

113TH CONGRESS
1ST SESSION

S. 430

To amend title 38, United States Code, to enhance treatment of certain small business concerns for purposes of Department of Veterans Affairs contracting goals and preferences, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2013

Mr. HELLER (for himself and Mr. MANCHIN) introduced the following bill;
which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to enhance treatment of certain small business concerns for purposes of Department of Veterans Affairs contracting goals and preferences, and for other purposes.

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 Opportunity and Protection Act of 2013”.

1 **SEC. 2. MODIFICATION OF TREATMENT UNDER CON-**
2 **TRACTING GOALS AND PREFERENCES OF DE-**
3 **PARTMENT OF VETERANS AFFAIRS FOR**
4 **SMALL BUSINESSES OWNED BY VETERANS OF**
5 **SMALL BUSINESSES AFTER DEATH OF DIS-**
6 **ABLED VETERAN OWNERS.**

7 (a) IN GENERAL.—Section 8127(h) of title 38,
8 United States Code, is amended—

9 (1) in paragraph (3), by striking “rated as”
10 and all that follows through “disability.” and insert-
11 ing a period; and

12 (2) in paragraph (2), by amending subpara-
13 graph (C) to read as follows:

14 “(C) The date that—

15 “(i) in the case of a surviving spouse of a
16 veteran with a service-connected disability rated
17 as 100 percent disabling or who dies as a result
18 of a service-connected disability, is 10 years
19 after the date of the veteran’s death; or

20 “(ii) in the case of a surviving spouse of a
21 veteran with a service-connected disability rated
22 as less than 100 percent disabling who does not
23 die as a result of a service-connected disability,
24 is three years after the date of the veteran’s
25 death.”.

1 (b) EFFECTIVE DATE.—The amendments made by
 2 subsection (a) shall take effect on the date that is 180
 3 days after the date of the enactment of this Act and shall
 4 apply with respect to contracts awarded on or after such
 5 date.

6 **SEC. 3. TREATMENT OF BUSINESSES AFTER DEATHS OF**
 7 **SERVICEMEMBER-OWNERS FOR PURPOSES**
 8 **OF DEPARTMENT OF VETERANS AFFAIRS**
 9 **CONTRACTING GOALS AND PREFERENCES.**

10 (a) IN GENERAL.—Section 8127 of title 38, United
 11 States Code, is amended—

12 (1) by redesignating subsections (i) through (l)
 13 as subsections (j) through (m), respectively; and

14 (2) by inserting after subsection (h) the fol-
 15 lowing new subsection (i):

16 “(i) TREATMENT OF BUSINESSES AFTER DEATH OF
 17 SERVICEMEMBER-OWNER.—(1) If a member of the Armed
 18 Forces owns at least 51 percent of a small business con-
 19 cern and such member is killed in line of duty in the active
 20 military, naval, or air service, the surviving spouse or de-
 21 pendent of such member who acquires such ownership
 22 rights in such small business concern shall, for the period
 23 described in paragraph (2), be treated as if the surviving
 24 spouse or dependent were a veteran with a service-con-
 25 nected disability for purposes of determining the status

1 of the small business concern as a small business concern
2 owned and controlled by veterans for purposes of con-
3 tracting goals and preferences under this section.

4 “(2) The period referred to in paragraph (1) is the
5 period beginning on the date on which the member of the
6 Armed Forces dies and ending on the date as follows:

7 “(A) In the case of a surviving spouse, the ear-
8 liest of the following dates:

9 “(i) The date on which the surviving
10 spouse remarries.

11 “(ii) The date on which the surviving
12 spouse relinquishes an ownership interest in the
13 small business concern and no longer owns at
14 least 51 percent of such small business concern.

15 “(iii) The date that is ten years after the
16 date of the member’s death.

17 “(B) In the case of a dependent who is not a
18 spouse, the earliest of the following dates:

19 “(i) The date on which the surviving de-
20 pendant relinquishes an ownership interest in
21 the small business concern and no longer owns
22 at least 51 percent of such small business con-
23 cern.

24 “(ii) The date that is ten years after the
25 date of the member’s death.”.

1 (b) **EFFECTIVE DATE.**—Subsection (i) of section
2 8127 of title 38, United States Code (as added by sub-
3 section (a) of this section), shall take effect on the date
4 of the enactment of this Act, and shall apply with respect
5 to the deaths of members of the Armed Forces occurring
6 on or after such date.

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