

2012, referred to in subsec. (a)(1), 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.

AMENDMENTS

2016—Pub. L. 114-226, § 3(c)(2)(A), substituted “to the congressional veterans’ affairs committees, the Committees on Appropriations of the House of Representatives and the Senate, and the Committees on the Budget of the House of Representatives and the Senate” for “to Congress” wherever appearing.

Subsec. (a). Pub. L. 114-226, § 3(c)(2)(B), designated existing provisions as par. (1), substituted “a report on enhanced-use leases.” for “a report identifying the actions taken by the Secretary to implement and administer enhanced-use leases.”, and added par. (2).

Subsec. (b). Pub. L. 114-226, § 3(c)(2)(C), designated existing provisions as par. (1), substituted “this subchapter.” for “this subchapter, along with an overview of how the Secretary is utilizing such consideration to support veterans.”, and added par. (2).

Statutory Notes and Related Subsidiaries

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) [and prior to amendment by Pub. L. 114-226], 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.)

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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.

CHAPTER 82—ASSISTANCE IN ESTABLISHING NEW STATE MEDICAL SCHOOLS; GRANTS TO AFFILIATED MEDICAL SCHOOLS; ASSISTANCE TO HEALTH MANPOWER TRAINING INSTITUTIONS

Sec.

8201. Coordination with public health programs; administration.

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Editorial Notes

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.

(f) In making grants under this chapter, the Secretary shall give special consideration to applications from institutions which provide reasonable assurances, which shall be included in the grant agreement, that priority for admission to health manpower and training programs carried out by such institutions will be given to otherwise qualified veterans who during their military service acquired medical military occupation specialties, and that among such qualified veterans those who served during the Vietnam era and those who are entitled to disability compensation under laws administered by the Secretary or whose discharge or release was for a disability incurred or aggravated in line of duty will be given the highest priority. In carrying out this chapter and section 7302 of this title in connection with health manpower and training programs assisted or conducted under this title or in affiliation with a Department medical facility, the Secretary shall take appropriate steps to encourage the institutions involved to afford the priorities described in the first sentence of this subsection and to advise all qualified veterans with such medical military occupation specialties of the steps the Sec-

retary has taken under this subsection and the opportunities available to them as a result of such steps.

(g)(1) Each recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is made or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such records as will facilitate an effective audit.

(2) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of any assistance under this chapter which are pertinent to such assistance.

(Added Pub. L. 92-541, §2(a), Oct. 24, 1972, 86 Stat. 1101, §5070; amended Pub. L. 94-581, title I, §116(1), (2), title II, §210(f)(1), Oct. 21, 1976, 90 Stat. 2853, 2854, 2865; Pub. L. 96-151, title I, §103(a), Dec. 20, 1979, 93 Stat. 1093; Pub. L. 96-330, title IV, §403(b), Aug. 26, 1980, 94 Stat. 1052; Pub. L. 97-295, §4(94), Oct. 12, 1982, 96 Stat. 1313; renumbered §8201 and amended Pub. L. 102-40, title IV, §§402(b)(2)(A), (d)(1), 403(b)(6), May 7, 1991, 105 Stat. 239, 240; Pub. L. 102-54, §14(f)(10), June 13, 1991, 105 Stat. 288; Pub. L. 102-83, §4(a)(1), (3), (4), (b)(1), (2)(E), Aug. 6, 1991, 105 Stat. 403-405; Pub. L. 103-446, title XII, §1201(d)(20), Nov. 2, 1994, 108 Stat. 4685; Pub. L. 106-419, title IV, §403(b), Nov. 1, 2000, 114 Stat. 1864; Pub. L. 107-217, §3(j)(7), Aug. 21, 2002, 116 Stat. 1301; Pub. L. 111-350, §5(j)(9), Jan. 4, 2011, 124 Stat. 3850.)

Editorial Notes

REFERENCES IN TEXT

The Public Health Service Act, referred to in subsec. (a), is act July 1, 1944, ch. 373, 58 Stat. 682, as amended. Title VII of the Public Health Service Act was added by act July 30, 1956, ch. 779, §2, 70 Stat. 717, and is classified generally to subchapter V (§292 et seq.) of chapter 6A of Title 42, The Public Health and Welfare; Title VIII of the Public Health Service Act was added by act Sept. 4, 1964, Pub. L. 88-581, §2, 78 Stat. 908, and is classified generally to subchapter VI (§296 et seq.) of chapter 6A of Title 42; Title IX of the Public Health Service Act, which was added by act Oct. 6, 1965, Pub. L. 89-239, §2, 79 Stat. 926, was classified generally to subchapter VII (§299 et seq.) of chapter 6A of Title 42, and was repealed by Pub. L. 99-117, §12(d), Oct. 7, 1985, 99 Stat. 495. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

AMENDMENTS

2011—Subsec. (e). Pub. L. 111-350 substituted “section 6101(b) to (d) of title 41” for “section 3709 of the Revised Statutes (41 U.S.C. 5)”.

2002—Subsec. (e). 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)”.

2000—Subsec. (h). Pub. L. 106-419 struck out subsec. (h) which read as follows: “Not later than ninety days after the end of each fiscal year, the Secretary shall submit to the Congress a report on activities carried out under this chapter, including (1) an appraisal of the effectiveness of the programs authorized herein in carrying out their statutory purposes and the degree of co-