eral that is sufficient to provide for a number of full-time positions in that office that is not less than the number of full-time positions in that office on March 15, 1989, plus 40.

(Added Pub. L. 102–83, §2(a), Aug. 6, 1991, 105 Stat. 383; amended Pub. L. 103–446, title XII, §1201(e)(3), (g)(1), Nov. 2, 1994, 108 Stat. 4685, 4687.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (a), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

Prior section 312 was renumbered section 1112 of this title.

Provisions similar to those in this section were contained in section 9(b) of Pub. L. 100–527, known as the Department of Veterans Affairs Act, prior to repeal by Pub. L. 102–83, §3(3).

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–446, §1201(e)(3), substituted ''(5 U.S.C. App.)'' for ''(5 U.S.C. App. 3)''.

Subsec. (b)(3). Pub. L. 103–446, §1201(g)(1), struck out par. (3) which read as follows: ''The Secretary shall provide the number of additional full-time positions in the Office of Inspector General required by paragraph (1) not later than September 30, 1991.''

§312A. Director of Construction and Facilities Management

(a) IN GENERAL.—(1) There is in the Department a Director of Construction and Facilities Management, who shall be appointed by the Secretary.

(2) The position of Director of Construction and Facilities Management is a career reserved position, as such term is defined in section 3132(a)(8) of title 5.

(3) The Director shall provide direct support to the Secretary in matters covered by the responsibilities of the Director under subsection (c).

(4) The Director shall report to the Deputy Secretary in the discharge of the responsibilities of the Director under subsection (c).

(b) QUALIFICATIONS.—Each individual appointed as Director of Construction and Facilities Management shall be an individual who—

(1) holds an undergraduate or master's degree in architectural design or engineering; and

(2) has substantive professional experience in the area of construction project management.

(c) RESPONSIBILITIES.—(1) The Director of Construction and Facilities Management shall—

(A) be responsible for overseeing and managing the planning, design, construction, and operation of facilities and infrastructure of the Department, including major and minor construction projects; and

(B) perform such other functions as the Secretary shall prescribe.

(2) In carrying out the oversight and management of construction and operation of facilities and infrastructure under this section, the Director shall be responsible for the following:

(A) Development and updating of short-range and long-range strategic capital investment strategies and plans of the Department.

(B) Planning, design, and construction of facilities for the Department, including determining architectural and engineering requirements and ensuring compliance of the Department with applicable laws relating to the construction program of the Department.

(C) Management of the short-term and long-term leasing of real property by the Department.

(D) Repair and maintenance of facilities of the Department, including custodial services, building management and administration, and maintenance of roads, grounds, and infrastructure.

(E) Management of procurement and acquisition processes relating to the construction and operation of facilities of the Department, including the award of contracts related to design, construction, furnishing, and supplies and equipment.

(Added Pub. L. 109–461, title VIII, §811(a), Dec. 22, 2006, 120 Stat. 3446.)

§313. Availability of appropriations

(a) Funds appropriated to the Department may remain available until expended.

(b) Funds appropriated to the Department may not be used for a settlement of more than $1,000,000 on a construction contract unless—

(1) the settlement is audited by an entity outside the Department for reasonableness and appropriateness of expenditures; and

(2) the settlement is provided for specifically in an appropriation law.

(Added Pub. L. 102–83, §2(a), Aug. 6, 1991, 105 Stat. 383.)

PRIOR PROVISIONS

Prior section 313 was renumbered section 1113 of this title.

Provisions similar to those in this section were contained in section 203 of this title prior to repeal by Pub. L. 102–83, §2(a).

§314. Central Office

The Central Office of the Department shall be in the District of Columbia.

(Added Pub. L. 102–83, §2(a), Aug. 6, 1991, 105 Stat. 383.)

PRIOR PROVISIONS

Prior section 314 was renumbered section 1114 of this title.

Provisions similar to those in this section were contained in section 230(a) of this title prior to repeal by Pub. L. 102–83, §2(a).

§315. Regional offices

(a) The Secretary may establish such regional offices and such other field offices within the United States, its Territories, Commonwealths, and possessions, as the Secretary considers necessary.

(b) The Secretary may maintain a regional office in the Republic of the Philippines until December 31, 2012.

(Added Pub. L. 102–83, §2(a), Aug. 6, 1991, 105 Stat. 384; amended Pub. L. 102–291, §1(a), May 20, 1992, 106 Stat. 178; Pub. L. 103–210, §2(c), Dec. 20,

1993, 107 Stat. 2497; Pub. L. 103–446, title V, § 502, Nov. 2, 1994, 108 Stat. 4663; Pub. L. 106–117, title VIII, § 802, Nov. 30, 1999, 113 Stat. 1586; Pub. L. 108–183, title II, § 213, Dec. 16, 2003, 117 Stat. 2658; Pub. L. 111–117, div. E, title II, § 228, Dec. 16, 2009, 123 Stat. 3307; Pub. L. 111–275, title VIII, § 807(a), Oct. 13, 2010, 124 Stat. 2893; Pub. L. 112–74, div. H, title II, § 234, Dec. 23, 2011, 125 Stat. 1160.)

PRIOR PROVISIONS

Prior section 315 was renumbered section 1115 of this title.

Provisions similar to those in this section were contained in section 230(a), (b) of this title prior to repeal by Pub. L. 102–83, § 2(a).

AMENDMENTS

2011—Subsec. (b). Pub. L. 112–74 substituted ''December 31, 2012'' for ''December 31, 2011''.

2010—Subsec. (b). Pub. L. 111–275 substituted ''December 31, 2011'' for ''December 31, 2010''.

2009—Subsec. (b). Pub. L. 111–117 substituted ''December 31, 2010'' for ''December 31, 2009''.

2003—Subsec. (b). Pub. L. 108–183 substituted ''December 31, 2009'' for ''December 31, 2003''.

1999—Subsec. (b). Pub. L. 106–117 substituted ''December 31, 2003'' for ''December 31, 1999''.

1994—Subsec. (b). Pub. L. 103–446 substituted ''December 31, 1999'' for ''December 31, 1994''.

1993—Subsec. (b). Pub. L. 103–210 substituted ''December 31, 1994'' for ''March 31, 1994''.

1992—Subsec. (b). Pub. L. 102–291 substituted ''March 31, 1994'' for ''September 30, 1991''.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 1(b) of Pub. L. 102–291 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect as of September 30, 1991.''

RATIFICATION OF MAINTENANCE OF OFFICE DURING LAPSED PERIOD

Section 1(c) of Pub. L. 102–291 provided that: ''Any action of the Secretary of Veterans Affairs in maintaining a Department of Veterans Affairs Regional Office in the Republic of the Philippines under section 315(b) of title 38, United States Code, during the period beginning on October 1, 1991, and ending on the date of the enactment of this Act [May 20, 1992] is hereby ratified with respect to that period.''

§ 316. Colocation of regional offices and medical centers

(a) To provide for a more economical, efficient, and effective operation of such regional offices, the Secretary shall provide for the colocation of at least three regional offices with medical centers of the Department—

(1) on real property under the jurisdiction of the Department of Veterans Affairs at such medical centers; or

(2) on real property that is adjacent to such a medical center and is under the jurisdiction of the Department as a result of being conveyed to the United States for the purpose of such colocation.

(b)(1) In carrying out this section and notwithstanding any other provision of law, the Secretary may lease, with or without compensation and for a period of not to exceed 35 years, to another party at not more than seven locations any of the real property described in paragraph (1) or (2) of subsection (a).

(2) Such real property shall be used as the site of a facility—

(A) constructed and owned by the lessee of such real property; and

(B) leased under subsection (c)(1) to the Department for such use and such other activities as the Secretary determines are appropriate.

(c)(1) The Secretary may enter into a lease for the use of any facility described in subsection (b)(2) for not more than 35 years under such terms and conditions as may be in the best interests of the Department.

(2) Each agreement for such a lease shall provide—

(A) that the obligation of the United States to make payments under the agreement is subject to the availability of appropriations for that purpose; and

(B) that the ownership of the facility shall vest in the United States at the end of such lease.

(d)(1) The Secretary may sublease any space in such a facility to another party at a rate not less than—

(A) the rental rate paid by the Secretary for such space under subsection (c); plus

(B) the amount the Secretary pays for the costs of administering such facility (including operation, maintenance, utility, and rehabilitation costs) which are attributable to such space.

(2) In any such sublease, the Secretary shall include such terms relating to default and nonperformance as the Secretary considers appropriate to protect the interests of the United States.

(e) The Secretary shall use the receipts of any payment for the lease of real property under subsection (b) for the payment of the lease of a facility under subsection (c).

(f)(1) Subject to paragraph (3)(A), the Secretary shall, not later than April 18, 1990, issue an invitation for offers with respect to three colocations to be carried out under this section. The invitation shall include, with respect to each such colocation, at least the following:

(A) Identification of the site to be developed.

(B) Minimum office space requirements for regional office activities.

(C) Design criteria of the facility to be constructed.

(D) A plan for meeting the security and parking needs for the facility and its occupants and visitors.

(E) A statement of current and projected rents and other costs for regional office activities.

(F) The estimated cost of construction of the facility concerned, the estimated annual cost of leasing space for regional office activities in the facility, and the estimated total annual cost of leasing all space in such facility.

(G) A plan for securing appropriate licenses, easements, and rights-of-way.

(H) A list of terms and conditions the Secretary has approved for inclusion in the lease agreement for the facility concerned.

(2) Subject to paragraph (3)(B), the Secretary shall—

(A) not later than one year after the date on which the invitation is issued under paragraph