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ATTORNEYS AT LAW

LAW FIRM PARTNER TESTIFIES BEFORE CONGRESS

Lance Morgan, partner with Fredericks Peebles & Morgan LLP and CEO of Ho-Chunk, Inc. testified before the Senate Committee on Indian Affairs in Washington, D.C. on April 7th. The topic of the hearing was “Promise Fulfilled: The Role of the SBA 8(a) Program in Enhancing Economic Development in Indian Country”. Morgan was a member of one of three panels of witnesses to provide testimony and answer questions from Senate Committee members. In his role as partner with the law firm, Morgan works with tribes throughout Indian Country on economic development and taxation issues. As CEO of Ho-Chunk, Inc., the economic development corporation of the Winnebago Tribe of Nebraska, he oversees 24 subsidiaries operating in a variety of industries including federal government contracting. Morgan is also the president of the Native American Contractors Association (NACA).

Morgan was invited by the Senate Committee to provide testimony due to the prominence of Ho-Chunk, Inc. in government contracting and in his role with NACA, a national advocacy group.

The Small Business Administration Native 8(a) Program has been under attack recently in particular by Senator Claire McCaskill, D-Mo and Congressman Bennie Thompson, D-MS, both of whom have introduced legislation to significantly curtail or dismantle the Native 8(a) Program. The Native 8(a) program provides special benefits to Indian Tribes, ANCs and Native Hawaiian Organizations (NHO) not available to other disadvantaged small businesses. That is due in part to the fact that Native 8(a) businesses are owned by entire tribes or villages and support a significant number of constituents. While regular 8(a) small businesses support only a small number of constituents.

The Native 8(a) program was established over 30 years ago primarily to benefit Alaska Native Corporations in return for their surrender of millions of acres of oil-rich land in Alaska to the federal government. The program was later expanded to include federally recognized Indian Tribes and NHOs. The goal of the program is to provide opportunities for Native businesses to compete on a more level playing field for government contracts. The business still has to prove capability and provide a cost-effective benefit to the government, but the 8(a) program helps these small businesses compete effectively against larger multi-national corporations for contract work.

“SBA 8(a) contracting has allowed us to move up the economic food chain,” Morgan said. “If you took away things like this program we would fall back into poverty very quickly. We would revert back almost immediately into very desperate situations and move back down the chain to low cost labor. That is not what we have in mind for our future. I don’t fear regulatory reform, but I think these new SBA regulations need to play out,” Morgan said, referring to new 8(a) contracting regulations put into place recently by the SBA. “Further legislation is unnecessary because the regulations specifically address concerns regarding the program and any further restrictions would severely cripple the program.”

View Lance Morgan’s introduction and testimony here: <http://youtu.be/uT0B855y7E0>

View Lance Morgan’s Q & A here: <http://youtu.be/66NzvdCUF6s>