

(i) would—

(I) contribute in a cost-effective manner to the mission of the Department;

(II) not be inconsistent with the mission of the Department;

(III) not adversely affect the mission of the Department; and

(IV) affect services to veterans; or

(ii) would result in a demonstrable improvement of services to eligible veterans in the geographic service-delivery area within which the property is located.

(F) A description of how the proposed lease would affect services to veterans.

(G) A summary of a cost-benefit analysis of the proposed lease.

(Added Pub. L. 102-86, title IV, §401(a), Aug. 14, 1991, 105 Stat. 419; amended Pub. L. 106-117, title II, §208(c), Nov. 30, 1999, 113 Stat. 1567; Pub. L. 106-419, title II, §241, title IV, §404(b)(1), Nov. 1, 2000, 114 Stat. 1847, 1865; Pub. L. 108-170, title II, §202(a), (d)(1), Dec. 6, 2003, 117 Stat. 2047, 2048; Pub. L. 114-226, §3(c)(1), Sept. 29, 2016, 130 Stat. 931.)

### Editorial Notes

#### AMENDMENTS

2016—Subsec. (c)(1). Pub. L. 114-226 inserted “, 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” after “notify the congressional veterans’ affairs committees”, substituted “, shall publish” for “and shall publish”, inserted “, and shall submit to the congressional veterans’ affairs committees a copy of the proposed lease” after “in the Federal Register”, and inserted at end “With respect to a major enhanced-use lease, upon the request of the congressional veterans’ affairs committees, not later than 30 days after the date of such notice, the Secretary shall testify before the committees on the major enhanced-use lease, including with respect to the status of the lease, the cost, and the plans to carry out the activities under the lease. The Secretary may not delegate such testifying below the level of the head of the Office of Asset Enterprise Management of the Department or any successor to such office.”

2003—Pub. L. 108-170, §202(d)(1), substituted “Hearing and notice requirements regarding proposed leases” for “Designation of property to be leased” in section catchline.

Subsec. (a). Pub. L. 108-170, §202(a)(1), in first sentence, substituted “enter into an enhanced-use lease with respect to certain property” for “designate a property to be leased under an enhanced-use lease” and “before entering into the lease” for “before making the designation”.

Subsec. (b). Pub. L. 108-170, §202(a)(2), substituted “to the congressional veterans’ affairs committees and to the public of the proposed lease” for “of the proposed designation” in introductory provisions.

Subsec. (c)(1). Pub. L. 108-170, §202(a)(3)(A), substituted “enter into an enhanced-use lease of the property involved” for “designate the property involved” and “to enter into such lease” for “to so designate the property”.

Subsec. (c)(2). Pub. L. 108-170, §202(a)(3)(B), substituted “45-day period” for “90-day period”.

Subsec. (c)(3)(D). Pub. L. 108-170, §202(a)(3)(C)(i), substituted “description of the provisions” for “general description”.

Subsec. (c)(3)(G). Pub. L. 108-170, §202(a)(3)(C)(ii), added subpar. (G).

Subsec. (c)(4). Pub. L. 108-170, §202(a)(3)(D), struck out par. (4) which read as follows: “Not less than 30

days before entering into an enhanced-use lease, the Secretary shall submit to the congressional veterans’ affairs committees a report on the proposed lease. The report shall include—

“(A) updated information with respect to the matters described in paragraph (3);

“(B) a summary of a cost-benefit analysis of the proposed lease;

“(C) a description of the provisions of the proposed lease; and

“(D) a notice of designation with respect to the property.”

2000—Subsec. (c)(2). Pub. L. 106-419, §241, amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Secretary may not enter into an enhanced-use lease until the end of a 60-day period of continuous session of Congress following the date of the submission of notice under paragraph (1). For purposes of the preceding sentence, continuity of a session of Congress is broken only by an adjournment sine die, and there shall be excluded from the computation of such 60-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.”

Subsec. (c)(3)(E). Pub. L. 106-419, §404(b)(1), amended directory language of Pub. L. 106-117, §208(c)(2). See 1999 Amendment note below.

1999—Subsec. (b). Pub. L. 106-117, §208(c)(1)(A), substituted “include the following:” for “include—” in introductory provisions.

Subsec. (b)(1) to (3). Pub. L. 106-117, §208(c)(1)(B), (C), capitalized the first letter of the first word and substituted a period for the semicolon at end.

Subsec. (b)(4). Pub. L. 106-117, §208(c)(1)(B), (D), in introductory provisions, capitalized the first letter of the first word, added subpars. (A) and (B), and struck out former subpars. (A) to (C) which read as follows:

“(A) would contribute in a cost-effective manner to the mission of the Department;

“(B) would not be inconsistent with the mission of the Department; and

“(C) would not adversely affect the mission of the Department; and”.

Subsec. (b)(5). Pub. L. 106-117, §208(c)(1)(B), capitalized the first letter of the first word.

Subsec. (c)(3)(E). Pub. L. 106-117, §208(c)(2), as amended by Pub. L. 106-419, §404(b)(1), substituted cls. (i) and (ii) for former cls. (i) to (iii) which read as follows:

“(i) would contribute in a cost-effective manner to the mission of the Department;

“(ii) would not be inconsistent with the mission of the Department; and

“(iii) would not adversely affect the mission of the Department.”

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-419, title IV, §404(b)(1), Nov. 1, 2000, 114 Stat. 1865, provided that the amendment made by section 404(b)(1) is effective Nov. 30, 1999, and as if included in Pub. L. 106-117 as originally enacted.

### § 8164. Authority for disposition of leased property

(a) If, during the term of an enhanced-use lease or within 30 days after the end of the term of the lease, the Secretary determines that the leased property is no longer needed by the Department, the Secretary may initiate action for the transfer to the lessee of all right, title, and interest of the United States in the property. A disposition of property may not be made under this section unless the Secretary determines that the disposition under this section rather than under section 8118 or 8122 of this title is in the best interests of the Department.

(b) A disposition under this section may be made in return for cash at fair value as the Secretary determines is in the best interest of the United States and upon such other terms and conditions as the Secretary considers appropriate.

(c) Not less than 45 days before a disposition of property is made under this section, the Secretary shall notify the congressional veterans' affairs committees of the Secretary's intent to dispose of the property and shall publish notice of the proposed disposition in the Federal Register. The notice shall describe the background of, rationale for, and economic factors in support of, the proposed disposition (including a cost-benefit analysis summary) and the method, terms, and conditions of the proposed disposition.

(Added Pub. L. 102-86, title IV, §401(a), Aug. 14, 1991, 105 Stat. 420; amended Pub. L. 108-170, title II, §202(b), Dec. 6, 2003, 117 Stat. 2047; Pub. L. 108-422, title IV, §411(e)(3), Nov. 30, 2004, 118 Stat. 2390; Pub. L. 112-154, title II, §211(e), Aug. 6, 2012, 126 Stat. 1181.)

#### Editorial Notes

##### AMENDMENTS

2012—Subsec. (b). Pub. L. 112-154 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "A disposition under this section may be made for such consideration as the Secretary determines is in the best interest of the United States and upon such other terms and conditions as the Secretary considers appropriate."

2004—Subsec. (a). Pub. L. 108-422 inserted "8118 or" after "rather than under section".

2003—Subsec. (a). Pub. L. 108-170, §202(b)(1), struck out "by requesting the Administrator of General Services to dispose of the property pursuant to subsection (b)" after "in the property" in first sentence and struck out at end "The Administrator, upon request of the Secretary, shall take appropriate action under this section to dispose of property of the Department that is or has been subject to an enhanced-use lease."

Subsec. (b). Pub. L. 108-170, §202(b)(2), substituted "Secretary determines" for "Secretary and the Administrator of General Services jointly determine" and "Secretary considers" for "Secretary and the Administrator consider".

Subsec. (c). Pub. L. 108-170, §202(b)(3), substituted "45 days" for "90 days".

#### § 8165. Use of proceeds

(a)(1) Funds received by the Department under an enhanced-use lease and remaining after any deduction from those funds under subsection (b) shall, at the discretion of the Secretary, be deposited in—

(A) the Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title; or

(B) the Medical Facilities or Construction, Minor Projects account of the Department to be used to defray the costs of administration, maintenance, repair, and related expenses incurred by the Department with respect to property that is owned by or under the jurisdiction or control of the Department.

(2) Funds received by the Department from a disposal of leased property under section 8164 of this title shall be deposited into the Department

of Veterans Affairs Construction, Major Projects account or Construction, Minor Projects account, as the Secretary considers appropriate.

(b) An amount sufficient to pay for any expenses incurred by the Secretary in any fiscal year in connection with an enhanced-use lease shall be deducted from the proceeds of the lease for that fiscal year and may be used by the Secretary to reimburse the account from which the funds were used to pay such expenses. 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.

(Added Pub. L. 102-86, title IV, §401(a), Aug. 14, 1991, 105 Stat. 421; amended Pub. L. 106-117, title II, §208(d), Nov. 30, 1999, 113 Stat. 1568; Pub. L. 107-217, §3(j)(6), Aug. 21, 2002, 116 Stat. 1301; Pub. L. 108-7, div. K, title I, §113(d)(1), Feb. 20, 2003, 117 Stat. 483; Pub. L. 108-170, title II, §202(c), Dec. 6, 2003, 117 Stat. 2048; Pub. L. 108-178, §4(i)(2), Dec. 15, 2003, 117 Stat. 2642; Pub. L. 108-422, title IV, §411(e)(4), Nov. 30, 2004, 118 Stat. 2390; Pub. L. 112-154, title II, §211(f), Aug. 6, 2012, 126 Stat. 1181; Pub. L. 117-168, title VII, §705(c), Aug. 10, 2022, 136 Stat. 1800.)

#### Editorial Notes

##### AMENDMENTS

2022—Subsec. (a)(1). Pub. L. 117-168 substituted "shall, at the discretion of the Secretary, be deposited in—" and subpars. (A) and (B) for "shall be deposited in the Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title."

2012—Subsec. (a)(2). Pub. L. 112-154 substituted "into the Department of Veterans Affairs Construction, Major Projects account or Construction, Minor Projects account, as the Secretary considers appropriate" for "in the Department of Veterans Affairs Capital Asset Fund established under section 8118 of this title".

2004—Subsec. (a)(2). Pub. L. 108-422 substituted "Department of Veterans Affairs Capital Asset Fund established under section 8118 of this title" for "nursing home revolving fund".

2003—Subsec. (a)(1). Pub. L. 108-7 substituted "Department of Veterans Affairs Medical Care Collections Fund established under section 1729A of this title" for "Department of Veterans Affairs Health Services Improvement Fund established under section 1729B of this title".

Subsec. (a)(2). Pub. L. 108-170, §202(c)(1), struck out "and remaining after any deduction from such funds 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)".