

paragraph unless (i) the transfer (as proposed) was described in the budget for that fiscal year submitted to Congress pursuant to section 1105 of title 31, and (ii) the Department receives compensation equal to the fair market value of the property.

“(B) An interest in real property described in this subparagraph is an interest in real property that is owned by the United States and administered by the Secretary and that has an estimated value in excess of \$50,000.

“(C) Amounts realized from the transfer of any interest in real property described in subparagraph (B) of this paragraph shall be deposited in the nursing home revolving fund established under section 8116 of this title.”

Subsec. (d). Pub. L. 108-422, §411(e)(2), designated existing provisions as par. (1) and added par. (2).

2002—Subsec. (a)(1). Pub. L. 107-217 substituted “section 1302 of title 40” for “section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)”.

2001—Subsec. (d). Pub. L. 107-95 inserted before period at end “and is not suitable for use for the provision of services to homeless veterans by the Department or by another entity under an enhanced-use lease of such property under section 8162 of this title”.

1991—Pub. L. 102-40, §402(b)(1), renumbered section 5022 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “1741” for “641” in par. (3)(B)(i).

Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” and “Secretary’s” for “Administrator’s” wherever appearing.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration” in pars. (2)(A) and (3)(A).

Pub. L. 102-83, §4(a)(1), substituted “administered by the Secretary” for “administered by the Veterans’ Administration” in pars. (2)(B) and (3)(E).

Pub. L. 102-54 amended subsec. (a)(3)(A) as in effect immediately before the enactment of Pub. L. 102-40 by substituting “State” for “State home” before “nursing-home” and “this paragraph” for “the paragraph” before “which”.

Pub. L. 102-40, §402(d)(1), substituted “8116” for “5016” in par. (2)(C).

Subsecs. (b), (c). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (d). Pub. L. 102-83, §4(b)(1), (2)(E), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 102-83, §4(a)(3), (4), substituted “Department” for “Veterans’ Administration”.

1988—Subsec. (a)(2). Pub. L. 100-687, §1505(1), substituted “Except as provided in paragraph (3) of this subsection, the” for “The” at beginning.

Pub. L. 100-322 amended par. (2) generally. Prior to amendment, par. (2) read as follows:

“(A) Before entering into a transaction described in subparagraph (B) of this paragraph with respect to any real property owned by the United States and administered by the Veterans’ Administration which has an estimated value in excess of \$50,000, the Administrator shall submit a report of the facts concerning the proposed transaction to the Committees on Veterans’ Affairs of the Senate and House of Representatives, and such transaction may not then be entered into until after the expiration of 180 days from the date upon which the report is submitted.

“(B) Subparagraph (A) of this paragraph applies to (i) any transfer of an interest in real property to another Federal agency or to a State (or any political subdivision of a State), and (ii) any report to a Federal disposal agency of excess real property.

“(C) A statement in an instrument of conveyance, including a lease, that the requirements of this paragraph have been met, or that the conveyance is not subject to this paragraph, is conclusive for the purposes of all matters pertaining to the ownership of any right or interest in the property conveyed by such instrument.”

Subsec. (a)(3). Pub. L. 100-687, §1505(2), added par. (3). 1983—Subsec. (a)(2)(A). Pub. L. 98-160, §401(1), substituted “180 days” for “30 days”.

Subsec. (d). Pub. L. 98-160, §401(2), added subsec. (d). 1982—Subsec. (a). Pub. L. 97-295, §4(91)(A), substituted “of” for “entitled ‘An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes,’ approved” after “section 321 of the Act”.

Subsec. (c). Pub. L. 97-295, §4(91)(B), inserted “(41 U.S.C. 254)” after “section 304 of that Act”.

1980—Subsec. (a). Pub. L. 96-330 designated existing provisions as par. (1) and added par. (2).

1979—Subsec. (b). Pub. L. 96-22 substituted “necessary space for administrative purposes by lease” for “necessary space for administrative, clinical, medical, and outpatient treatment purposes by lease”.

1976—Subsec. (a). Pub. L. 94-581, §210(e)(7)(A), substituted “under the Administrator’s control” for “under his control” and “notice of the Administrator’s intention” for “notice of his intention”.

Subsec. (b). Pub. L. 94-581, §210(e)(7)(B), substituted “the Administrator” for “he”.

Subsec. (c). Pub. L. 94-581, §210(e)(7)(C), substituted “the Administrator” for “him”.

1973—Subsec. (a). Pub. L. 93-82 inserted provisions that leases under this subsection may be made without regard to section 5 of title 41, that notwithstanding section 303b of title 40 or any other provision of law, such leases may provide for the maintenance, protection, or restoration, by the lessee, of the property leased, as a part or all of the consideration for the lease and that prior to the execution of the leases, the Administrator shall give notice of his intention in the local newspaper.

1966—Pub. L. 89-785 inserted “and to negotiate for common services” in section catchline and added subsec. (c).

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-22 effective Oct. 1, 1979, except that the amendment shall not apply with respect to the acquisition, construction, or alteration of any medical facilities if the acquisition, construction, or alteration (not including exchange) was approved by the President before Oct. 1, 1979, see section 302 of Pub. L. 96-22, set out as an Effective Date note under section 8101 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.

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-82 effective Sept. 1, 1973, see section 501 of Pub. L. 93-82, set out as a note under section 1701 of this title.

TRANSFER OF REAL PROPERTY DEEMED DESCRIBED IN BUDGET FOR FISCAL YEAR 1989

Pub. L. 100-322, title IV, §421(a)(2), May 20, 1988, 102 Stat. 553, provided that any proposed transfer of real property described in subsec. (a)(2)(B) of this section that was described in a report submitted to Committees on Veterans’ Affairs of Senate and House of Representatives by Administrator not later than 30 days after May 20, 1988, was to be deemed for purposes of subsec. (a)(2)(A) of this section to have been described in the President’s budget for fiscal year 1989.

§ 8123. Procurement of prosthetic appliances

The Secretary may procure prosthetic appliances and necessary services required in the fitting, supplying, and training and use of prosthetic appliances by purchase, manufacture, contract, or in such other manner as the Secretary may determine to be proper, without regard to any other provision of law.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1254, § 5013; amended Pub. L. 94-581, title II, § 210(e)(8), Oct. 21, 1976, 90 Stat. 2865; renumbered § 5023, Pub. L. 96-22, title III, § 301(b)(1), June 13, 1979, 93 Stat. 61; renumbered § 8123, 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.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5023 of this title as this section.

Pub. L. 102-83 substituted “Secretary” for “Administrator” in two places.

1976—Pub. L. 94-581 substituted “the Administrator” for “he”.

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.

§ 8124. Grant of easements in Government-owned lands

The Secretary, whenever the Secretary deems it advantageous to the Government and upon such terms and conditions as the Secretary deems advisable, may grant on behalf of the United States to any State, or any agency or political subdivision thereof, or to any public-service company, easements in and rights-of-way over lands belonging to the United States which are under the Secretary's supervision and control. Such grant may include the use of such easements or rights-of-way by public utilities to the extent authorized and under the conditions imposed by the laws of such State relating to use of public highways. Such partial, concurrent, or exclusive jurisdiction over the areas covered by such easements or rights-of-way, as the Secretary deems necessary or desirable, is hereby ceded to the State in which the land is located. The Secretary may accept or secure on behalf of the United States from the State in which is situated any land conveyed in exchange for any such easement or right-of-way, such jurisdiction as the Secretary may deem necessary or desirable over the land so acquired. Any such easement or right-of-way shall be terminated upon abandonment or nonuse of the same and all right, title, and interest in the land covered thereby shall thereupon revert to the United States or its assignee.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1254, § 5014; amended Pub. L. 94-581, title II, § 210(e)(9), Oct. 21, 1976, 90 Stat. 2865; renumbered § 5024, Pub. L. 96-22, title III, § 301(b)(1), June 13, 1979, 93 Stat. 61; renumbered § 8124, 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.)

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5024 of this title as this section.

Pub. L. 102-83 substituted “Secretary” for “Administrator” wherever appearing and “Secretary's” for “Administrator's”.

1976—Pub. L. 94-581 substituted “the Administrator” for “he” wherever appearing and “under the Administrator's supervision” for “under his supervision”.

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.

§ 8125. Procurement of health-care items

(a) Except as provided in subsections (b) and (c) of this section, the Secretary may not procure health-care items under local contracts.

(b)(1) A health-care item for use by the Department may be procured under a local contract if—

(A) the procurement is within the limits prescribed in paragraph (3) of this subsection; and

(B)(i) the item is not otherwise available to the Department medical center concerned,

(ii) procurement of the item by a local contract is necessary for the effective furnishing of health-care services or the conduct of a research or education program at a Department medical center, as determined by the director of the center in accordance with regulations which the Under Secretary for Health shall prescribe, or

(iii) procurement under a local contract is demonstrably more cost-effective for the item.

(2) In the case of the need for an emergency procurement of a health-care item, such item may be procured under a local contract, but no greater quantity of such item may be procured by a local contract than is reasonably necessary to meet the emergency need and the reasonably foreseeable need for the item at the medical center concerned until resupply can be achieved through procurement actions other than emergency procurement.

(3)(A) Except as provided in subparagraphs (C) and (D) of this paragraph, not more than 20 percent of the total of all health-care items procured by the Department in any fiscal year (measured as a percent of the total cost of all such health-care items procured by the Department in that fiscal year) may be procured under local contracts.

(B) Local contracts for the procurement of health-care items shall, to the maximum extent feasible, be awarded to regular dealers or manufacturers engaged in the wholesale supply of such items.

(C) The Secretary may increase for a fiscal year the percentage specified in subparagraph (A) of this section to a percentage not greater than 30 percent if the Secretary, based on the experience of the Department during the two fiscal years preceding such fiscal year, determines that the increase and the amount of the increase are necessary in the interest of the effective furnishing of health-care services by the Department. The authority to increase such percentage may not be delegated.

(D) Items procured through an emergency procurement shall not be counted for the purpose of this paragraph.

(c) A provision of law that is inconsistent with subsection (a) or (b) of this section shall not apply, to the extent of the inconsistency, to the procurement of a health-care item for use by the Department.

(d) For the purposes of this section:

(1) The term “health-care item” includes any item listed in, or (as determined by the