

under the laws referred to in subsection (c)" after "title".

Subsec. (b). Pub. L. 108-170, §202(c)(2), inserted at end "The Secretary may use the proceeds from any enhanced-use lease to reimburse applicable appropriations of the Department for any expenses incurred in the development of additional enhanced-use leases."

Subsec. (c). Pub. L. 108-178 struck out comma after "of title 40".

Pub. L. 108-170, §202(c)(3), struck out subsec. (c) which read as follows: "Subsection (a) does not affect the applicability of subchapter IV of chapter 5 of title 40 with respect to reimbursement of the Administrator of General Services for expenses arising from any disposal of property under section 8164 of this title."

2002—Subsec. (c). Pub. L. 107-217 substituted "subchapter IV of chapter 5 of title 40" for "section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485) or the Act of June 8, 1896 (40 U.S.C. 485a)".

1999—Subsec. (a)(1). Pub. L. 106-117 added par. (1) and struck out former par. (1) which read as follows: "Of the funds received by the Department under an enhanced-use lease and remaining after any deduction from such funds under subsection (b), 75 percent shall be deposited in the nursing home revolving fund established under section 8116 of this title and 25 percent shall be credited to the Medical Care Account of the Department for the use of the Department facility at which the property is located."

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-178 effective Aug. 21, 2002, see section 5 of Pub. L. 108-178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

§ 8166. Construction standards

The construction, alteration, repair, remodeling, or improvement of a property that is the subject of an enhanced-use lease shall be carried out so as to comply with all applicable provisions of Federal, State, and local law relating to land use, building standards, permits, and inspections.

(Added Pub. L. 102-86, title IV, §401(a), Aug. 14, 1991, 105 Stat. 421; amended Pub. L. 108-422, title IV, §417, Nov. 30, 2004, 118 Stat. 2393; Pub. L. 112-154, title II, §211(g), Aug. 6, 2012, 126 Stat. 1181.)

AMENDMENTS

2012—Pub. L. 112-154 amended section generally. Prior to amendment, section read as follows:

"(a) Unless the Secretary provides otherwise, the construction, alteration, repair, remodeling, or improvement of the property that is the subject of the lease shall be carried out so as to comply with all standards applicable to construction of Federal buildings. Any such construction, alteration, repair, remodeling, or improvement shall not be subject to any State or local law relating to land use, building codes, permits, or inspections unless the Secretary provides otherwise.

"(b) Unless the Secretary has provided that Federal construction standards are not applicable to a property, the Secretary shall conduct periodic inspections of any such construction, alteration, repair, remodeling, or improvement for the purpose of ensuring that the standards are met."

2004—Subsec. (a). Pub. L. 108-422 inserted "land use," after "relating to" in second sentence.

§ 8167. Exemption from State and local taxes

(a) IMPROVEMENTS AND OPERATIONS NOT EXEMPTED.—The improvements and operations on

land leased by a person with an enhanced-use lease from the Secretary shall be subject to all applicable provisions of Federal, State, or local law relating to taxation, fees, and assessments.

(b) UNDERLYING FEE TITLE INTEREST EXEMPTED.—The underlying fee title interest of the United States in any land subject to an enhanced-use lease shall not be subject, directly or indirectly, to any provision of State or local law relating to taxation, fees, or assessments.

(Added Pub. L. 102-86, title IV, §401(a), Aug. 14, 1991, 105 Stat. 421; amended Pub. L. 112-154, title II, §211(h), Aug. 6, 2012, 126 Stat. 1181.)

AMENDMENTS

2012—Pub. L. 112-154 amended section generally. Prior to amendment, section read as follows: "The interest of the United States in any property subject to an enhanced-use lease and any use by the United States of such property during such lease shall not be subject, directly or indirectly, to any State or local law relative to taxation, fees, assessments, or special assessments, except sales taxes charged in connection with any construction, alteration, repair, remodeling, or improvement project carried out under the lease."

§ 8168. Annual reports

(a) REPORT ON ADMINISTRATION OF LEASES.—Not later than 120 days after the date of the enactment of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 and not less frequently than once each year thereafter, the Secretary shall submit to Congress a report identifying the actions taken by the Secretary to implement and administer enhanced-use leases.

(b) REPORT ON LEASE CONSIDERATION.—Each year, as part of the annual budget submission of the President to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a detailed report of the consideration received by the Secretary for each enhanced-use lease under this subchapter, along with an overview of how the Secretary is utilizing such consideration to support veterans.

(Added Pub. L. 112-154, title II, §211(i)(1), Aug. 6, 2012, 126 Stat. 1181.)

REFERENCES IN TEXT

The date of the enactment of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, referred to in subsec. (a), is the date of enactment of Pub. L. 112-154, which was approved Aug. 6, 2012.

PRIOR PROVISIONS

A prior section 8168, added Pub. L. 102-86, title IV, §401(a), Aug. 14, 1991, 105 Stat. 421, limited number of enhanced-use leases that could be entered into under this subchapter, prior to repeal by Pub. L. 105-114, title II, §205(b)(1), Nov. 21, 1997, 111 Stat. 2288.

ELEMENTS OF INITIAL REPORT

Pub. L. 112-154, title II, §211(i)(2), Aug. 6, 2012, 126 Stat. 1182, provided that: "The first report submitted by the Secretary under section 8168(a) of title 38, United States Code, as added by paragraph (1), shall include a summary of those measures the Secretary is taking to address the following recommendations from the February 9, 2012, audit report of the Department of Veterans Affairs Office of Inspector General on enhanced-use leases under subchapter V of chapter 81 of title 38, United States Code:

"(A) Improve standards to ensure complete lease agreements are negotiated in line with strategic goals of the Department of Veterans Affairs.

“(B) Institute improved policies and procedures to govern activities such as monitoring enhanced-use lease projects and calculating, classifying, and reporting on enhanced-use lease benefits and expenses.

“(C) Recalculate and update enhanced-use lease expenses and benefits reported in the most recent Enhanced-Use Lease Consideration Report of the Department.

“(D) Establish improved oversight mechanisms to ensure major enhanced-use lease project decisions are documented and maintained in accordance with policy.

“(E) Establish improved criteria to measure timeliness and performance in enhanced-use lease project development and execution.

“(F) Establish improved criteria and guidelines for assessing projects to determine whether they are or remain viable candidates for enhanced-use leases.”

§ 8169. Expiration

The authority of the Secretary to enter into enhanced-use leases under this subchapter expires on December 31, 2023.

(Added Pub. L. 102-86, title IV, §401(a), Aug. 14, 1991, 105 Stat. 422; amended Pub. L. 103-452, title I, §103(d), Nov. 2, 1994, 108 Stat. 4786; Pub. L. 104-110, title I, §101(k), Feb. 13, 1996, 110 Stat. 769; Pub. L. 105-114, title II, §205(a), Nov. 21, 1997, 111 Stat. 2288; Pub. L. 106-117, title II, §208(e), Nov. 30, 1999, 113 Stat. 1568; Pub. L. 112-154, title II, §211(j), Aug. 6, 2012, 126 Stat. 1182.)

AMENDMENTS

2012—Pub. L. 112-154 substituted “December 31, 2023” for “December 31, 2011”.

1999—Pub. L. 106-117 substituted “December 31, 2011” for “December 31, 2001”.

1997—Pub. L. 105-114 substituted “December 31, 2001” for “December 31, 1997”.

1996—Pub. L. 104-110 substituted “December 31, 1997” for “December 31, 1995”.

1994—Pub. L. 103-452 substituted “December 31, 1995” for “December 31, 1994”.

RATIFICATION OF ACTIONS DURING PERIOD OF EXPIRED AUTHORITY

Any action taken by Secretary of Veterans Affairs before Feb. 13, 1996, under provision of law amended by title I of Pub. L. 104-110 that was taken during period beginning on date on which authority of Secretary under such provision of law expired and ending on Feb. 13, 1996, considered to have same force and effect as if such amendment had been in effect at time of that action, see section 103 of Pub. L. 104-110, set out as a note under section 1710 of this title.

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AMENDMENTS

1991—Pub. L. 102-83, §4(a)(3), (4), Aug. 6, 1991, 105 Stat. 404, substituted “DEPARTMENT” for “VETERANS’ ADMINISTRATION” in headings for subchapters III and IV and “Department” for “Veterans’ Administration” in item 8241.

Pub. L. 102-40, title IV, §402(c)(1), May 7, 1991, 105 Stat. 239, renumbered items 5070 to 5096 as 8201 to 8241, respectively.

§ 8201. Coordination with public health programs; administration

(a) The Secretary and the Secretary of Health and Human Services shall, to the maximum extent practicable, coordinate the programs carried out under this chapter and the programs carried out under titles VII, VIII, and IX of the Public Health Service Act (42 U.S.C. 292 et seq.).

(b) The Secretary may not enter into any agreement under subchapter I of this chapter after September 30, 1979.

(c) The Secretary, after consultation with the special medical advisory committee established pursuant to section 7312(a) of this title, shall prescribe regulations covering the terms and conditions for entering into agreements and making grants under this chapter.

(d) Payments made pursuant to grants under this chapter may be made in installments, and either in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(e) In carrying out the purposes of this chapter, the Secretary may lease to any eligible institution for such consideration and under such terms and conditions as the Secretary deems appropriate, such land, buildings, and structures (including equipment therein) under the control and jurisdiction of the Department as may be necessary. The three-year limitation on the term of a lease prescribed in section 8122(a) of this title shall not apply with respect to any lease entered into pursuant to this chapter, but no such lease may be for a period of more than 50 years. Any lease entered into pursuant to this chapter may be entered into without regard to the provisions of section 6101(b) to (d) of title 41. Notwithstanding section 1302 of title 40, or any other provision of law, a lease entered into pursuant to this chapter may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration of the lease.