

Union Calendar No. 442

114TH CONGRESS
2^D SESSION

H. R. 3484

[Report No. 114–570]

To authorize the Secretary of Veterans Affairs to enter into certain leases at the Department of Veterans Affairs West Los Angeles Campus in Los Angeles, California, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2015

Mr. TED LIEU of California introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY 17, 2016

Additional sponsors: Mr. SCHIFF, Mr. LOWENTHAL, Ms. ROYBAL-ALLARD, Mrs. TORRES, Mr. HONDA, Mr. KNIGHT, Ms. LINDA T. SÁNCHEZ of California, Ms. JUDY CHU of California, Ms. HAHN, Mr. BECERRA, Ms. BROWNLEY of California, Mr. SHERMAN, Mr. TAKANO, and Mr. DESAULNIER

MAY 17, 2016

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on September 10, 2015]

A BILL

To authorize the Secretary of Veterans Affairs to enter into certain leases at the Department of Veterans Affairs West Los Angeles Campus in Los Angeles, California, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Los Angeles Homeless*
5 *Veterans Leasing Act of 2016”.*

6 **SEC. 2. AUTHORITY TO ENTER INTO CERTAIN LEASES AT**
7 **THE DEPARTMENT OF VETERANS AFFAIRS**
8 **WEST LOS ANGELES CAMPUS.**

9 *(a) IN GENERAL.—The Secretary of Veterans Affairs*
10 *may carry out leases described in subsection (b) at the De-*
11 *partment of Veterans Affairs West Los Angeles Campus in*
12 *Los Angeles, California (hereinafter in this section referred*
13 *to as the “Campus”).*

14 *(b) LEASES DESCRIBED.—Leases described in this*
15 *subsection are the following:*

16 *(1) Any enhanced-use lease of real property*
17 *under subchapter V of chapter 81 of title 38, United*
18 *States Code, for purposes of providing supportive*
19 *housing, as that term is defined in section 8161(3) of*
20 *such title, that principally benefit veterans and their*
21 *families.*

22 *(2) Any lease of real property for a term not to*
23 *exceed 50 years to a third party to provide services*
24 *that principally benefit veterans and their families*

1 *and that are limited to one or more of the following*
2 *purposes:*

3 *(A) The promotion of health and wellness,*
4 *including nutrition and spiritual wellness.*

5 *(B) Education.*

6 *(C) Vocational training, skills building, or*
7 *other training related to employment.*

8 *(D) Peer activities, socialization, or phys-*
9 *ical recreation.*

10 *(E) Assistance with legal issues and Federal*
11 *benefits.*

12 *(F) Volunteerism.*

13 *(G) Family support services, including*
14 *child care.*

15 *(H) Transportation.*

16 *(I) Services in support of one or more of the*
17 *purposes specified in subparagraphs (A) through*
18 *(H).*

19 *(3) A lease of real property for a term not to ex-*
20 *ceed 10 years to The Regents of the University of*
21 *California, a corporation organized under the laws of*
22 *the State of California, on behalf of its University of*
23 *California, Los Angeles (UCLA) campus (hereinafter*
24 *in this section referred to as “The Regents”), if—*

1 (A) the lease is consistent with the master
2 plan described in subsection (g);

3 (B) the provision of services to veterans is
4 the predominant focus of the activities of The Re-
5 gents at the Campus during the term of the lease;

6 (C) The Regents expressly agrees to provide,
7 during the term of the lease and to an extent and
8 in a manner that the Secretary considers appro-
9 priate, additional services and support (for
10 which The Regents is either not compensated by
11 the Secretary or is compensated through an ex-
12 isting medical affiliation agreement) that—

13 (i) principally benefit veterans and
14 their families, including veterans that are
15 severely disabled, women, aging, or home-
16 less; and

17 (ii) may consist of activities relating
18 to the medical, clinical, therapeutic, die-
19 tary, rehabilitative, legal, mental, spiritual,
20 physical, recreational, research, and coun-
21 seling needs of veterans and their families
22 or any of the purposes specified in any of
23 subparagraphs (A) through (I) of paragraph
24 (1); and

1 (D) *The Regents maintains records docu-*
2 *menting the value of the additional services and*
3 *support that The Regents provides pursuant to*
4 *subparagraph (C) for the duration of the lease*
5 *and makes such records available to the Sec-*
6 *retary.*

7 (c) *LIMITATION ON LAND-SHARING AGREEMENTS.—*
8 *The Secretary may not carry out any land-sharing agree-*
9 *ment pursuant to section 8153 of title 38, United States*
10 *Code, at the Campus unless such agreement—*

11 (1) *provides additional health-care resources to*
12 *the Campus; and*

13 (2) *benefits veterans and their families other*
14 *than from the generation of revenue for the Depart-*
15 *ment of Veterans Affairs.*

16 (d) *REVENUES FROM LEASES AT THE CAMPUS.—Any*
17 *funds received by the Secretary under a lease described in*
18 *subsection (b) shall be credited to the applicable Department*
19 *medical facilities account and shall be available, without*
20 *fiscal year limitation and without further appropriation,*
21 *exclusively for the renovation and maintenance of the land*
22 *and facilities at the Campus.*

23 (e) *EASEMENTS.—*

24 (1) *IN GENERAL.—Notwithstanding any other*
25 *provision of law (other than Federal laws relating to*

1 *environmental and historic preservation), pursuant to*
2 *section 8124 of title 38, United States Code, the Sec-*
3 *retary may grant easements or rights-of-way on,*
4 *above, or under lands at the Campus to—*

5 *(A) any local or regional public transpor-*
6 *tation authority to access, construct, use, operate,*
7 *maintain, repair, or reconstruct public mass*
8 *transit facilities, including, fixed guideway fa-*
9 *cilities and transportation centers; and*

10 *(B) the State of California, County of Los*
11 *Angeles, City of Los Angeles, or any agency or*
12 *political subdivision thereof, or any public util-*
13 *ity company (including any company providing*
14 *electricity, gas, water, sewage, or telecommuni-*
15 *cation services to the public) for the purpose of*
16 *providing such public utilities.*

17 *(2) IMPROVEMENTS.—Any improvements pro-*
18 *posed pursuant to an easement or right-of-way au-*
19 *thorized under paragraph (1) shall be subject to such*
20 *terms and conditions as the Secretary considers ap-*
21 *propriate.*

22 *(3) TERMINATION.—Any easement or right-of-*
23 *way authorized under paragraph (1) shall be termi-*
24 *nated upon the abandonment or nonuse of the ease-*
25 *ment or right-of-way and all right, title, and interest*

1 *in the land covered by the easement or right-of-way*
2 *shall revert to the United States.*

3 *(f) PROHIBITION ON SALE OF PROPERTY.—Notwith-*
4 *standing section 8164 of title 38, United States Code, the*
5 *Secretary may not sell or otherwise convey to a third party*
6 *fee simple title to any real property or improvements to*
7 *real property made at the Campus.*

8 *(g) CONSISTENCY WITH MASTER PLAN.—The Sec-*
9 *retary shall ensure that each lease carried out under this*
10 *section is consistent with the draft master plan approved*
11 *by the Secretary on January 28, 2016, or successor master*
12 *plans.*

13 *(h) COMPLIANCE WITH CERTAIN LAWS.—*

14 *(1) LAWS RELATING TO LEASES AND LAND*
15 *USE.—If the Inspector General of the Department of*
16 *Veterans Affairs determines, as part of an audit re-*
17 *port or evaluation conducted by the Inspector Gen-*
18 *eral, that the Department is not in compliance with*
19 *all Federal laws relating to leases and land use at the*
20 *Campus, or that significant mismanagement has oc-*
21 *curred with respect to leases or land use at the Cam-*
22 *pus, the Secretary may not enter into any lease or*
23 *land-sharing agreement at the Campus, or renew any*
24 *such lease or land-sharing agreement that is not in*
25 *compliance with such laws, until the Secretary cer-*

1 *tifies to the Committee on Veterans' Affairs of the*
 2 *Senate, the Committee on Veterans' Affairs of the*
 3 *House of Representatives, and each Member of the*
 4 *Senate and the House of Representatives who rep-*
 5 *resents the area in which the Campus is located that*
 6 *all recommendations included in the audit report or*
 7 *evaluation have been implemented.*

8 (2) COMPLIANCE OF PARTICULAR LEASES.—*Ex-*
 9 *cept as otherwise expressly provided by this section,*
 10 *no lease may be entered into or renewed under this*
 11 *section unless the lease complies with chapter 33 of*
 12 *title 41, United States Code, and all Federal laws re-*
 13 *lating to environmental and historic preservation.*

14 (i) COMMUNITY VETERANS ENGAGEMENT BOARD.—

15 (1) IN GENERAL.—*Not later than 180 days after*
 16 *the date of the enactment of this Act, the Secretary*
 17 *shall establish a Community Veterans Engagement*
 18 *Board (in this subsection referred to as the “Board”)*
 19 *for the Campus to coordinate locally with the Depart-*
 20 *ment of Veterans Affairs to—*

21 (A) *identify the goals of the community;*

22 *and*

23 (B) *provide advice and recommendations to*
 24 *the Secretary to improve services and outcomes*

1 *for veterans, members of the Armed Forces, and*
2 *the families of such veterans and members.*

3 (2) *MEMBERS.*—*The Board shall be comprised of*
4 *a number of members that the Secretary determines*
5 *appropriate, of which not less than 50 percent shall*
6 *be veterans. The nonveteran members shall be family*
7 *members of veterans, veteran advocates, service pro-*
8 *viders, or stakeholders.*

9 (3) *COMMUNITY INPUT.*—*In carrying out sub-*
10 *paragraphs (A) and (B) of paragraph (1), the Board*
11 *shall—*

12 (A) *provide the community opportunities to*
13 *collaborate and communicate with the Board, in-*
14 *cluding by conducting public forums on the*
15 *Campus; and*

16 (B) *focus on local issues regarding the De-*
17 *partment that are identified by the community,*
18 *including with respect to health care, benefits,*
19 *and memorial services at the Campus.*

20 (j) *NOTIFICATION AND REPORTS.*—

21 (1) *CONGRESSIONAL NOTIFICATION.*—*With re-*
22 *spect to each lease or land-sharing agreement in-*
23 *tended to be entered into or renewed at the Campus,*
24 *the Secretary shall notify the Committee on Veterans’*
25 *Affairs of the Senate, the Committee on Veterans’ Af-*

1 *fairs of the House of Representatives, and each Mem-*
2 *ber of the Senate and the House of Representatives*
3 *who represents the area in which the Campus is lo-*
4 *cated of the intent of the Secretary to enter into or*
5 *renew the lease or land-sharing agreement not later*
6 *than 45 days before entering into or renewing the*
7 *lease or land-sharing agreement.*

8 (2) *ANNUAL REPORT.*—*Not later than one year*
9 *after the date of the enactment of this Act, and not*
10 *less frequently than annually thereafter, the Secretary*
11 *shall submit to the Committee on Veterans' Affairs of*
12 *the Senate, the Committee on Veterans' Affairs of the*
13 *House of Representatives, and each Member of the*
14 *Senate and the House of Representatives who rep-*
15 *resents the area in which the Campus is located an*
16 *annual report evaluating all leases and land-sharing*
17 *agreements carried out at the Campus, including—*

18 (A) *an evaluation of the management of the*
19 *revenue generated by the leases; and*

20 (B) *the records described in subsection*
21 *(b)(3)(D).*

22 (3) *INSPECTOR GENERAL REPORT.*—

23 (A) *IN GENERAL.*—*Not later than each of*
24 *two years and five years after the date of the en-*
25 *actment of this Act, and as determined necessary*

1 *by the Inspector General of the Department of*
2 *Veterans Affairs thereafter, the Inspector General*
3 *shall submit to the Committee on Veterans' Af-*
4 *fairs of the Senate, the Committee on Veterans'*
5 *Affairs of the House of Representatives, and each*
6 *Member of the Senate and the House of Rep-*
7 *resentatives who represents the area in which the*
8 *Campus is located a report on all leases carried*
9 *out at the Campus and the management by the*
10 *Department of the use of land at the Campus,*
11 *including an assessment of the efforts of the De-*
12 *partment to implement the master plan de-*
13 *scribed in subsection (g) with respect to the Cam-*
14 *pus.*

15 *(B) CONSIDERATION OF ANNUAL REPORT.—*

16 *In preparing each report required by subpara-*
17 *graph (A), the Inspector General shall take into*
18 *account the most recent report submitted to Con-*
19 *gress by the Secretary under paragraph (2).*

20 *(k) RULE OF CONSTRUCTION.—Nothing in this section*

21 *shall be construed as a limitation on the authority of the*
22 *Secretary to enter into other agreements regarding the Cam-*
23 *pus that are authorized by law and not inconsistent with*
24 *this section.*

1 (l) *PRINCIPALLY BENEFIT VETERANS AND THEIR*
 2 *FAMILIES DEFINED.*—*In this section the term “principally*
 3 *benefit veterans and their families”, with respect to services*
 4 *provided by a person or entity under a lease of property*
 5 *or land-sharing agreement—*

6 (1) *means services—*

7 (A) *provided exclusively to veterans and*
 8 *their families; or*

9 (B) *that are designed for the particular*
 10 *needs of veterans and their families, as opposed*
 11 *to the general public, and any benefit of those*
 12 *services to the general public is ancillary to the*
 13 *intended benefit to veterans and their families;*
 14 *and*

15 (2) *excludes services in which the only benefit to*
 16 *veterans and their families is the generation of rev-*
 17 *enue for the Department of Veterans Affairs.*

18 (m) *CONFORMING AMENDMENTS.*—

19 (1) *PROHIBITION ON DISPOSAL OF PROPERTY.*—
 20 *Section 224(a) of the Military Construction and Vet-*
 21 *erans Affairs and Related Agencies Appropriations*
 22 *Act, 2008 (Public Law 110–161; 121 Stat. 2272) is*
 23 *amended by striking “The Secretary of Veterans Af-*
 24 *airs” and inserting “Except as authorized under the*

1 *Los Angeles Homeless Veterans Leasing Act of 2016,*
2 *the Secretary of Veterans Affairs”.*

3 (2) *ENHANCED-USE LEASES.*—*Section 8162(c) of*
4 *title 38, United States Code, is amended by inserting*
5 *“; other than an enhanced-use lease under the Los An-*
6 *geles Homeless Veterans Leasing Act of 2016,” before*
7 *“shall be considered”.*

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