

For transfer of functions, personnel, assets, and liabilities of the National Disaster Medical System of the Department of Health and Human Services, including the functions of the Secretary of Health and Human Services and the Assistant Secretary for Public Health Emergency Preparedness [now Assistant Secretary for Preparedness and Response] relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(5) and sections 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

ENHANCEMENT OF EMERGENCY PREPAREDNESS OF
DEPARTMENT OF VETERANS AFFAIRS

Pub. L. 107-188, title I, §154, June 12, 2002, 116 Stat. 631, as amended by Pub. L. 107-287, §6(b), (c), Nov. 7, 2002, 116 Stat. 2032, provided that:

“(a) Repealed. Pub. L. 107-287, §6(b), Nov. 7, 2002, 116 Stat. 2032.]

“(b) SECURITY AT DEPARTMENT MEDICAL AND RESEARCH FACILITIES.—(1) Not later than 180 days after the date of the enactment of this Act [June 12, 2002], the Secretary [of Veterans Affairs] shall carry out an evaluation of the security needs at Department medical centers and research facilities. The evaluation shall address the following needs:

“(A) Needs for the protection of patients and medical staff during emergencies, including a chemical or biological attack or other terrorist attack.

“(B) Needs, if any, for screening personnel engaged in research relating to biological pathogens or agents, including work associated with such research.

“(C) Needs for securing laboratories or other facilities engaged in research relating to biological pathogens or agents.

“(D) Any other needs the Secretary considers appropriate.

“(2) Repealed. Pub. L. 107-287, §6(b), Nov. 7, 2002, 116 Stat. 2032.]

“(c) to (f) Repealed. Pub. L. 107-287, §6(b), Nov. 7, 2002, 116 Stat. 2032.]

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Department of Veterans Affairs amounts as follows:

“(1) To carry out activities required by subsection (a) of section 8117 of title 38, United States Code—

“(A) \$100,000,000 for fiscal year 2002; and

“(B) such sums as may be necessary for each of fiscal years 2003 through 2006.

“(2) To carry out activities required by subsection (b)(1) of this section and subsections (b) through (f) of section 8117 of title 38, United States Code—

“(A) \$33,000,000 for fiscal year 2002; and

“(B) such sums as may be necessary for each of fiscal years 2003 through 2006.”

§ 8118. Authority for transfer of real property; Department of Veterans Affairs Capital Asset Fund

(a)(1) The Secretary may transfer real property under the jurisdiction or control of the Secretary (including structures and equipment associated therewith) to another department or agency of the United States, to a State (or a political subdivision of a State), or to any public or private entity, including an Indian tribe. Such a transfer may be made only if the Secretary receives compensation of not less than the fair market value of the property, except that no compensation is required, or compensation at less than fair market value may be accepted, in the case of a transfer to a grant and per diem provider (as defined in section 2002 of this title). When a transfer is made to a grant and per diem provider for less than fair market

value, the Secretary shall require in the terms of the conveyance that if the property transferred is used for any purpose other than a purpose under chapter 20 of this title, all right, title, and interest to the property shall revert to the United States.

(2) The Secretary may exercise the authority provided by this section notwithstanding sections 521, 522, and 541 through 545 of title 40. Any such transfer shall be in accordance with this section and section 8122 of this title.

(3) The authority provided by this section may not be used in a case to which section 8164 of this title applies.

(4) The Secretary may enter into partnerships or agreements with public or private entities dedicated to historic preservation to facilitate the transfer, leasing, or adaptive use of structures or properties specified in subsection (b)(3)(D).

(5) The authority of the Secretary under paragraph (1) expires on December 31, 2018.

(b)(1) There is established in the Treasury of the United States a revolving fund to be known as the Department of Veterans Affairs Capital Asset Fund (hereinafter in this section referred to as the “Fund”). Amounts in the Fund shall remain available until expended.

(2) Proceeds from the transfer of real property under this section shall be deposited into the Fund.

(3) To the extent provided in advance in appropriations Acts, amounts in the Fund may be expended for the following purposes:

(A) Costs associated with the transfer of real property under this section, including costs of demolition, environmental remediation, maintenance and repair, improvements to facilitate the transfer, and administrative expenses.

(B) Costs, including costs specified in subparagraph (A), associated with future transfers of property under this section.

(C) Costs associated with enhancing medical care services to veterans by improving, renovating, replacing, updating, or establishing patient care facilities through construction projects to be carried out for an amount less than the amount specified in 8104(a)(3)(A) for a major medical facility project.

(D) Costs, including costs specified in subparagraph (A), associated with the transfer, lease, or adaptive use of a structure or other property under the jurisdiction of the Secretary that is listed on the National Register of Historic Places.

(c) The Secretary shall include in the budget justification materials submitted to Congress for any fiscal year in support of the President's budget for that fiscal year for the Department specification of the following:

(1) The real property transfers to be undertaken in accordance with this section during that fiscal year.

(2) All transfers completed under this section during the preceding fiscal year and completed and scheduled to be completed during the fiscal year during which the budget is submitted.

(3) The deposits into, and expenditures from, the Fund that are incurred or projected for each of the preceding fiscal year, the current

fiscal year, and the fiscal year covered by the budget.

(Added Pub. L. 108-422, title IV, §411(a)(1), Nov. 30, 2004, 118 Stat. 2388; amended Pub. L. 112-37, §10(g), Oct. 5, 2011, 125 Stat. 397.)

AMENDMENTS

2011—Subsec. (a)(5). Pub. L. 112-37 substituted “December 31, 2018” for “the date that is seven years after the date of the enactment of this section”.

TRANSFER OF UNOBLIGATED BALANCES TO CAPITAL ASSET FUND

Pub. L. 108-422, title IV, §411(d), Nov. 30, 2004, 118 Stat. 2389, provided that: “Any unobligated balances in the nursing home revolving fund under section 8116 of title 38, United States Code, as of the date of the enactment of this Act [Nov. 30, 2004] shall be deposited in the Department of Veterans Affairs Capital Asset Fund established under section 8118 of title 38, United States Code (as added by subsection (a)).”

[Section 411(d) of Pub. L. 108-422, set out above, is effective at the end of the 30-day period beginning on the date on which the Secretary of Veterans Affairs certifies to Congress that the Secretary is in compliance with section 1710B(b) of this title, see section 411(f) of Pub. L. 108-422, set out as an Effective Date of 2004 Amendment note under section 1710B of this title.]

§ 8119. Annual report on outpatient clinics

(a) ANNUAL REPORT REQUIRED.—The Secretary shall submit to the committees an annual report on community-based outpatient clinics and other outpatient clinics of the Department. The report shall be submitted each year not later than the date on which the budget for the next fiscal year is submitted to the Congress under section 1105 of title 31.

(b) CONTENTS OF REPORT.—Each report required under subsection (a) shall include the following:

(1) A list of each community-based outpatient clinic and other outpatient clinic of the Department, and for each such clinic, the type of clinic, location, size, number of health professionals employed by the clinic, workload, whether the clinic is leased or constructed and operated by the Secretary, and the annual cost of operating the clinic.

(2) A list of community-based outpatient clinics and other outpatient clinics that the Secretary opened during the fiscal year preceding the fiscal year during which the report is submitted and a list of clinics the Secretary proposes opening during the fiscal year during which the report is submitted and the subsequent fiscal year, together with the cost of activating each such clinic and the information required to be provided under paragraph (1) for each such clinic and proposed clinic.

(3) A list of proposed community-based outpatient clinics and other outpatient clinics that are, as of the date of the submission of the report, under review by the National Review Panel and a list of possible locations for future clinics identified in the Department's strategic planning process, including any identified locations in rural and underserved areas.

(4) A prioritized list of sites of care identified by the Secretary that the Secretary could establish without carrying out construction or entering into a lease, including—

(A) any such sites that could be expanded by hiring additional staff or allocating staff to Federal facilities or facilities operating in collaboration with the Federal Government; and

(B) any sites established, or able to be established, under sections 8111 and 8153 of this title.

(Added Pub. L. 110-387, title VII, §708(a), Oct. 10, 2008, 122 Stat. 4139.)

DEADLINE FOR FIRST ANNUAL REPORT

Pub. L. 110-387, title VII, §708(b), Oct. 10, 2008, 122 Stat. 4140, provided that: “The Secretary of Veterans Affairs shall submit the first report required under section 8119(a) of title 38, United States Code, as added by subsection (a), by not later than 90 days after the date of the enactment of this Act [Oct. 10, 2008].”

§ 8120. Quarterly report on super construction projects

(a) QUARTERLY REPORTS REQUIRED.—Not later than 30 days after the last day of each fiscal quarter the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the super construction projects carried out by the appropriate non-Department Federal entity described in section 8103(e)(1) of this title during such quarter. Each such report shall include, for each such project—

(1) the budgetary and scheduling status of the project, as of the last day of the quarter covered by the report; and

(2) the actual cost and schedule variances of the project, as of such day, compared to the planned cost and schedules for the project.

(b) SUPER CONSTRUCTION PROJECT DEFINED.—In this section, the term “super construction project” has the meaning given such term in section 8103(e)(3) of this title.

(Added Pub. L. 114-315, title VIII, §801(d)(1), Dec. 16, 2016, 130 Stat. 1591.)

SUBCHAPTER II—PROCUREMENT AND SUPPLY

§ 8121. Revolving supply fund

(a) The revolving supply fund established for the operation and maintenance of a supply system for the Department (including procurement of supplies, equipment, and personal services and the repair and reclamation of used, spent, or excess personal property) shall be—

(1) available without fiscal year limitations for all expenses necessary for the operation and maintenance of such supply system;

(2) reimbursed from appropriations for the cost of all services, equipment, and supplies furnished, at rates determined by the Secretary on the basis of estimated or actual direct cost (which may be based on the cost of recent significant purchases of the equipment or supply item involved) and indirect cost; and

(3) credited with advances from appropriations for activities to which services or supplies are to be furnished, and all other receipts resulting from the operation of the fund, including property returned to the supply system when no longer required by activities to