

111TH CONGRESS
1ST SESSION

H. R. 2461

To amend title 38, United States Code, to clarify the responsibility of the Secretary of Veterans Affairs to verify the veteran status of the owners of small business concerns listed in the database maintained by the Secretary.

IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2009

Ms. HERSETH SANDLIN (for herself and Mr. BOOZMAN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to clarify the responsibility of the Secretary of Veterans Affairs to verify the veteran status of the owners of small business concerns listed in the database maintained by the Secretary.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Small Busi-
5 ness Verification Act”.

1 **SEC. 2. CLARIFICATION OF RESPONSIBILITY OF SEC-**
2 **RETARY OF VETERANS AFFAIRS TO VERIFY**
3 **SMALL BUSINESS OWNERSHIP.**

4 (a) CLARIFICATION.—Subsection (f) of section 8127
5 of title 38, United States Code, is amended—

6 (1) in paragraph (2)—

7 (A) by inserting “(A)” before “To be eligi-
8 ble”;

9 (B) by inserting after “or the veteran.” the
10 following new sentence: “Application for inclu-
11 sion in the database shall constitute permission
12 under section 552a of title 5 (commonly re-
13 ferred to as the Privacy Act) for the Secretary
14 to access such personal information maintained
15 by the Secretary as may be necessary to verify
16 the information contained in the application.”;
17 and

18 (C) by inserting after the sentence added
19 by subparagraph (B) the following new sub-
20 paragraph:

21 “(B) If the Secretary receives an application for
22 inclusion in the database from an individual whose
23 status as a veteran cannot be verified because the
24 Secretary does not maintain information with re-
25 spect to the veteran status of the individual, the Sec-
26 retary may not include the small business concern

1 owned or controlled by the individual in the database
2 maintained by the Secretary until the Secretary re-
3 ceives such information as may be necessary to
4 verify that the individual is a veteran.”; and

5 (2) by amending paragraph (4) to read as fol-
6 lows:

7 “(4) No small business concern may be listed in the
8 database until the Secretary has verified that—

9 “(A) the small business concern is owned and
10 controlled by veterans; and

11 “(B) in the case of a small business concern for
12 which the person who owns or controls the concern
13 indicates that the person is a veteran with a service-
14 connected disability, that the person is a veteran
15 with a service-connected disability.”.

16 (b) APPLICABILITY.—In the case of a small business
17 concern included in the database as of the date of the en-
18 actment of this Act for which, as of such date, the Sec-
19 retary of Veterans Affairs has not verified the status of
20 such concern in accordance with paragraph (4) of sub-
21 section (f) of section 8127 of title 38, United States Code,
22 as amended by subsection (a), not later than 60 days after
23 the date of the enactment of this Act, the Secretary shall
24 notify the person who owns or controls the concern that—

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

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

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

14 (4) the person who owns or controls the concern
15 must submit to the Secretary an affirmative ac-
16 knowledgment of the requirement under paragraph
17 (3) within 90 days of receiving the Secretary's notice
18 of such requirement or the concern shall be removed
19 from the database.

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