

by section 862(b) of Pub. L. 116-283 shall take effect on the transfer date, which is 2 years after Jan. 1, 2021, see section 862(a) of Pub. L. 116-283, set out as a note under section 657f of Title 15, Commerce and Trade.

EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-183, §2(b), Oct. 30, 2020, 134 Stat. 896, provided that: "Subsection (k) of section 8127 of title 38, United States Code, as added by subsection (a), shall apply with respect to a contract entered into after the date of the enactment of this Act [Oct. 30, 2020]."

Pub. L. 116-155, §2(c), Aug. 8, 2020, 134 Stat. 699, provided that: "The amendments made by this section [amending this section] shall apply with respect to a contract entered into on or after the date of the enactment of this Act [Aug. 8, 2020]."

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by section 1832(b), (d) of Pub. L. 114-328 effective on the date on which the Administrator of the Small Business Administration and the Secretary of Veterans Affairs jointly issue implementing regulations [regulations effective Oct. 1, 2018], see section 1832(e) of Pub. L. 114-328, set out as a note under section 632 of Title 15, Commerce and Trade.

Pub. L. 114-328, div. A, title XVIII, §1832(f)(2), Dec. 23, 2016, 130 Stat. 2661, provided that: "Paragraph (8) of subsection (f) of title 38, United States Code, as added by paragraph (1), shall apply with respect to a verification decision made by the Secretary of Veterans Affairs on or after the date of the enactment of this Act [Dec. 23, 2016]."

Pub. L. 114-315, title V, §501(b), Dec. 16, 2016, 130 Stat. 1566, provided that: "The amendments made by subsection (a) [amending this section] shall take effect on the date that is 180 days after the date of the enactment of this Act [Dec. 16, 2016] and shall apply with respect to contracts awarded on or after such date."

EFFECTIVE DATE

Pub. L. 109-461, title V, §502(d), Dec. 22, 2006, 120 Stat. 3435, provided that: "This section [enacting this section and provisions set out as a note below] and the amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act [Dec. 22, 2006]."

TRANSITION PROVISIONS

Pub. L. 111-275, title I, §104(b)(2), Oct. 13, 2010, 124 Stat. 2868, provided that: "In the case of a small business concern included in the database as of the date of the enactment of this Act [Oct. 13, 2010] 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 paragraph (1), not later than 60 days after the date of the enactment of this Act, the Secretary shall notify the person who owns and controls the concern that—

"(A) the Secretary is required to verify the status of the concern in accordance with such paragraph, as so amended;

"(B) verification of such status shall require that the person who owns and 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 and controls the concern must submit to the Secretary all information required by the Secretary under this paragraph within 90 days of receiving the Secretary's notice of such requirement or the concern shall be removed from the database."

Pub. L. 109-461, title V, §502(b), Dec. 22, 2006, 120 Stat. 3435, provided that: "A small business concern that is listed in any small business database maintained by the Secretary of Veterans Affairs on the date of the enactment of this Act [Dec. 22, 2006] shall be presumed to be eligible for inclusion in the database under subsection (f) of section 8127 of title 38, United States Code, as added by subsection (a), during the period beginning on the effective date of that section [see Effective Date note above] and ending one year after such effective date. Such a small business concern may be removed from the database during that period if it is found not to be a small business concern owned and controlled by veterans (as defined in subsection (k) of such section)."

§ 8128. Small business concerns owned and controlled by veterans: contracting priority

(a) **CONTRACTING PRIORITY.**—In procuring goods and services pursuant to a contracting preference under this title or any other provision of law, the Secretary shall give priority to a small business concern owned and controlled by veterans, if such business concern also meets the requirements of that contracting preference.

(b) **DEFINITION.**—For purposes of this section, the term "small business concern owned and controlled by veterans" means a small business concern that is included in the small business database maintained by the Administrator of the Small Business Administration under section 36 of the Small Business Act.

(Added Pub. L. 109-461, title V, §503(a)(1), Dec. 22, 2006, 120 Stat. 3435; amended Pub. L. 116-283, div. A, title VIII, §862(b)(3)(B), Jan. 1, 2021, 134 Stat. 3779.)

Editorial Notes

REFERENCES IN TEXT

Section 36 of the Small Business Act, referred to in subsec. (b), is classified to section 657f of Title 15, Commerce and Trade.

AMENDMENTS

2021—Subsec. (b). Pub. L. 116-283 substituted "maintained by the Administrator of the Small Business Administration under section 36 of the Small Business Act" for "maintained by the Secretary under section 8127(f) of this title".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116-283, div. A, title VIII, §862(b)(3), Jan. 1, 2021, 134 Stat. 3778, provided that the amendment made by section 862(b)(3)(B) shall take effect on the transfer date, which is 2 years after Jan. 1, 2021, see section 862(a) of Pub. L. 116-283, set out as a note under section 657f of Title 15, Commerce and Trade.

EFFECTIVE DATE

Pub. L. 109-461, title V, §503(b), Dec. 22, 2006, 120 Stat. 3436, provided that: "This section [enacting this section] and the amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act [Dec. 22, 2006]."

§ 8129. Preference for offerors employing veterans

(a) **PREFERENCE.**—(1) In awarding a contract for the procurement of goods or services, the Secretary may give a preference to offerors that employ veterans on a full-time basis.

(2) The Secretary shall determine such preference based on the percentage of the full-time employees of the offeror who are veterans.

(b) ENFORCEMENT PENALTIES FOR MISREPRESENTATION.—(1) Any offeror that is determined by the Secretary to have willfully and intentionally misrepresented the veteran status of the employees of the offeror for purposes of subsection (a) may be debarred from contracting with the Department for a period of not less than five years.

(2) If the Secretary carries out a debarment under paragraph (1), the Secretary shall—

(A) commence debarment action against the offeror by not later than 30 days after determining that the offeror willfully and intentionally misrepresented the veteran status of the employees of the offeror as described in paragraph (1); and

(B) complete debarment actions against such offeror by not later than 90 days after such determination.

(3) The debarment of an offeror under paragraph (1) includes the debarment of all principals in the offeror for a period of not less than five years.

(Added Pub. L. 116-315, title VII, §7003(a), Jan. 5, 2021, 134 Stat. 5058.)

SUBCHAPTER III—STATE HOME FACILITIES FOR FURNISHING DOMICILIARY, NURSING HOME, AND HOSPITAL CARE

Editorial Notes

AMENDMENTS

1977—Pub. L. 95-62, §4(a), July 5, 1977, 91 Stat. 263, substituted “DOMICILIARY, NURSING HOME, AND HOSPITAL CARE” for “NURSING HOME CARE” in subchapter heading.

§ 8131. Definitions

For the purpose of this subchapter—

(1) The veteran population of each State shall be determined on the basis of the latest figures certified by the Department of Commerce.

(2) The term “State” includes each Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) but does not include any possession of the United States.

(3) The term “construction” means the construction of new domiciliary or nursing home buildings, the expansion, remodeling, or alteration of existing buildings for the provision of domiciliary, nursing home, adult day health, or hospital care in State homes, and the provision of initial equipment for any such buildings.

(4) The term “cost of construction” means the amount found by the Secretary to be necessary for a construction project, including architect fees, but excluding land acquisition costs.

(Added Pub. L. 88-450, §4(a), Aug. 19, 1964, 78 Stat. 501, §5031; amended Pub. L. 94-581, title II, §206(b), Oct. 21, 1976, 90 Stat. 2859; Pub. L. 95-62, §3(1), (2), July 5, 1977, 91 Stat. 262; Pub. L. 99-576, title II, §224(d), Oct. 28, 1986, 100 Stat. 3263; re-

numbered §8131, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102-83, §4(b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 404, 405; Pub. L. 104-262, title III, §342(b)(1), Oct. 9, 1996, 110 Stat. 3206; Pub. L. 116-315, title III, §3004(c)(1), Jan. 5, 2021, 134 Stat. 4992.)

Editorial Notes

AMENDMENTS

2021—Par. (2). Pub. L. 116-315 inserted “includes each Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) but” before “does not”.

1996—Par. (3). Pub. L. 104-262 inserted “adult day health,” before “or hospital care”.

1991—Pub. L. 102-40 renumbered section 5031 of this title as this section.

Par. (4). Pub. L. 102-83 substituted “Secretary” for “Administrator”.

1986—Pub. L. 99-576 redesignated pars. (a) to (d) as pars. (1) to (4), respectively.

1977—Par. (c). Pub. L. 95-62, §3(1), inserted construction of new domiciliary buildings, expansion, remodeling, or alteration of existing domiciliary and hospital buildings, and provision of initial equipment for any such buildings to definition of “construction”.

Par. (d). Pub. L. 95-62, §3(2), struck out provisions which had limited definition of “cost of construction” to the cost of construction of nursing home facilities.

1976—Par. (a). Pub. L. 94-581 substituted “veteran” for “war veteran”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-576, title II, §224(e), Oct. 28, 1986, 100 Stat. 3263, provided that: “The amendments made by this section [amending this section and sections 5033 and 5035 [now 8133 and 8135] of this title] shall take effect on July 1, 1987.”

EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95-62, §5, July 5, 1977, 91 Stat. 263, provided that:

“(a) Except as provided in subsection (b) of this section, the amendments made by this Act [amending this section and sections 5032 to 5036 [now 8132 to 8136] of this title and repealing section 644 of this title] shall be effective October 1, 1977.

“(b)(1) The terms and conditions of any grant made prior to October 1, 1977, under section 644 of title 38, United States Code [former section 644 of this title], and regulations prescribed thereunder, shall remain in full force and effect unless modified, by the mutual agreement of the parties, in accordance with the provisions of subchapter III of chapter 81 of such title, and regulations prescribed thereunder, in effect after September 30, 1977.

“(2) With respect to any grant made prior to October 1, 1977, under subchapter III of chapter 81 of such title, the Administrator of Veterans' Affairs shall, upon application of a grantee, modify the terms and conditions of such grant to comply with the provisions of such subchapter as amended by this Act, and regulations prescribed thereunder, and shall promptly notify each such grantee of the grantee's right to request such modification.”

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-581 effective Oct. 21, 1976, see section 211 of Pub. L. 94-581, set out as a note under section 111 of this title.

SHORT TITLE OF 1977 AMENDMENT

For short title of Pub. L. 95-62 as the “State Veterans' Home Assistance Improvement Act of 1977”, see