

to the general revision of this subchapter by Pub. L. 96-22.

AMENDMENTS

1991—Pub. L. 102-40 renumbered section 5015 of this title as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1979, but not applicable 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 a note under section 8101 of this title.

§ 8116. Nursing home revolving fund

(a)(1) Amounts realized from a transfer pursuant to section 8122(a)(2)(C)¹ of this title shall be administered as a revolving fund and shall be available without fiscal year limitation.

(2) The revolving fund shall be deposited in a checking account with the Treasurer of the United States.

(b)(1) The expenditure of funds from the revolving fund may be made only for the construction, alteration, and acquisition (including site acquisition) of nursing home facilities and may be made only as provided for in appropriation Acts.

(2) For the purpose of section 8104(a)(2) of this title, a bill, resolution, or amendment which provides that funds in the revolving fund may be expended for a project involving a total expenditure of more than \$2,000,000 for the construction, alteration, or acquisition (including site acquisition) of a nursing home facility shall be considered to be a bill, resolution, or amendment making an appropriation which may be expended for a major medical facility project.

(Added Pub. L. 100-322, title II, § 205(a), May 20, 1988, 102 Stat. 512, § 5016; renumbered § 8116 and amended Pub. L. 102-40, title IV, § 402(b)(1), (d)(1), May 7, 1991, 105 Stat. 238, 239.)

REPEAL OF SECTION

Pub. L. 108-422, title IV, § 411(c)(1),(f), Nov. 30, 2004, 118 Stat. 2389, 2390, provided that this section is repealed effective at the end of the 30-day period beginning on the date on which the Secretary of Veterans Affairs certifies to Congress that the Secretary is in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.

Editorial Notes

REFERENCES IN TEXT

Section 8122(a)(2) of this title, referred to in subsec. (a)(1), was amended generally by Pub. L. 108-422, title IV, § 411(e)(1), Nov. 30, 2004, 118 Stat. 2389, and, as so amended, no longer contains a subpar. (C).

AMENDMENTS

1991—Pub. L. 102-40, § 402(b)(1), renumbered section 5016 of this title as this section.

Pub. L. 102-40, § 402(d)(1), substituted “8122(a)(2)(C)” for “5022(a)(2)(C)” in subsec. (a)(1) and “8104(a)(2)” for “5004(a)(2)” in subsec. (b)(2).

¹ See References in Text note below.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal 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.

TRANSFER OF NURSING HOME REVOLVING FUND BALANCES AND RECEIPTS

For provisions relating to the transfer of balances and receipts from the Nursing Home Revolving Fund to the “Medical services” account, see section 115 of Pub. L. 108-447, set out as a note under section 1729a of this title.

§ 8117. Emergency preparedness

(a) READINESS OF DEPARTMENT MEDICAL CENTERS.—(1) The Secretary shall take appropriate actions to provide for the readiness of Department medical centers to protect the patients and staff of such centers from a public health emergency (as defined in section 2801 of the Public Health Service Act) or otherwise to respond to such an emergency so as to enable such centers to fulfill their obligations as part of the Federal response to such emergencies.

(2) Actions under paragraph (1) shall include—

(A) the provision of decontamination equipment and personal protection equipment at Department medical centers;

(B) the provision of training in the use of such equipment to staff of such centers;

(C) organizing, training, and equipping the staff of such centers to support the activities carried out by the Secretary of Health and Human Services under section 2801 of the Public Health Service Act in the event of a public health emergency and incidents covered by the National Response Plan developed pursuant to section 502(6)¹ of the Homeland Security Act of 2002, or any successor plan; and

(D) providing medical logistical support to the National Disaster Medical System and the Secretary of Health and Human Services as necessary, on a reimbursable basis, and in coordination with other designated Federal agencies.

(b) SECURITY AT DEPARTMENT MEDICAL AND RESEARCH FACILITIES.—(1) The Secretary shall take appropriate actions to provide for the security of Department medical centers and research facilities, including staff and patients at such centers and facilities.

(2) In taking actions under paragraph (1), the Secretary shall take into account the results of the evaluation of the security needs at Department medical centers and research facilities required by section 154(b)(1) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107-188; 116 Stat. 631), including the results of such evaluation relating to 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.

¹ See References in Text note below.

(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.

(c) TRACKING OF PHARMACEUTICALS AND MEDICAL SUPPLIES AND EQUIPMENT.—The Secretary shall develop and maintain a centralized system for tracking the current location and availability of pharmaceuticals, medical supplies, and medical equipment throughout the Department health care system in order to permit the ready identification and utilization of such pharmaceuticals, supplies, and equipment for a variety of purposes, including response to a public health emergency. The Secretary shall, through existing medical procurement contracts, and on a reimbursable basis, make available as necessary, medical supplies, equipment, and pharmaceuticals in response to a public health emergency in support of the Secretary of Health and Human Services.

(d) TRAINING.—The Secretary shall ensure that the Department medical centers, in consultation with the accredited medical school affiliates of such medical centers, implement curricula to train resident physicians and health care personnel in medical matters relating to public health emergencies or attacks from an incendiary or other explosive weapon consistent with section 319F(a) of the Public Health Service Act.

(e) PARTICIPATION IN NATIONAL DISASTER MEDICAL SYSTEM.—(1) The Secretary shall establish and maintain a training program to facilitate the participation of the staff of Department medical centers, and of the community partners of such centers, in the National Disaster Medical System established pursuant to section 2812 of the Public Health Service Act (42 U.S.C. 300hh-11).

(2) The Secretary shall establish and maintain the training program under paragraph (1) in accordance with the recommendations of the working group on the prevention, preparedness, and response to public health emergencies established under section 319F of the Public Health Service Act (42 U.S.C. 247d-6).

(3) The Secretary shall establish and maintain the training program under paragraph (1) in consultation with the following:

(A) The Secretary of Defense.

(B) The Secretary of Health and Human Services.

(C) The Administrator of the Federal Emergency Management Agency.

(f) MENTAL HEALTH COUNSELING.—(1) With respect to activities conducted by personnel serving at Department medical centers, the Secretary shall develop and maintain various strategies for providing mental health counseling and assistance, including counseling and assistance for post-traumatic stress disorder, following a bioterrorist attack or other public health emergency to the following persons:

(A) Veterans.

(B) Local and community emergency response providers.

(C) Active duty military personnel.

(D) Individuals seeking care at Department medical centers.

(2) The strategies under paragraph (1) shall include the following:

(A) Training and certification of providers of mental health counseling and assistance.

(B) Mechanisms for coordinating the provision of mental health counseling and assistance to emergency response providers referred to in paragraph (1).

(3) The Secretary shall develop and maintain the strategies under paragraph (1) in consultation with the Secretary of Health and Human Services, the American Red Cross, and the working group referred to in subsection (e)(2).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, \$155,300,000 for each of fiscal years 2019 through 2028 to carry out this section.

(Added Pub. L. 107-287, §6(a)(1), Nov. 7, 2002, 116 Stat. 2030; amended Pub. L. 109-295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410; Pub. L. 109-417, title III, §306, Dec. 19, 2006, 120 Stat. 2863; Pub. L. 110-387, title IX, §901(a)(7), Oct. 10, 2008, 122 Stat. 4142; Pub. L. 111-275, title X, §1001(p)(2), Oct. 13, 2010, 124 Stat. 2897; Pub. L. 113-5, title I, §105, Mar. 13, 2013, 127 Stat. 170; Pub. L. 116-22, title VII, §701(a), June 24, 2019, 133 Stat. 961; Pub. L. 118-19, §3, Oct. 6, 2023, 137 Stat. 106.)

Editorial Notes

REFERENCES IN TEXT

Section 2801 of the Public Health Service Act, referred to in subsec. (a)(1), is classified to section 300hh of Title 42, The Public Health and Welfare.

Section 502 of the Homeland Security Act of 2002, referred to in subsec. (a)(2)(C), probably means section 502 of Pub. L. 107-296 prior to its redesignation as section 504 by Pub. L. 109-295, §611(8), and reclassification as section 314 of Title 6, Domestic Security, and not section 506 of Pub. L. 107-296 which was redesignated section 502 by Pub. L. 109-295, §611(9), and is classified to section 312 of Title 6. Provisions relating to the National Response Plan are contained in section 314(a)(6) of Title 6.

Section 154(b)(1) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, referred to in subsec. (b)(2), is section 154(b)(1) of Pub. L. 107-188, which is set out as a note below.

AMENDMENTS

2023—Subsec. (g). Pub. L. 118-19 substituted “2028” for “2023”.

2019—Subsec. (g). Pub. L. 116-22 substituted “2019 through 2023” for “2014 through 2018”.

2013—Subsec. (g). Pub. L. 113-5 substituted “\$155,300,000 for each of fiscal years 2014 through 2018 to carry out this section” for “such sums as may be necessary to carry out this section for each of fiscal years 2007 through 2011”.

2010—Subsec. (e)(1). Pub. L. 111-275, §1001(p)(2)(A), substituted “(42 U.S.C. 300hh-11)” for “(42 U.S.C. 300hh-11(b))”.

Subsec. (e)(2). Pub. L. 111-275, §1001(p)(2)(B), substituted “(42 U.S.C. 247d-6)” for “(42 U.S.C. 247d-6(a))”.

2008—Subsec. (a)(1). Pub. L. 110-387 substituted “respond to such” for “respond to such such”.

2006—Subsec. (a)(1). Pub. L. 109-417, §306(a)(1)(A), substituted “a public health emergency (as defined in section 2801 of the Public Health Service Act)” for “chemical or biological attack”, “such an emergency” for “an attack”, and “such emergencies” for “public health emergencies”.

Subsec. (a)(2)(C), (D). Pub. L. 109-417, §306(a)(1)(B), added subpars. (C) and (D).

Subsec. (c). Pub. L. 109-417, §306(a)(2), substituted "a public health emergency. The Secretary shall, through existing medical procurement contracts, and on a reimbursable basis, make available as necessary, medical supplies, equipment, and pharmaceuticals in response to a public health emergency in support of the Secretary of Health and Human Services." for "a chemical or biological attack or other terrorist attack."

Subsec. (d). Pub. L. 109-417, §306(a)(3), struck out "develop and" before "implement curricula", substituted "public health emergencies" for "biological, chemical, or radiological attacks", and inserted "consistent with section 319F(a) of the Public Health Service Act" before period at end.

Subsec. (e)(1). Pub. L. 109-417, §306(a)(4)(A), substituted "2812" for "2811(b)".

Subsec. (e)(2). Pub. L. 109-417, §306(a)(4)(B), struck out "bioterrorism and other" after "response to" and substituted "319F" for "319F(a)".

Subsec. (g). Pub. L. 109-417, §306(b), added subsec. (g).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

"Administrator of the Federal Emergency Management Agency" substituted for "Director of the Federal Emergency Management Agency" in subsec. (e)(3)(C) on authority of section 612(c) of Pub. L. 109-295, set out as a note under section 313 of Title 6, Domestic Security. Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109-295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109-295, set out as a note under section 313 of Title 6.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the National Disaster Medical System, including the functions of the Secretary of Homeland Security and the Under Secretary for Emergency Preparedness and Response relating thereto, to the Secretary of Health and Human Services, see title III of Pub. L. 109-295, set out in part as a note under section 300hh-11 of Title 42, The Public Health and Welfare, and section 301(b) of Pub. L. 109-417, set out as a note under section 300hh-11 of Title 42.

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 September 30, 2025.

(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.