

114TH CONGRESS
2^D SESSION

H. R. 5099

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2016

Received

AN ACT

To establish a pilot program on partnership agreements to construct new facilities for the Department of Veterans Affairs.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Communities Helping
3 Invest through Property and Improvements Needed for
4 Veterans Act of 2016” or the “CHIP IN for Vets Act of
5 2016”.

6 **SEC. 2. PILOT PROGRAM ON ACCEPTANCE BY THE DEPART-**
7 **MENT OF VETERANS AFFAIRS OF DONATED**
8 **FACILITIES AND RELATED IMPROVEMENTS.**

9 (a) **PILOT PROGRAM AUTHORIZED.**—

10 (1) **IN GENERAL.**—Notwithstanding sections
11 8103 and 8104 of title 38, United States Code, the
12 Secretary of Veterans Affairs may carry out a pilot
13 program under which the Secretary may accept do-
14 nations of the following property from entities de-
15 scribed in paragraph (2):

16 (A) Real property (including structures
17 and equipment associated therewith)—

18 (i) that includes a constructed facility;

19 or

20 (ii) to be used as the site of a facility
21 constructed by the entity.

22 (B) A facility to be constructed by the en-
23 tity on real property of the Department of Vet-
24 erans Affairs.

25 (2) **ENTITIES DESCRIBED.**—Entities described
26 in this paragraph are the following:

1 (A) A State or local authority.

2 (B) An organization that is described in
3 section 501(c)(3) of the Internal Revenue Code
4 of 1986 and is exempt from taxation under sec-
5 tion 501(a) of such Code.

6 (C) A limited liability corporation.

7 (D) A private entity.

8 (E) A donor or donor group.

9 (F) Any other non-Federal Government
10 entity.

11 (3) LIMITATION.—The Secretary may accept
12 not more than five donations of real property and
13 facility improvements under the pilot program and
14 as described in this section.

15 (b) CONDITIONS FOR ACCEPTANCE OF PROPERTY.—
16 The Secretary may accept the donation of a property de-
17 scribed in subsection (a)(1) under the pilot program only
18 if—

19 (1) the property is—

20 (A) a property with respect to which funds
21 have been appropriated for a Department facil-
22 ity project; or

23 (B) a property identified as—

1 (i) meeting a need of the Department
2 as part of the long-range capital planning
3 process of the Department; and

4 (ii) the location for a Department fa-
5 cility project that is included on the Stra-
6 tegic Capital Investment Planning process
7 priority list in the most recent budget sub-
8 mitted to Congress by the President pursu-
9 ant to section 1105(a) of title 31, United
10 States Code; and

11 (2) an entity described in subsection (a)(2) has
12 entered into or is willing to enter into a formal
13 agreement with the Secretary in accordance with
14 subsection (c) under which the entity agrees to inde-
15 pendently donate the real property, improvements,
16 goods, or services, for the Department facility
17 project in an amount acceptable to the Secretary
18 and at no additional cost to the Federal Govern-
19 ment.

20 (c) REQUIREMENT TO ENTER INTO AN AGREE-
21 MENT.—

22 (1) IN GENERAL.—The Secretary may accept
23 real property and improvements donated under the
24 pilot program by an entity described in subsection

1 (a)(2) only if the entity enters into a formal agree-
2 ment with the Secretary that provides for—

3 (A) the donation of real property and im-
4 provements (including structures and equip-
5 ment associated therewith) that includes a con-
6 structed facility; or

7 (B) the construction by the entity of a fa-
8 cility on—

9 (i) real property and improvements of
10 the Department of Veterans Affairs; or

11 (ii) real property and improvements
12 donated to the Department by the entity.

13 (2) CONTENT OF FORMAL AGREEMENTS.—With
14 respect to an entity described in subsection (a)(2)
15 that seeks to enter into a formal agreement under
16 paragraph (1) of this subsection that includes the
17 construction by the entity of a facility, the formal
18 agreement shall provide for the following:

19 (A) The entity shall conduct all necessary
20 environmental and historic preservation due
21 diligence, shall comply with all local zoning re-
22 quirements (except for studies and consulta-
23 tions required of the Department under Federal
24 law), and shall obtain all permits required in
25 connection with the construction of the facility.

1 (B) The entity shall use construction
2 standards required of the Department when de-
3 signing, repairing, altering, or building the fa-
4 cility, except to the extent the Secretary deter-
5 mines otherwise, as permitted by applicable law.

6 (C) The entity shall provide the real prop-
7 erty, improvements, goods, or services in a
8 manner described in subsection (b)(2) sufficient
9 to complete the construction of the facility, at
10 no additional cost to the Federal Government.

11 (d) NO PAYMENT OF RENT OR USAGE FEES.—The
12 Secretary may not pay rent, usage fees, or any other
13 amounts to an entity described in subsection (a)(2) or any
14 other entity for the use or occupancy of real property or
15 improvements donated under this section.

16 (e) FUNDING.—

17 (1) FROM DEPARTMENT.—

18 (A) IN GENERAL.—The Secretary may not
19 provide funds to help the entity finance, design,
20 or construct a facility in connection with real
21 property and improvements donated under the
22 pilot program by an entity described in sub-
23 section (a)(2) that are in addition to the funds
24 appropriated for the facility as of the date on
25 which the Secretary and the entity enter into a

1 formal agreement under subsection (c) for the
2 donation of the real property and improve-
3 ments.

4 (B) TERMS AND CONDITIONS.—The Sec-
5 retary shall provide funds pursuant to subpara-
6 graph (A) under such terms, conditions, and
7 schedule as the Secretary determines appro-
8 priate.

9 (2) FROM ENTITY.—An entity described in sub-
10 section (a)(2) that is donating a facility constructed
11 by the entity under the pilot program shall be re-
12 quired, pursuant to a formal agreement entered into
13 under subsection (c), to provide other funds in addi-
14 tion to the amounts provided by the Department
15 under paragraph (1) that are needed to complete
16 construction of the facility.

17 (f) APPLICATION.—An entity described in subsection
18 (a)(2) that seeks to donate real property and improve-
19 ments under the pilot program shall submit to the Sec-
20 retary an application to address needs relating to facilities
21 of the Department, including health care needs, identified
22 in the Construction and Long-Range Capital Plan of the
23 Department, at such time, in such manner, and containing
24 such information as the Secretary may require.

1 (g) INFORMATION ON DONATIONS AND RELATED
2 PROJECTS.—

3 (1) IN GENERAL.—The Secretary shall include
4 in the budget submitted to Congress by the Presi-
5 dent pursuant to section 1105(a) of title 31, United
6 States Code, information regarding real property
7 and improvements donated under the pilot program
8 during the year preceding the submittal of the budg-
9 et and the status of facility projects relating to that
10 property.

11 (2) ELEMENTS.—Information submitted under
12 paragraph (1) shall provide a detailed status of do-
13 nations of real property and improvements con-
14 ducted under the pilot program and facility projects
15 relating to that property, including the percentage
16 completion of the donations and projects.

17 (h) BIENNIAL REPORT OF COMPTROLLER GENERAL
18 OF THE UNITED STATES.—Not less frequently than once
19 every 2 years until the termination date set forth in sub-
20 section (i), the Comptroller General of the United States
21 shall submit to Congress a report on the donation agree-
22 ments entered into under the pilot program.

23 (i) TERMINATION.—The authority for the Secretary
24 to accept donations under the pilot program shall termi-

1 nate on the date that is 5 years after the date of the enact-
2 ment of this Act.

3 (j) RULE OF CONSTRUCTION.—Nothing in this sec-
4 tion shall be construed as a limitation on the authority
5 of the Secretary to enter into other arrangements or
6 agreements that are authorized by law and not incon-
7 sistent with this section.

 Passed the House of Representatives December 7,
2016.

Attest:

KAREN L. HAAS,
Clerk.