**THE AMERICAN LEGION**

**DEPARTMENT OF CALIFORNIA**

**1601 7TH STREET, SANGER, CA, 93657-2801**

**103 Annual Department Convention**

**June 24-26, 2022**

**Resolution No.2022-023**

**Subject: Protecting Veteran-Owned Small Business Subcontractors**

**Origin: National Veterans Employment & Education Division**

Submitted By: Eric Measles

**RESOLUTION**

WHEREAS, Service-disabled veteran-owned subcontractors provide critical goods and services for federal government contracts, accounting for $5.5 billion in 2020 according to the Small Business Administration; and

WHEREAS Some prime contractors have engaged in malicious practices with their veteran business subcontractors, including shortchanging the business by refusing to pay a budgeted sum for their work on a contract or altering the terms and conditions of the contract unilaterally; and

WHEREAS, Subcontractors who have experienced refusal of payment have little ability to seek redress from the federal government, and the consequences for non-payment are generally left to the discretion of the agency’s Contracting Officer; and

WHEREAS, Ensuring that the provisions of a contract are mutually agreed-upon and effectively executed by both the prime contractor and subcontractor is critical for guaranteeing proper use of American taxpayer dollars; and

WHEREAS, Business practices that harm veteran-owned small business subcontractors represent an inexcusable abuse of power and dereliction of duty by prime contractors and the federal government; now, therefore, be it

**RESOLVED, That The American Legion, Department of California at Department Convention assembled in Visalia California, June 24-26, 2022, That The American Legion condemns nonpayment, delay of payment, contract manipulation, and other malicious business practices that adversely impact veteran-owned business subcontractors; and, be it finally**

**RESOLVED, That The American Legion supports legislative action to protect and support veteran-owned small businesses that experience these and similar forms of malpractice.**

This is to certify that the above resolution was adopted by Department

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 Department Commander Date Department Adjutant Date

## REGULATIONS

 Based on the Uniform Code of Procedure for the Organization of National Conventions of The American Legion, adopted by the National Executive Committee at its October 1956 meeting, the following regulations have been established for the procedure of Convention Resolutions:

1. Each must emanate from a Department after favorable action or from the National Executive Committee, or from any Convention Standing or Special Committee. Resolutions submitted in advance of the Convention by Departments and the National Executive Committee shall be filed with the National Adjutant, who shall refer them to the National Convention Resolutions Assignment Committee.

2. The National Adjutant shall maintain a Convention register of all resolutions received, assigned and processed which shall identify each resolution by number, indicating the committee to which the resolution was referred and the originating source.

 In submitting resolutions, the following points should be carefully observed:

 a. A resolution shall deal with only one subject. Do not attempt to deal with more than one subject in the RESOLVING clauses.

 b. All local RESOLVING clauses are to be omitted, substituting therein a clause resolving national action, i.e. the resolution as submitted should be worded for the National Convention as follows:

**RESOLVED, By The American Legion in National Convention assembled in Milwaukee, Wisconsin, August 30, 31, September 1, 2022, That —**

If the resolving clause is not stated as above (using convention business session dates) it necessitates having to re-write the resolution to show the proper resolving clause.

 c. Each resolution is to be worded in full, including all WHEREAS clauses as well as the RESOLVING clauses.

 d. Each resolution is to be signed in black ink and the originating source clearly typewritten or indicated, unless it is submitted as a computer file. Then the originating source is to be placed in the footer of the form.

3. In accordance with Resolution No. 21, adopted by the National Executive Committee in regular meeting assembled on May 4-5, 2016, each resolution should be supported by the identification of the individual or group originating the resolution, and also by a written statement or brief containing the supporting arguments in favor of the action sought, and clearly establishing the material relevance of the subject to the purpose for which The American Legion was formed.

4. In accordance with Resolution No. 50, adopted by the National Executive Committee in regular meeting assembled on May 5-6, 1965, resolutions adopted by Departments and destined for consideration by the National Convention shall be forwarded to the National Adjutant, to be in his hands fourteen (14) days prior to the opening session of the National Convention. The only exception to this provision shall be in instances where Department Conventions are held at such time that it becomes physically impossible to comply with this provision, in which instances, the resolutions shall be forwarded to the National Adjutant immediately upon the adjournment of the Department Convention.

5. The National Convention Resolutions Assignment Committee may return through the Secretary of the National Convention to the source, inappropriate or non-germane resolutions that may be resubmitted, when corrected, to the National Executive Committee or National Convention by the originator. Inappropriate or non-germane resolutions include, but are not limited to: Convention resolutions (1) containing more than one subject, (2) calling for or requiring the expenditure of funds, (3) containing personal attacks or derogatory characterizations, (4) outside the purview, (5) not pertinent or inappropriate for action by the National Convention or (6) unclear and undocumented. Deficient resolutions, once corrected, in order to be reconsidered, need to be resubmitted to the National Convention or National Executive Committee as provided in the National Constitution & By-Laws.