

113TH CONGRESS  
1ST SESSION

# H. R. 2358

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to give preference to local contractors, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2013

Mr. COHEN introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to give preference to local contractors, 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 “Preference for Local  
5 Veteran Contractors Act”.

6 **SEC. 2. PREFERENCE FOR LOCAL CONTRACTORS.**

7 (a) LOCAL CONTRACTORS.—

8 (1) IN GENERAL.—Chapter 5 of title 38, United  
9 States Code, is amended by inserting after section  
10 513 the following new section:

1 **“§ 513A. Preference for local contractors**

2 “(a) IN GENERAL.—(1) The Secretary shall give  
3 preference for awarding a covered contract to a local con-  
4 tractor.

5 “(2) In giving preference for awarding a covered con-  
6 tract to a local contractor under paragraph (1)—

7 “(A) if such local contractor is a small business  
8 concern, such preference shall be given in accordance  
9 with section 8127(i) of this title; and

10 “(B) if such local contractor is not a small  
11 business concern, the local contractor shall be treat-  
12 ed as a contractor covered under section 8127(i)(7).

13 “(b) NOTICE REQUIRED.—If the Secretary awards a  
14 covered contract to a contractor that is not a local con-  
15 tractor, the Secretary shall publish a public notice explain-  
16 ing why a local contractor was not awarded the contract.

17 “(c) DEFINITIONS.—In this section:

18 “(1) The term ‘covered contract’ means a con-  
19 tract for—

20 “(A) the construction or maintenance of a  
21 facility of the Department; or

22 “(B) services provided to a particular facil-  
23 ity or campus of the Department.

24 “(2) The term ‘local contractor’ means a prime  
25 contractor that—

1           “(A) submits a bid or proposal for a cov-  
2           ered contract; and

3           “(B) has its principal offices or location  
4           within a 60-mile radius of the facility of the  
5           Department covered by such contract.”.

6           (2) CLERICAL AMENDMENT.—The table of sec-  
7           tions at the beginning of such chapter is amended  
8           by inserting after the item relating to section 513  
9           the following new item:

“513A. Preference for local contractors.”.

10           (3) CONFORMING AMENDMENT.—Section  
11           8106(a) of title 38, United States Code, is amended  
12           by striking “The Secretary” and inserting “In ac-  
13           cordance with section 513A of this title, the Sec-  
14           retary”.

15           (b) SMALL BUSINESS CONCERNS.—Section 8127(i)  
16           of title 38, United States Code, is amended to read as  
17           follows:

18           “(i) PRIORITY FOR CONTRACTING PREFERENCES.—  
19           Preferences for awarding contracts to small business con-  
20           cerns shall be applied in the following order of priority:

21           “(1) Contracts awarded pursuant to subsection  
22           (b), (c), or (d) to small business concerns owned and  
23           controlled by veterans with service-connected disabili-  
24           ties that, for purposes of such a contract, are local  
25           contractors under section 513A of this title.

1           “(2) Contracts awarded pursuant to subsection  
2           (b), (c), or (d) to small business concerns owned and  
3           controlled by veterans with service-connected disabili-  
4           ties that are not covered by paragraph (1).

5           “(3) Contracts awarded pursuant to subsection  
6           (b), (c), or (d) to small business concerns owned and  
7           controlled by veterans that—

8                   “(A) are not covered by paragraphs (1) or  
9                   (2); and

10                   “(B) for purposes of such a contract, are  
11           local contractors under section 513A of this  
12           title.

13           “(4) Contracts awarded pursuant to subsection  
14           (b), (c), or (d) to small business concerns owned and  
15           controlled by veterans that are not covered by para-  
16           graphs (1), (2), or (3).

17           “(5) Contracts awarded pursuant to section  
18           8(a) of the Small Business Act (15 U.S.C. 637(a))  
19           or section 31 of such Act (15 U.S.C. 657a) to a con-  
20           tractor that, for purposes of such a contract, are  
21           local contractors under section 513A of this title.

22           “(6) Contracts awarded pursuant to any other  
23           small business contracting preference to a contractor  
24           that, for purposes of such a contract, are local con-  
25           tractors under section 513A of this title.

1           “(7) Contracts awarded pursuant to section  
2           8(a) of the Small Business Act (15 U.S.C. 637(a))  
3           or section 31 of such Act (15 U.S.C. 657a) to a con-  
4           tractor that is not covered by paragraph (5).

5           “(8) Contracts awarded pursuant to any other  
6           small business contracting preference to a contractor  
7           that is not covered by paragraph (6).”.

8           (c) EFFECTIVE DATE.—The amendments made by  
9           this section shall take effect 180 days after the date of  
10          the enactment of this Act.

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