

National Veteran Small Business Coalition

August 6, 2019



“One Cause, One Voice”

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Honorable Jerry Moran
United States Senate
521 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Moran:

The National Veteran Small Business Coalition (NVSBC) is the largest non-profit trade association in the country representing veteran and service-disabled veteran-owned small businesses in the federal marketplace as prime and subcontractors. We recently became aware of a July 11, 2019, letter you and 27 of your Congressional colleagues signed to the Secretary of Veterans Affairs Robert Wilkie. Frankly, this letter is asking the VA Secretary to break the laws as established by Congress!

The Veterans First Contracting Program, created by the Veterans Benefits, HealthCare, and Information Technology Act of 2006 and the Ability One Program, established through the Javits-Wagner-O'Day Act, serve complementary and important missions of the federal government. However, the United States Supreme Court decision in *Kingdomware Technologies, Inc. vs. United States*, decided on June 16, 2016, and the United States Court of Appeals for the Federal Circuit decision in *PDS Consultants vs. United States and Winston-Salem Industries* decided October 24, 2018, make it very clear that for the Department of Veterans Affairs ONLY, VETS First takes precedent. After the *Kingdomware* decision the House Veterans Affairs Committee worked hard to forge a compromise between Ability One and service-disabled veteran-owned small businesses. Frankly, Ability One was not interested in a compromise. NVSBC believes both objectives and programs are important and is willing to discuss a way forward.

However, we do not support your position that “VA should prioritize SDVOSBs using the Rule of Two after seeking to fulfill such requirements through the Ability One Procurement List.” This is clearly telling the Secretary of Veterans Affairs to break the law!

Respectfully;

Scott Denniston
Executive Director
National Veteran Small Business Coalition (NVSBC)