

under an agreement entered into by the Secretary pursuant to any provision of law.

(D) The costs to the Secretary of carrying out the lease.

(E) Documents of the Department supporting the contents of the report described in subparagraphs (A) through (D).

(Added Pub. L. 112—154, title II, §211(i)(1), Aug. 6, 2012, 126 Stat. 1181; amended Pub. L. 114—226, §3(c)(2), Sept. 29, 2016, 130 Stat. 931.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 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. Repealed. Pub. L. 117—168, title VII, § 705(d), Aug. 10, 2022, 136 Stat. 1800]

Section, 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, provided that the authority of the Secretary to enter into enhanced-use leases under this subchapter would expire on Dec. 31, 2023.

SUBCHAPTER VI—INFORMATION TECHNOLOGY PROJECTS AND ACTIVITIES

§ 8171. Definitions

In this subchapter:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Veterans’ Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans’ Affairs and the Committee on Appropriations of the House of Representatives.

(2) The term “information technology” has the meaning given that term in section 11101 of title 40.

(3)(A) The term “information technology project” means a project or program of the Department (including a project or program of any element of the Department) for, or including, the acquisition or implementation of information technology.

(B) In cases where the Secretary transmits to the Director of the Office of Management and Budget information regarding information technology investments, which may consist of individual or multiple projects, the term “information technology project” refers to an individual project or program or a grouping of multiple projects or programs resulting in the acquisition or implementation of discrete information technology.

(4) The term “life cycle costs” means all direct and indirect costs to acquire, implement, operate, and maintain information technology, including with respect to costs of any element of the Department.

(5) The term “major information technology project” means an information technology project if—

(A) the project is designated by the Secretary, the Chief Information Officer of the Department, or the Director of the Office of Management and Budget as a major information technology investment, as defined in section 11302 of title 40; or

(B) the dollar value of the project is estimated by the Secretary to exceed—

(i) \$1,000,000,000 (as adjusted for inflation pursuant to section 1908 of title 41) for the total life cycle costs of the project; or

(ii) \$200,000,000 (as adjusted for inflation pursuant to section 1908 of title 41) annually.