

ADVOCACY URGES DEPARTMENT of VETERAN AFFAIRS (VA) TO ISSUE AN INITIAL REGULATORY FLEXIBILITY ANALYSIS FOR PUBLIC COMMENT

On November 6, 2015, VA published a proposed rulemaking to clarify eligibility requirements for Veteran and Service-Disabled Veteran-Owned small businesses to obtain “verified” status to participate in the VA’s Veterans First Contracting Program. The proposed rule would add and revise definitions, reorder requirements and redefine the definition of “control.” In addition, the proposed rule would implement new changes to community property restrictions, “unconditional” ownership and day- to- day management requirements and remove and revise the current full-time requirements. The proposed rule would also amend the statutory definition for the Office of Small and Disadvantaged Business Utilization. Finally, the proposed regulation would create a new structure for permanent caregiver by defining it and removing the reference to personal caregiver.

See Advocacy’s complete comments at <https://www.sba.gov/advocacy/1-4-2016-proposed-va-veteran-owned-small-business-verification-program-guidelines>.

- The Office of Advocacy wrote the VA on January 5, 2016, regarding the proposed regulation and urged the VA to perform an Initial Regulatory Flexibility Analysis (IRFA) instead of certifying that the rule would not have a significant economic impact on a substantial number of small entities. Advocacy would further like the VA to publish the IRFA for public comment.
- Advocacy urged the VA to revise the proposed regulation to eliminate areas of conflict with existing laws and regulations.
- Advocacy asked the VA to reconsider areas of the proposed regulation that would appear to deny Veterans and Service-Disabled Veteran –Owned small businesses their Constitutional right to due process.

For more information, visit Advocacy’s webpage at <https://www.sba.gov/category/advocacy-navigation-structure/legislative-actions/regulatory-comment-letters> or contact Major L. Clark, III at (202) 205 -7150 or major.clark@sba.gov.