to time.

GENERAL SECTION

All applicable provisions of the Standing Rules of the Senate, the Senate Resolutions, and the Legislative Reorganization Acts of 1946 and of 1970 (as amended), shall govern the Committee.

MEETINGS

(a) The regular meeting day of the Committee shall be the first Thursday of each month unless otherwise directed by the Chair. All other meetings may be called by the Chair as he or she deems necessary, on 3 business days' notice where practicable. If at least three Members of the Committee desire the Chair to call a special meeting, they may file in the office of the Committee a written request therefore, addressed to the Chair. Immediately thereafter, the Clerk of the Committee shall notify the Chair of such request. If, within 3 calendar days after the filing of such request, the Chair

fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chair is not present at any regular, additional or special meeting, such member of the Committee as the Chair shall designate shall preside. For any meeting or hearing of the Committee, the Ranking Member may delegate to any Minority Member the authority to serve as Ranking Member, and that Minority Member shall be afforded all the rights and responsibilities of the Ranking Member for the duration of that meeting or hearing. Notice of any designation shall be provided to the Chief Clerk as early as practicable.

(b) It shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless thirty written copies and an electronic copy, with a summary page attached, of such amendment has been delivered to the Clerk of the Committee at least 24 hours prior to the meeting. Following receipt of all amendments, the Clerk shall disseminate the amendments to all Members of the Committee. This subsection may be waived by agreement of the Chair and Ranking Member or by a majority vote of the members of the Committee.

#### QUORUMS

(a)(1) A majority of the Members of the Committee shall constitute a quorum for reporting any legislative measure or nomination.

(2) One-third of the Members of the Committee shall constitute a quorum for the transaction of routine business, provided that one Minority Member is present. The term "routine business" includes, but is not limited to, the consideration of legislation pending before the Committee and any amendments thereto, and voting on such amendments, and steps in an investigation including, but not limited to, authorizing the issuance of a subpoena.

(3) In hearings, whether in public or closed session, a quorum for the asking of testimony, including sworn testimony, shall consist of one Member of the Committee. (b) Proxies will be permitted in voting upon the business of the Committee. A Member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, or through oral or written personal instructions to a Member of the Committee or staff. Proxies shall in no case be counted for establishing a quorum.

#### NOMINATIONS

In considering a nomination, the Committee shall conduct an investigation or review of the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. In any hearings on the nomination, the nominee shall be called to testify under oath on all matters relating to his or her nomination for office. To aid in such investigation or re-

view, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis.

#### HEARINGS

(a)(1) The Chair of the Committee may initiate a hearing of the Committee on his or her authority or upon his or her approval of a request by any Member of the Committee. If such request is by the Ranking Member, a decision shall be communicated to the Ranking Member within 7 business days. Written notice of all hearings, including the title, a description of the hearing, and a tentative witness list shall be given at least 5 business days in advance, where practicable, to all Members of the Committee.

(2) Hearings of the Committee shall not be scheduled outside the District of Columbia unless specifically authorized by the Chair and the Ranking Minority Member or by consent of a majority of the Committee. Such consent may be given informally, without a meeting, but must be in writing.

(b)(1) Any Member of the Committee shall be empowered to administer the oath to any witness testifying as to fact.

(2) The Chair and Ranking Member will negotiate the number of witnesses for each hearing, but in the absence of an agreement between the Chair and the Ranking Member the ratio between the majority and minority witnesses will be no less than 3-2 or 2-1 when a smaller panel is justified. Interrogation of witnesses at hearings shall be conducted on behalf of the Committee by Members of the Committee or such Committee staff as is authorized by the Chair or Ranking Minority Member.

(3) Witnesses appearing before the Committee shall file with the Clerk of the Committee a written statement of the prepared testimony at least two business days in advance of the hearing at which the witness is to appear unless this requirement is waived by the Chair and the Ranking Minority Member.

(c) Any witness summoned to a public or closed hearing may be accompanied by counsel of his or her own choosing, who shall be permitted while the witness is testifying to advise the witness of his or her legal rights. Failure to obtain counsel will not excuse the witness from appearing and testifying.

(d) Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, and other materials may be authorized by the Chair with the consent of the Ranking Minority Member or by the consent of a majority of the Members of the Committee. Such consent may be given informally, without a meeting, but must be in writing. The Chair may subpoena attendance or production without the consent of the Ranking Minority Member when the Chair has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours of being notified of the intended subpoena, excluding Saturdays, Sundays, and holidays. Subpoenas shall be issued by the Chair or by the Member of the Committee designated by him or her. A subpoena for the attendance of a witness shall state briefly the purpose of the hearing and the matter or matters to which the witness is expected to testify. A subpoena for the production of memoranda,

documents, records, and other materials shall identify the papers or materials required to be produced with as much particularity as is practicable.

(e) The Chair shall rule on any objections or assertions of privilege as to testimony or evidence in response to subpoenas or questions of Committee Members and staff in hearings.

(f) Testimony may be submitted to the formal record for a period not less than two weeks following a hearing or roundtable, unless otherwise agreed to by Chair and Ranking Member.

#### DEPOSITIONS

At the direction of the Chair, with notification to the Ranking Minority Member of not less than 72 hours, the staff is authorized to take depositions from witnesses. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Any Committee member, or a member of the Committee staff designated by the Chair or Ranking Minority Member, shall be given the opportunity to attend and participate in the taking of any deposition. Witnesses at depositions shall be examined under oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. The transcript of a deposition shall be filed with the committee clerk. The transcript or any portion of the transcript shall only be made public either by vote of the majority or at the direction of the Chair after notifying the Ranking Minority Member.

#### CONFIDENTIAL INFORMATION

(a) No confidential testimony taken by, or confidential material presented to, the Committee in executive session, or any report of the proceedings of a closed hearing, or confidential testimony or material submitted pursuant to a subpoena, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the Members. Other confidential material or testimony submitted to the Committee may be disclosed if authorized by the Chair with the consent of the Ranking Minority Member.

(b) Persons asserting confidentiality of documents or materials submitted to the Committee offices shall clearly designate them as such on their face. Designation of submissions as confidential does not prevent their use in furtherance of Committee business.

#### MEDIA AND BROADCASTING

(a) At the discretion of the Chair, public meetings of the Committee may be televised, broadcasted, or recorded in whole or in part by a member of the Senate Press Gallery or an employee of the Senate. Any such person wishing to televise, broadcast, or record a Committee meeting must request approval of the Chair by submitting a written request to the Committee Office by 5 p.m. the day before the meeting. Notice of televised or broadcasted hearings shall be provided to the Ranking Minority Member as soon as practicable.

(b) During public meetings of the Committee, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating,

vision, or hearing of Committee members or staff on the dais, or with the orderly process of the meeting.

SUBCOMMITTEES

The Committee shall not have standing subcommittees.

AMENDMENT OF RULES

The foregoing rules may be added to, modified or amended; provided, however, that not less than a majority of the entire Membership so determined at a regular meeting with due notice, or at a meeting specifically called for that purpose.

STAFF OF THE SENATE COMMITTEE ON SMALL BUSINESS AND  
ENTREPRENEURSHIP

FIRST SESSION

Zak Baig, Republican Staff Director  
Ann Jacobs / Robert Diznoff, Democratic Staff Director

*Republican Staffers:*

Rachel Ledbetter, Staff Assistant  
Rachel Bourgeois, Research Assistant  
Dustin Davidson, Staff Assistant  
Drew Feeley, Majority Counsel  
Bryan Zumwalt, Majority Chief Counsel  
Sarah Veatch, Professional Staff  
Hillary MacInnes, Majority Research Staff  
Meredith West, Policy Director  
Luke Tomanelli, Deputy Staff Director  
John Steitz, Professional Staff  
Steven Newton, Research Assistant  
Ward Cormier, Senior Policy Advisor  
Cheyenne Klotz, Communications Director  
Arne Owens, Health Care Policy Advisor  
Katie Mitchell, Research Staff

*Democratic Staffers:*

Kevin Wheeler, Deputy Staff Director  
Ami Sanchez, General Counsel  
Chris Neary, Senior Professional Staff  
Harry Anastopoulos, Professional Staff  
Brandon Locke, Professional Staff  
Debbie Kobrin, Professional Staff  
DeMarcus Finnell, Staff Assistant

*Non-Designated Staffers:*

Erik Olsen, Clermon Acklin, Systems Administrator  
Lena Postanowisc, Kathryn Eden, Chief Clerk

STAFF OF THE SENATE COMMITTEE ON SMALL BUSINESS AND  
ENTREPRENEURSHIP

SECOND SESSION

Skiffington E. Holderness, Republican Staff Director  
Robert Diznoff, Democratic Staff Director/Chris Neary, Acting  
Democratic Staff Director



*Republican Staffers:*

Devon Redfield, Professional Staff  
 Skiffington Holderness, Senior Advisor  
 Cheyenne Klotz, Communications Director  
 Andree Miller, Professional Staff  
 Luke Tomanelli, Deputy Staff Director  
 John Steitz, Senior Professional Staff  
 Steven Newton, Research Assistant  
 Ward Cormier, Senior Policy Advisor  
 Connor Smith, Staff Assistant  
 Drew Walker, Staff Assistant  
 Arne Owens, Health Care Policy Advisor  
 Emery Boyer, Staff Assistant

*Democratic Staffers:*

Chris Neary, Policy Director and Acting Democratic Staff Director

Kevin Wheeler, Deputy Staff Director  
 Ami Sanchez, General Counsel  
 Harry Anastopoulos, Professional Staff  
 Brandon Locke, Professional Staff  
 DeMarcus Finnell, Staff Assistant  
 Laura Foster, Detailee, Small Business Administration

*Non-Designated Staffers:*

Clermon Acklin, Steve Gingerich, Systems Administrator  
 Kathryn Eden, Chief Clerk

## LEGISLATION REFERRED TO THE COMMITTEE

H.R. 208, a bill to require the Administrator of the Small Business Administration to establish a program to make loans to certain businesses, homeowners, and renters affected by Superstorm Sandy. Ms. Velazquez. Jan 8, 2015.

H.R. 2670, a bill to amend the Small Business Act to provide for expanded participation in the microloan program, and for other purposes. Mr. Moulton. Jun 4, 2015.

H.R. 3714, a bill to amend the Small Business Act to allow the Small Business Administration to establish size standards for small agricultural enterprises using the same process for establishing size standards for small business concerns, and for other purposes. Mr. Bost. Oct 8, 2015.

H.R. 4284, a bill to require the Administrator of the Small Business Administration to issue regulations providing examples of a failure to comply in good faith with the requirements of prime contractors with respect to subcontracting plans. Mr. Curbelo. Dec 17, 2015.

H.R. 4325, a bill to amend the Small Business Act to modify the anticipated value of certain contracts reserved exclusively for small business concerns. Ms. Velazquez. Jan 6, 2016.

H.R. 4326, a bill to amend the Small Business Act to expand the duties of the Office of Small and Disadvantaged Business Utilization, and for other purposes. Ms. Adams. Jan 6, 2016.

H.R. 4332, a bill to amend the Small Business Act to clarify the duties of procurement center representatives with respect to reviewing solicitations for a contract or task order contract. Mr. Kelly. Jan 6, 2016.

S. 115, a bill to increase oversight of small business assistance programs provided by the Small Business Administration. Mr. Heller. Jan 7, 2015.

S. 552, a bill to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control. Mr. Risch. Feb 24, 2015.

S. 956, a bill to clarify the collateral requirement for certain loans under section 7(d) of the Small Business Act, to address assistance to out-of-State small business concerns, and for other purposes. Ms. Heitkamp. Apr 15, 2015.

S. 957, a bill to increase access to capital for veteran entrepreneurs to help create jobs. Mrs. Shaheen. Apr 15, 2015.

S. 958, a bill to amend the Small Business Act to provide for team and joint venture offers for certain contracts. Mr. Enzi. Apr 15, 2015.

S. 963, a bill to require the Chief Counsel for Advocacy of the Small Business Administration to submit a report on small business innovation. Ms. Hirono. Apr 15, 2015.

S. 966, a bill to extend the low-interest refinancing provisions under the Local Development Business Loan Program of the Small Business Administration. Ms. Shaheen. Apr 15, 2015.

S. 967, a bill to require the Small Business Administration to make information relating to lenders making covered loans publicly available, and for other purposes. Ms. Shaheen. Apr 15, 2015.

S. 999, a bill to amend the Small Business Act to provide for improvements to small business development centers. Mr. Vitter. Apr 16, 2015.

S. 1000, a bill to strengthen resources for entrepreneurs by improving the SCORE program, and for other purposes. Mr. Risch. Apr 16, 2015.

S. 1001, a bill to establish authorization levels for general business loans for fiscal years 2015 and 2016. Mr. Risch. Apr 16, 2015.

S. 1011, a bill to establish a State Trade and Export Promotion Grant Program. Ms. Cantwell. Apr 20, 2015.

S. 1266, a bill to expand the HUBZone program for communities affected by base realignment and closure, and for other purposes. Ms. Collins. May 11, 2015.

S. 1292, a bill to amend the Small Business Act to treat certain qualified disaster areas as HUBZones and to extend the period for HUBZone treatment for certain base closure areas, and for other purposes. Mr. Vitter. May 12, 2015.

S. 1400, a bill to amend the Small Business Act to direct the task force of the Office of Veterans Business Development to provide access to and manage the distribution of excess or surplus property to veteran-owned small businesses. Mr. Durbin. May 20, 2015.

S. 1445, a bill to improve the Microloan Program of the Small Business Administration. Ms. Fischer. May 21, 2015.

S. 1470, a bill to amend the Small Business Act to provide additional assistance to small business concerns for disaster recovery, and for other purposes. Mr. Vitter. May 31, 2015.

S. 1546, a bill to establish an export credit insurance program in the Small Business Administration. Mr. Vitter. Jun 10, 2015.

S. 1756, a bill to help small businesses take advantage of energy efficiency. Ms. Shaheen. Jul 14, 2015.

S. 1811, a bill to require the Administrator of the Small Business Administration to establish a program to make loans to certain businesses, homeowners, and renters affected by Superstorm Sandy. Mr. Menendez. Jul 21, 2015.

S. 1857, a bill to amend the Small Business Act to provide for expanded participation in the microloan program, and for other purposes. Ms. Fischer. Jul 23, 2015.

S. 1859, a bill to assure equity in contracting between the Federal Government and small business concerns, and for other purposes. Mr. Udall of New Mexico. Jul 23, 2015.

S. 1866, a bill to establish the veterans' business outreach center program, to improve the programs for veterans of the Small Business Administration, and for other purposes. Mr. Vitter. Jul 27, 2015.

S. 1870, a bill to amend the Small Business Act to require the Administrator of the Small Business Administration to carry out a pilot program on issuing grants to eligible veterans to start or acquire qualifying businesses, and for other purposes. Mr. Moran. Jul 27, 2015.

S. 1934, a bill to amend the Small Business Investment Act of 1958 to establish the Scale-up Manufacturing Investment Company ("SUMIC") Program. Mr. Booker. Aug 4, 2015.

S. 2116, a bill to improve certain programs of the Small Business Administration to better assist small business customers in accessing broadband technology, and for other purposes. Ms. Shaheen. Oct 1, 2015.

S. 2125, a bill to make the Community Advantage Pilot Program of the Small Business Administration permanent, and for other purposes. Ms. Feinstein. Oct 1, 2015.

S. 2126, a bill to reauthorize the women's business center program of the Small Business Administration, and for other purposes. Ms. Cantwell. Oct 1, 2015.

S. 2136, a bill to establish the Regional SBIR State Collaborative Initiative Pilot Program, and for other purposes. Mr. Vitter. Oct 6, 2015.

S. 2138, a bill to amend the Small Business Act to improve the review and acceptance of subcontracting plans, and for other purposes. Mr. Vitter. Oct 6, 2015.

S. 2139, a bill to amend the Small Business Act to prohibit the use of reverse auctions for the procurement of covered contracts. Mr. Vitter. Oct 6, 2015.

S. 2273, a bill to require the Administrator of the Small Business Administration to establish an incubator and accelerator grant program for veterans and members of the Armed Forces. Mr. Booker. Nov 10, 2015.

S. 2496, a bill to provide flexibility for the Administrator of the Small Business Administration to increase the total amount of general business loans that may be guaranteed under section 7(a) of the Small Business Act. Mr. Coons. Feb 3, 2016.

S. 2751, a bill to create a pilot program permitting businesses receiving Phase II awards under the SBIR program to use not more than 5 percent of the amount of the award for commercialization-related services. Mr. Coons. Apr 6, 2016.

S. 2793, a bill to amend the Small Business Act to permanently reauthorize and improve the Small Business Innovation Research

Program and the Small Business Technology Transfer Program, and for other purposes. Ms. Shaheen. Apr 13, 2016.

S. 2812, a bill to amend the Small Business Act to permanently reauthorize and improve the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes. Mrs. Shaheen. Apr 18, 2016.

S. 2831, a bill to amend the Small Business Investment Act of 1958 to provide priority for applicants for a license to operate as a small business investment company that are located in a disaster area. Mr. Vitter. Apr 21, 2016.

S. 2838, a bill to improve the HUBZone program. Mr. Vitter. Apr 21, 2016.

S. 2836, a bill to amend the Small Business Act to expand intellectual property education and training for small businesses, and for other purposes. Mr. Peters. Apr 25, 2016.

S. 2847, a bill to require greater transparency for Federal regulatory decisions that impact small businesses. Ms. Ernst. Apr 25, 2016.

S. 2850, a bill to amend the Small Business Act to provide for expanded participation in the microloan program, and for other purposes. Ms. Fischer. Apr 26, 2016.

S. 2855, a bill to increase outreach for women and minority-owned businesses under the Small Business Innovation Research and Small Business Technology Transfer programs, and for other purposes. Mr. Peters. Apr 26, 2016.

S. 2992, a bill to amend the Small Business Act to strengthen the Office of Credit Risk Management of the Small Business Administration, and for other purposes. Mr. Vitter. May 25, 2016.

S. 3009, a bill to support entrepreneurs serving in the National Guard and Reserve, and for other purposes. Ms. Shaheen. May 26, 2016.

S. 3024, a bill to improve cyber security for small businesses. Mr. Vitter. Jun 6, 2016.

S. 3301, a bill to amend the Small Business Act to ensure small businesses affected by the onset of transmissible diseases are eligible for disaster relief. Mr. Rubio. Sep 8, 2016.

S. 3375, a bill to amend the Small Business Investment Act of 1985 to enhance the Small Business Investment Company Program and provide for a small business early-stage investment program. Ms. Baldwin. Sep 21, 2016.

S. RES. 243, a resolution celebrating the 35th anniversary of the Small Business Development Centers of the United States. Mr. Vitter. Aug 5, 2015.