

(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

section 1 of Pub. L. 95-62, set out as a Short Title of 1977 Amendment note under section 101 of this title.

### § 8132. Declaration of purpose

The purpose of this subchapter is to assist the States to construct State home facilities (or to acquire facilities to be used as State home facilities) for furnishing domiciliary or nursing home care to veterans, and to expand, remodel, or alter existing buildings for furnishing domiciliary, nursing home, adult day health, or hospital care to veterans in State homes.

(Added Pub. L. 88-450, §4(a), Aug. 19, 1964, 78 Stat. 501, §5032; amended Pub. L. 94-581, title II, §206(b), Oct. 21, 1976, 90 Stat. 2859; Pub. L. 95-62, §3(3), July 5, 1977, 91 Stat. 262; Pub. L. 98-528, title I, §105(1), Oct. 19, 1984, 98 Stat. 2689; renumbered §8132, Pub. L. 102-40, title IV, §402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 104-262, title III, §342(b)(2), Oct. 9, 1996, 110 Stat. 3206; Pub. L. 116-315, title III, §3004(c)(2), Jan. 5, 2021, 134 Stat. 4992.)

#### Editorial Notes

##### AMENDMENTS

2021—Pub. L. 116-315 struck out “several” before “States”.

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

1991—Pub. L. 102-40 renumbered section 5032 of this title as this section.

1984—Pub. L. 98-528 inserted “(or to acquire facilities to be used as State home facilities) after “State home facilities”.

1977—Pub. L. 95-62 inserted references to the construction of State home facilities for furnishing of domiciliary care and to the expansion, remodeling, and alteration of existing buildings for furnishing domiciliary, nursing home, or hospital care to veterans in State homes.

1976—Pub. L. 94-581 substituted “veterans” for “war veterans”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-62 effective Oct. 1, 1977, with provision for the continuing force and effect of the terms and conditions of grants made prior to Oct. 1, 1977, under former section 644 of this title and with additional provision for the modification of the terms and conditions of both grants made under former section 644 of this title prior to Oct. 1, 1977, and of grants made under this subchapter prior to Oct. 1, 1977, see section 5 of Pub. L. 95-62, set out as a note under section 8131 of this title.

##### 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.

### § 8133. Authorization of appropriations

(a) There are hereby authorized to be appropriated such sums as are necessary to carry out this subchapter. Sums appropriated pursuant to this section shall be used for making grants to States which have submitted, and have had approved by the Secretary, applications for carrying out the purposes and meeting the requirements of this subchapter.

(b) Sums appropriated pursuant to subsection (a) of this section shall remain available until expended.

(Added Pub. L. 88-450, §4(a), Aug. 19, 1964, 78 Stat. 501, §5033; amended Pub. L. 89-311, §7(a), Oct. 31, 1965, 79 Stat. 1157; Pub. L. 90-432, §2, July 26, 1968, 82 Stat. 448; Pub. L. 93-82, title IV, §403(c), Aug. 2, 1973, 87 Stat. 196; Pub. L. 95-62, §3(4), July 5, 1977, 91 Stat. 262; Pub. L. 96-151, title I, §101(a), Dec. 20, 1979, 93 Stat. 1092; Pub. L. 97-251, §8, Sept. 8, 1982, 96 Stat. 716; Pub. L. 99-576, title II, §224(a), Oct. 28, 1986, 100 Stat. 3262; Pub. L. 101-110, §1(c), Oct. 6, 1989, 103 Stat. 682; Pub. L. 101-237, title II, §201(b), Dec. 18, 1989, 103 Stat. 2066; renumbered §8133, 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. 102-585, title IV, §402, Nov. 4, 1992, 106 Stat. 4954.)

#### Editorial Notes

##### AMENDMENTS

1992—Subsec. (a). Pub. L. 102-585 struck out before period at end of first sentence “through September 30, 1992”.

1991—Pub. L. 102-40 renumbered section 5033 of this title as this section.

Subsec. (a). Pub. L. 102-83 substituted “Secretary” for “Administrator”.

1989—Subsec. (a). Pub. L. 101-237 substituted “September 30, 1992” for “September 30, 1990”.

Pub. L. 101-110 substituted “1990” for “1989”.

1986—Subsec. (a). Pub. L. 99-576 amended first sentence generally. Prior to amendment, first sentence read as follows: “There is hereby authorized to be appropriated \$15,000,000 for fiscal year 1980 and such sums as may be necessary for fiscal year 1981 and for each of the five succeeding fiscal years.”

1982—Subsec. (a). Pub. L. 97-251 substituted “for fiscal year 1980 and such sums as may be necessary for fiscal year 1981 and for each of the five succeeding fiscal years” for “for the fiscal year ending September 30, 1978, a like sum for each of the two succeeding fiscal years, and such sums as may be necessary for the fiscal years ending September 30, 1981, and September 30, 1982”.

1979—Subsec. (a). Pub. L. 96-151 inserted provisions extending authorization of a like sum from one to two years, and provisions authorizing to be appropriated such sums as necessary for the fiscal years ending Sept. 30, 1981, and Sept. 30, 1982.

1977—Subsec. (a). Pub. L. 95-62 substituted “\$15,000,000 for the fiscal year ending September 30, 1978, and a like sum for the succeeding fiscal year” for “\$5,000,000 for the fiscal year ending June 30, 1965, and a like sum for each of the fourteen succeeding fiscal years” and “applications for carrying out the purposes and meeting the requirements of this subchapter” for “applications for carrying out the purposes of section 5032 of this title”.

Subsec. (b). Pub. L. 95-62 substituted “shall remain available until expended” for “shall remain available until the end of the second fiscal year following the fiscal year for which they are appropriated”.

1973—Subsec. (a). Pub. L. 93-82 substituted “fourteen succeeding fiscal years” for “nine succeeding fiscal years”.

1968—Subsec. (a). Pub. L. 90-432 substituted “nine succeeding fiscal years” for “four succeeding fiscal years”.

1965—Subsec. (c). Pub. L. 89-311 repealed subsec. (c) which limited to not more than 10 per centum of the funds appropriated pursuant to subsec. (a) of this section the moneys which could be used to assist in the construction of nursing home care facilities in any one State.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-110, §3(a), Oct. 6, 1989, 103 Stat. 682, provided that: “The provisions of and amendments made