

## Union Calendar No. 638

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5099

[Report No. 114–814]

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

---

### IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2016

Mr. ASHFORD (for himself, Mr. SMITH of Nebraska, Mr. YOUNG of Iowa, Mr. WALZ, and Mr. FORTENBERRY) introduced the following bill; which was referred to the Committee on Veterans' Affairs

NOVEMBER 14, 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 April 28, 2016]

# **A BILL**

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,*

3       **SECTION 1. SHORT TITLE.**

4       *This Act may be cited as the “Communities Helping*  
 5       *Invest through Property and Improvements Needed for Vet-*  
 6       *erans Act of 2016” or the “CHIP IN for Vets Act of 2016”.*

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

10       *(a) PILOT PROGRAM AUTHORIZED.—*

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

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

19                       *(i) that includes a constructed facility;*

20                       *or*

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

23               *(B) A facility to be constructed by the enti-*  
 24       *ty on real property of the Department of Vet-*  
 25       *erans Affairs.*

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

(A) *A State or local authority.*

(B) *An organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.*

(C) *A limited liability corporation.*

(D) *A private entity.*

(E) *A donor or donor group.*

(F) *Any other non-Federal Government entity.*

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

(b) *CONDITIONS FOR ACCEPTANCE OF PROPERTY.*—*The Secretary may accept the donation of a property described in subsection (a)(1) under the pilot program only if—*

(1) *the property is—*

(A) *a property with respect to which funds have been appropriated for a Department facility project; or*

(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 agree-*  
 13                  *ment with the Secretary in accordance with sub-*  
 14                  *section (c) under which the entity agrees to independ-*  
 15                  *ently donate the real property, improvements, goods,*  
 16                  *or services, for the Department facility project in an*  
 17                  *amount acceptable to the Secretary and at no addi-*  
 18                  *tional cost to the Federal Government.*

19                  (c) *REQUIREMENT TO ENTER INTO AN AGREEMENT.—*

20                  (1) *IN GENERAL.—The Secretary may accept*  
 21                  *real property and improvements donated under the*  
 22                  *pilot program by an entity described in subsection*  
 23                  *(a)(2) only if the entity enters into a formal agree-*  
 24                  *ment with the Secretary that provides for—*

1           (A) the donation of real property and im-  
2           provements (including structures and equipment  
3           associated therewith) that includes a constructed  
4           facility; or

5           (B) the construction by the entity of a facil-  
6           ity on—

7                   (i) real property and improvements of  
8                   the Department of Veterans Affairs; or

9                   (ii) real property and improvements  
10                  donated to the Department by the entity.

11           (2) *CONTENT OF FORMAL AGREEMENTS.*—With  
12           respect to an entity described in subsection (a)(2) that  
13           seeks to enter into a formal agreement under para-  
14           graph (1) of this subsection that includes the construc-  
15           tion by the entity of a facility, the formal agreement  
16           shall provide for the following:

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

24           (B) The entity shall use construction stand-  
25           ards required of the Department when designing

1           *and building the facility, except to the extent the*  
2           *Secretary determines otherwise.*

3           *(C) The entity shall provide the real prop-*  
4           *erty, improvements, goods, or services in a man-*  
5           *ner described in subsection (b)(2) sufficient to*  
6           *complete the construction of the facility, at no*  
7           *additional cost to the Federal Government.*

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

13          *(e) FUNDING.—*

14           *(1) FROM DEPARTMENT.—*

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

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

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

14                  (f) *APPLICATION.*—*An entity described in subsection*  
 15                  *(a)(2) that seeks to donate real property and improvements*  
 16                  *under the pilot program shall submit to the Secretary an*  
 17                  *application to address needs relating to facilities of the De-*  
 18                  *partment, including health care needs, identified in the*  
 19                  *Construction and Long-Range Capital Plan of the Depart-*  
 20                  *ment, at such time, in such manner, and containing such*  
 21                  *information as the Secretary may require.*

22                  (g) *INFORMATION ON DONATIONS AND RELATED*  
 23                  *PROJECTS.*—

24                         (1) *IN GENERAL.*—*The Secretary shall include in*  
 25                         *the budget submitted to Congress by the President*

1        *pursuant to section 1105(a) of title 31, United States*  
2        *Code, information regarding real property and im-*  
3        *provements donated under the pilot program during*  
4        *the year preceding the submittal of the budget and the*  
5        *status of facility projects relating to that property.*

6            (2) *ELEMENTS.—Information submitted under*  
7        *paragraph (1) shall provide a detailed status of dona-*  
8        *tions of real property and improvements conducted*  
9        *under the pilot program and facility projects relating*  
10       *to that property, including the percentage completion*  
11       *of the donations and projects.*

12        (h) *BIENNIAL REPORT OF COMPTROLLER GENERAL OF*  
13       *THE UNITED STATES.—Not less frequently than once every*  
14       *two years until the termination date set forth in subsection*  
15       *(i), the Comptroller General of the United States shall sub-*  
16       *mit to Congress a report on the donation agreements entered*  
17       *into under the pilot program.*

18        (i) *TERMINATION.—The authority for the Secretary to*  
19       *accept donations under the pilot program shall terminate*  
20       *on the date that is five years after the date of the enactment*  
21       *of this Act.*

22        (j) *RULE OF CONSTRUCTION.—Nothing in this section*  
23       *shall be construed as a limitation on the authority of the*  
24       *Secretary to enter into other arrangements or agreements*

- 1 *that are authorized by law and not inconsistent with this*
- 2 *section.*



Union Calendar No. 638

114<sup>TH</sup> CONGRESS  
2D Session

**H. R. 5099**

[Report No. 114-814]

**A BILL**

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

NOVEMBER 14, 2016

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