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STUDENT REPORT

WHY THE UNITED STATES HAS
THE SMALL BUSINESS PROGRAM

88-13 JOHN J. PICKLES 87-2010

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This report is a training aid to explain the reasons why the US Government has established the Small Business Program. The report provides the historical background of the Small Business Act and the Small Business Program. The role of small business in the national economy, and the background of the Women's and Minority Business Programs are included in this report.

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PREFACE

As a base contracting professional, you are familiar with the additional workload, delays, and frustrations involved in complying with the Small Business Program. These constraints and limitations at times may seem to conflict with your desire to obtain the best value for the defense dollar in the most efficient manner possible.

There are numerous aspects of the Small Business Program, and the following is only a partial list of our efforts to contract with small businesses to the maximum extent possible:

SMALL BUSINESS PREFERENCE
SMALL BUSINESS SET-ASIDE
SMALL BUSINESS GOALS
SECTION 8(A)
WOMEN-OWNED BUSINESS
CERTIFICATE OF COMPETENCY
SYNOPSIS REQUIREMENTS
SADBUS/SBA PCR COORDINATION
SMALL BUSINESS WEEK
SUBCONTRACT PLANS

This brochure will not describe or provide procedural instruction on these varied facets of the Small Business Program. Such information can be found in procurement regulations and policy guidance, and your supervisor or the Small Business Administration Representative can provide additional guidance. This brochure explains "why" the Government has established the Small Business Program.

The Small Business Program implements Congressional policy in the legislation entitled "The Small Business Act." The Act, signed on 30 July 1953, has been amended many times, but the basic policy has remained unchanged. The policy, and the law, is "...to aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns...." The objectives are to further the economic well being and security of the Nation by preserving and expanding free competition, insure a well balanced economy, and prevent monopolies and undue concentration of economic power.

This brochure provides the background of the Small Business Act, a summary of the Act, and a review of small businesses' contribution to the United States economy.

ABOUT THE AUTHOR

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Chapter One

HISTORICAL BACKGROUND

The US Constitution provides the basis for Government power over the economic system:

...to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States...to regulate commerce with foreign nations and among the several states...to coin money and regulate the value thereof....Article 1, US Constitution

The young Republic began with a primitive economy, in which no single firm or individual was dominant (4:12). In such an economy, there appeared to be few areas in which Government should interfere with the normal course of business affairs. As Adam Smith maintained in "Wealth of Nations", each individual was "led by an invisible hand," the profit motive, to promote the public interest (4:13). Initially, the Government followed a policy of non-intervention in business affairs, viewing competition as the only regulator of the national economy necessary to national progress (3:25-26).

As the economy became more complex, and shifted from an agricultural to an industrial base, businesses grew in size and amassed large amounts of capital. The Government increased its economic activities by establishing protective tariffs and labor regulation. The economy grew rapidly, and by the 1880s, big businesses began to engage in discriminatory pricing practices, exclusive buying and selling, and other practices designed to eliminate competition (6:75-77). At the same time, monopolistic railroads were imposing unacceptable burdens on the farmers, and it became clear that federal intervention was required to correct these abuses (3:25). In 1887, the Interstate Commerce Act created the Interstate Commerce Commission, the first permanent federal agency delegated quasi-legislative, executive, and judicial powers (3:28). This legislation was followed by the Sherman Act of 1890. These acts marked the end of "laissez-faire" (3:28).

These early legislative actions were regulatory in nature

and designed to protect the public. By 1933, marked by Roosevelt's New Deal, the trend had shifted from regulatory actions to legislation designed to promote the general welfare and prosperity (4:19). This change in philosophy was expressed by President Franklin D. Roosevelt in an address on September 17, 1937:

In our generation, a new idea has come to dominate thought about Government - the idea that the resources of the Nation can be made to produce a far higher standard of living for the masses if only Government is intelligent and energetic in giving the right direction to economic life (4:19).

Under this kind of governmental economic direction, the Reconstruction Finance Corporation, the forerunner of the Small Business Administration, was established.

Chapter Two

THE SMALL BUSINESS ADMINISTRATION IS BORN

The Reconstruction Finance Corporation (RFC) was established by President Herbert Hoover in January, 1932 (2:9). In his message to Congress, the President stated "it may not be necessary to use such an instrumentality (the RFC) very extensively" (1:9). The RFC was to endure until 1953, when it was eliminated by legislation establishing the Small Business Administration. After successfully restoring the economy shattered by the Great Depression, the RFC grew tremendously to meet the demands of World War II, and was also instrumental in the transition to a peacetime economy thereafter (2:Ch 1). Mr. Jesse Jones, the administrator of the RFC from 1932 to 1945, stated "Not a single request that I made of Congress during those thirteen years was refused....Congress increased and broadened our powers from year to year" (1:vii). Other agencies were established during the life of the RFC which had functions similar to those of the current Small Business Administration.

The Smaller War Plants Corporation was established on July 11, 1942, in response to complaints of small businesses who were unable to obtain scarce material for civilian markets, and very few defense contracts. The Smaller War Plants Corporation was authorized to make loans to small firms, undertake prime contracts and subcontract performance to small firms, assist small companies in obtaining prime and subcontracts, and perform business studies. In 1945, the Smaller War Plants Corporation was abolished and its lending and prime contracts powers transferred to the Reconstruction Finance Corporation. Remaining functions were transferred to the Department of Commerce (2:Ch 1).

In 1951, the Small Defense Plants Administration was created by an amendment to the Defense Production Act of 1950 (14:56-57). In this amendment, sponsored by the House Small Business Committee, Congress declared it to be in the national interest to preserve small business as a "vital force and basic element of the national economy." The amendment stated the congressional policy that "a fair proportion of the total purchases of supplies and services for the Government shall be

placed with small business concerns" (14:61).

The administrator of the Small Defense Plants Administration, in a letter to the Secretary of Defense, pointed out that our ability to sustain an all-out military effort may depend on the flexibility and dispersion of manufacturing capability and capacity (13:8). Although the stated function of the Small Defense Plants Administration was to assist small business in the areas of credit, material, and procurement, its primary activity was the issuance of Certificates of Competency, since the RFC kept lending authority (2:Ch 1).

By 1950, it became apparent that the RFC was making dubious loans to large corporations, in effect using taxpayer dollars to bail out large corporations from the effects of mismanagement. Senator J. William Fulbright (D-Arkansas) launched a Congressional investigation into the activities of the RFC. President Truman refused to admit to the corruption, and a second, public, set of hearings was conducted which clearly showed evidence of influence-peddling. The Republicans were determined to kill the RFC. Small business organizations and the House Committee on Small Business had been proposing an independent small business agency which would not be limited to defense production. On July 30, 1953, President Eisenhower signed the Small Business Act which killed the RFC and established the Small Business Administration (2: Ch1).

Chapter Three

THE SMALL BUSINESS ACT

The essence of the American economic system of private enterprise is free competition. Only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured. The preservation and expansion of such competition is basic not only to the economic well-being but to the security of this Nation. Such security and well-being cannot be realized unless the actual and potential capacity of small business is encouraged and developed. It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise, to insure that a fair proportion of the total purchases and contracts for property and services for the Government...be placed with small business enterprises...to maintain and strengthen the overall economy of the nation. Public Law 85-536, 85th Congress, H.R. 7963, July 18, 1958.

The introduction to the Small Business Act emphasizes the value of competition to the economic well-being and security of the Nation. This concept of competition being desirable and essential to the public interest is rooted in common law. In 1894, Lord MacNaghten stated:

The public have an interest in every person carrying on his trade freely. So has the individual. All interference with individual liberty of action in trading, and all restraints of trade of themselves, if there is nothing more are contrary to public policy and therefore void (4:43).

The Act also explains why specific powers and duties have been assigned to the Small Business Administration. Loans or working capital may be provided "to be used in the manufacture of articles, equipment, supplies, or materials for war, defense, or civilian production or as may be necessary to

insure a well-balanced national economy..." The Act states "research and development are major factors in the growth and progress of industry and the national economy", and recognizes the expense of such programs is beyond the means of many small business concerns. "These small business concerns are thereby placed at a competitive disadvantage. This weakens the competitive free enterprise system and prevents the orderly development of the national economy."

Congress was aware of the influence of Government activities on small businesses, and directed the Attorney General to make

...surveys of any activity of the Government which may affect small business, for the purpose of determining any factors which may tend to eliminate competition, create or strengthen monopolies, promote undue concentration of economic power, or otherwise injure small business.

The primary purpose of the Small Business Administration is to encourage and develop the actual and potential capacity of small businesses in order to realize national security and economic well-being. Under this broad statement of purpose, the Small Business Administration performs a wide variety of activities and functions. Financial assistance, procurement assistance, and management assistance are continuations of the activities of the predecessor agencies.

In 1958, with the passage of the Small Business Investment Act, the Small Business Administration was also charged with a responsibility to provide equity capital and long term financing for small businesses (2:56).

Programs designed to assist specific groups have been established by Public Laws or Executive Orders amending the Small Business Act. Executive Orders established the Minority Owned Business and Women Owned Business Programs. In both orders, the potential of such businesses, and the discriminatory obstacles their owners faced, were recognized.

The Minority Business Program began with Executive Order 11458 of March 5, 1969, which established the Advisory Council for Minority Enterprise (10:185). On March 20, 1970, Executive Order 11518 charged the Small Business Administration to "particularly consider the needs and interests of minority owned small business concerns and of members of minority groups seeking entry into the business community" (10:183). The Executive Order recognized the extent of government influence on small business concerns, particularly minority-owned concerns, and stated "...members of minority groups have

traditionally aspired to own their own businesses, and thereby to participate in our free enterprise system; and...through no fault of their own have been denied the full opportunity to achieve these aspirations..." (10:183). Finally, Executive Order 11625 of Oct 13, 1971, prescribed a national program for minority business enterprise, charging all agencies to "promote and foster minority business enterprises" (10:183). The introduction to Executive Order 11625 provides the reasons for the program: "The opportunity for full participation in our free enterprise system by socially and economically disadvantaged persons is essential if we are to obtain social and economic justice for such persons and improve the functioning of our national economy" (10:184).

The Women's Business Enterprise program began with a report to President Carter entitled "The Bottom Line: Unequal Enterprise in America." This report by the Task Force on Women Business Owners found many obstacles facing women entrepreneurs, resulting, at least in part, from discriminatory practices. The Executive Order created a National Women's Business Enterprise Policy and a National Program for Women's Business Enterprise. Each department and agency was charged with taking affirmative action in support of women's business enterprise. Goals were established, but the Executive Order requires that numeric set-asides, or similar measures, "shall be designed on the basis of pertinent factual findings of discrimination against women's business enterprise and the need for such measure." In a memorandum accompanying the Executive Order, President Carter noted that the Task Force found a "serious lack of data about woman entrepreneurs, and the types of businesses they own." The Task Force also stressed the value of early education, and the Secretary of Health Education, and Welfare agreed to develop and promote programs emphasizing business skills as career options for both men and women (11:887-895).

The Small Business Act and its amendments explain why these laws were passed. The major reasons are the importance of small businesses to the public interest, general welfare, and national security. Are small businesses really a major element of the national economy?

Chapter Four

SMALL BUSINESS AND THE US ECONOMY

The size and complexity of the United States economy makes an assessment of the relative success of any single initiative difficult. The Small Business Program is only one of many coordinated efforts by the Government to give the right direction to economic life. The Department of Commerce, the Department of Labor, the Federal Reserve Board, the National Labor Relations Board, and the Securities Exchange Commission are examples of major influences in the national economic arena. There is a wide variety of direct and indirect government assistance available to all businesses, ranging from tax and tariff policies to postal subsidies. The Small Business Program's contribution to the national economy cannot be precisely measured, but statistics demonstrate the importance of small businesses to the national economy.

The more than 15 million small businesses (13:xiii) in the US employ about half the private labor force (13:225). During the economic downturns between 1979 and 1983, these firms provided most of the new jobs and were the major employers of younger, older, female, and veteran workers (13:xv).

Small firms of less than 100 employees are the predominant employers in agriculture, forestry, fishing, construction, and trade industries (12:8). In 1985, the employment growth rate for these industries, 5.1 percent, far exceeded the .7 percent growth rate of large business dominated industries (14:xiii).

From 1977 to 1982, the number of women-owned businesses increased 56 percent, and the number of minority-owned businesses increased 47 percent. During this period, men-owned businesses increased only 21 percent (15:165).

Recent studies have shown that smaller firms are more innovative than larger ones. The number of new products and processes per million employees for small firms exceeds substantially the large firm rate (13:128).

There are some areas in which the Small Business Program's results can be measured. Under the Certificate of Competency

Program, when a small firm is the low bidder, but the contracting officer questions the firm's ability to perform, the Small Business Administration may certify the firm's capability. The contracting officer must then award the contract to the small firm. In FY 1983, a \$22 million savings, the difference between the small firm's bid and the next highest bidder, was achieved. Similar savings were anticipated for FY 1984. These annual savings amount to more than four times the program's annual cost (12:37).

In FY 1980, the Small Business Administration began the Breakout Procurement Center Representative Program. Qualified Small Business Administration representatives review spare parts the military services have designated for acquisition only from the prime systems contractor. The goal is to identify parts that may be procured competitively, especially from small businesses. During the first eighteen months of this program, the General Accounting Office verified savings of \$6.7 million on 181 contract actions with a total value of \$10.6 million. By 1984, more than 2,500 items had been broken out at an estimated savings of \$50 million. In addition to these dollar savings, which are expected to grow in future years, other benefits include an expanded defense industrial base, and demonstrated shorter lead times (12:37-38).

Small business is a vital element in the national economy. The Small Business Program contributes to their continued strength, and also provides an opportunity for substantial savings in time and money.

Chapter Five

SUMMARY

The Constitution provides the basis for government control of the economy. During the early years of the United States, there were few large businesses, and little need for government regulation of economic activity. With the coming of the Industrial Revolution, businesses grew in size and capital, and government intervention to protect the citizenry was required.

The Great Depression of 1932 triggered a major change in government-business relationships. Government began to regulate business activities not only to protect the public, but to guide and direct the economy to produce a higher standard of living.

The Reconstruction Finance Corporation was formed during the Great Depression to restore the economy, and was the forerunner of today's Small Business Administration. The Small Business Administration's goal is the preservation and expansion of competition by encouraging and developing the actual and potential capacity of small businesses. National policy is to aid and assist all small businesses, and to remove obstacles which may discourage business ownership by any individual.

As the largest single consumer of goods and services in the nation (14:258), the Government's purchasing power is a powerful tool to aid in the implementation of this national policy. This purchasing power is concentrated in the Department of Defense, Department of Energy, and the National Aeronautics and Space Administration (14:262). Because of this concentration of purchasing power, these agencies have the greatest potential to assist small businesses in accordance with national policy.

When President Jimmy Carter signed Executive Order 12138 creating the National Women's Business Enterprise Policy, he remarked "...we are not doing women a favor today, I think we're doing our nation a favor" (11:889). This sentiment is equally applicable to all of our dealings with any small business.

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