

The following legislation was approved by the House on November 3, 2009 by a vote of 382-2. The bill goes to the Senate for its consideration.

Summary of H.R. 3949, Title I:

Veterans' Small Business Assistance and Servicemembers Protection Act of 2009 - Veterans Small Business Verification Act - Prohibits the Secretary of Veterans Affairs from including a small business in a Department of Veterans Affairs (VA)-maintained database of small businesses owned and controlled by veterans until the Secretary has verified that: (1) the small business is owned and controlled by veterans; and (2) if the small business owner claims to be a service-disabled veteran, that such person is a veteran with a service-connected disability.

Requires (under current law, authorizes) a VA contracting officer to award a contract to a small business owned and controlled by veterans using procedures other than competitive procedures, as long as certain standards are met.

Extends through 2015 the Veterans' Advisory Committee on Education.

H.R.3949

Veterans' Small Business Assistance and Servicemembers Protection Act of 2009

TITLE I--SMALL BUSINESS AND EDUCATION MATTERS

SEC. 101. CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.

(a) Short Title- This section may be cited as the `Veterans Small Business Verification Act'.

(b) Clarification of Responsibility of Secretary of Veterans Affairs To Verify Small Business Ownership-

(1) CLARIFICATION- Section 8127(f) is amended--

(A) in paragraph (2)--

(i) by inserting `(A)' before `To be eligible';

(ii) by inserting after `or the veteran.' the following new sentence: `Application for inclusion in the database shall constitute permission under section 552a of title 5 (commonly referred to as the Privacy Act) for the Secretary to access such personal information maintained by the Secretary as may be

necessary to verify the information contained in the application.'; and

(iii) by inserting after the sentence added by subparagraph (B) the following new subparagraph:

` (B) If the Secretary receives an application for inclusion in the database from an individual whose status as a veteran cannot be verified because the Secretary does not maintain information with respect to the veteran status of the individual, the Secretary may not include the small business concern owned or controlled by the individual in the database maintained by the Secretary until the Secretary receives such information as may be necessary to verify that the individual is a veteran.'; and

(B) by striking paragraph (4) and inserting the following new paragraph (4):

` (4) No small business concern may be listed in the database until the Secretary has verified that--

` (A) the small business concern is owned and controlled by veterans; and

` (B) in the case of a small business concern for which the person who owns or controls the concern indicates that the person is a veteran with a service-connected disability, that the person is a veteran with a service-connected disability.'.

(2) APPLICABILITY- In the case of a small business concern included in the database as of the date of the enactment of this Act for which, as of such date, the Secretary of Veterans Affairs has not verified the status of such concern in accordance with paragraph (4) of subsection (f) of section 8127 of title 38, United States Code, as amended by subsection (a), not later than 60 days after the date of the enactment of this Act, the Secretary shall notify the person who owns or controls the concern that--

(A) the Secretary is required to verify the status of the concern in accordance with such paragraph;

(B) verification of such status shall require that the person who owns or controls the concern apply for inclusion in the database in accordance with such subsection, as so amended;

(C) application for inclusion in the database shall constitute permission under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application; and

(D) the person who owns or controls the concern must submit to the Secretary an affirmative acknowledgment of the requirement under paragraph (3) within 90 days of receiving the Secretary's notice of such requirement or the concern shall be removed from the database.

SEC. 102. IMPROVEMENT OF DEPARTMENT OF VETERANS AFFAIRS CONTRACTING GOALS AND PREFERENCES FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.

(a) In General- Section 8127, as amended by section 101, is further amended in subsection (c), by striking `may' and inserting `shall'.

(b) Deadline for Interim Policy Guidance- By not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall issue interim policy guidance to carry out the amendment made by subsection (a).

SEC. 103. REAUTHORIZATION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) is amended by striking `December 31, 2009' and inserting `December 31, 2015'.