

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; renumbered §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