

117TH CONGRESS
2D SESSION

S. 5059

AN ACT

To improve the pilot program on acceptance by the Department of Veterans Affairs of donated facilities and related improvements to account for issues relating to inflation, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “CHIP-IN Improve-
3 ment Act of 2022”.

4 **SEC. 2. IMPROVING PILOT PROGRAM ON ACCEPTANCE BY**
5 **THE DEPARTMENT OF VETERANS AFFAIRS**
6 **OF DONATED FACILITIES AND RELATED IM-**
7 **PROVEMENTS.**

8 (a) IN GENERAL.—Section 2 of the Communities
9 Helping Invest through Property and Improvements Need-
10 ed for Veterans Act of 2016 (Public Law 114–294; 38
11 U.S.C. 8103 note) is amended—

12 (1) in subsection (b)(1)(A), by inserting “or for
13 which funds are available from the Construction,
14 Minor Projects, or Construction, Major Projects ap-
15 propriations accounts”;

16 (2) in subsection (e)(1)—

17 (A) in subparagraph (A)—

18 (i) by striking “The Secretary” and
19 inserting “Except as otherwise provided in
20 this paragraph, the Secretary”; and

21 (ii) by inserting “or funds already
22 generally available in the Construction,
23 Minor Projects, or Construction, Major
24 Projects appropriations accounts” after
25 “that are in addition to the funds appro-
26 priated for the facility”;

(B) in subparagraph (B), by striking “subparagraph (A)” and inserting “this paragraph”;

(C) by redesignating subparagraph (B) as subparagraph (F); and

(D) by inserting after subparagraph (A) the following new subparagraphs:

“(B) UNOBLIGATED AMOUNTS.—The Secretary may provide additional funds to help an entity described in subsection (a)(2) finance, design, or construct a facility in connection with real property and improvements to be donated under the pilot program and proposed to be accepted by the Secretary under subsection (b)(1)(B) if—

“(i) the Secretary determines that doing so is in the best interest of the Department and consistent with the mission of the Department; and

“(ii) funding provided under this subparagraph—

“(I) is in addition to amounts that have been appropriated for the facility before the date on which the Secretary and the entity enter into a formal agreement under subsection (c)

1 for the construction and donation of
 2 the real property and improvements;
 3 and

4 “(II) is derived only from
 5 amounts that—

6 “(aa) are unobligated bal-
 7 ances available in the Construc-
 8 tion, Minor Projects, or Con-
 9 struction, Major Projects appro-
 10 priations accounts of the Depart-
 11 ment that—

12 “(AA) are not associ-
 13 ated with a specific project;
 14 or

15 “(BB) are amounts
 16 that are associated with a
 17 specific project, but are un-
 18 obligated because they are
 19 the result of bid savings;
 20 and

21 “(bb) were appropriated to
 22 such an account before the date
 23 described in subclause (I).

24 “(C) ESCALATION CLAUSES.—

“(i) IN GENERAL.—The Secretary may include an escalation clause in a formal agreement under subsection (c) that authorizes an escalation of not more than an annual amount based on a rate established in the formal agreement and mutually agreed upon by the Secretary and an entity to account for inflation for an area if the Secretary determines, after consultation with the head of an appropriate Federal entity that is not part of the Department, that such escalation is necessary and in the best interest of the Department.

“(ii) USE OF EXISTING AMOUNTS.—The Secretary may obligate funds pursuant to clause (i) in connection with a formal agreement under subsection (c) using amounts that—

“(I) are unobligated balances available in the Construction, Minor Projects, or Construction, Major Projects appropriations accounts of the Department that—

“(aa) are not associated with a specific project; or

1 “(bb) are amounts that are
 2 associated with a specific project,
 3 but are unobligated because they
 4 are the result of bid savings; and
 5 “(II) were appropriated to such
 6 an account before the date on which
 7 the Secretary and the entity entered
 8 into the formal agreement.

9 “(D) AVAILABILITY.—Unobligated
 10 amounts shall be available pursuant to subpara-
 11 graphs (B) and (C) only to the extent and in
 12 such amounts as provided in advance in appro-
 13 priations Acts subsequent to date of the enact-
 14 ment of the CHIP-IN Improvement Act of
 15 2022, subject to subparagraph (E).

16 “(E) LIMITATION.—Unobligated amounts
 17 made available pursuant to subparagraphs (B)
 18 and (C) may not exceed 40 percent of the
 19 amount appropriated for the facility before the
 20 date on which the Secretary and the entity en-
 21 tered into a formal agreement under subsection
 22 (c).”; and
 23 (3) in subsection (j)—

24 (A) by striking “RULE” and inserting
 25 “RULES”;

1 (B) by striking “Nothing in” and inserting
 2 the following:

3 “(1) ENTERING ARRANGEMENTS AND AGREE-
 4 MENTS.—Nothing in”; and

5 (C) by adding at the end the following new
 6 paragraph:

7 “(2) TREATMENT OF ASSISTANCE.—Nothing
 8 provided under this section shall be treated as Fed-
 9 eral financial assistance as defined in section 200.40
 10 of title 2, Code of Federal Regulations, as in effect
 11 on February 21, 2021.”.

12 (b) AMENDMENTS TO EXISTING AGREEMENTS.—
 13 Each agreement entered into under section (2)(c) of such
 14 Act before the date of the enactment of this Act that was
 15 in effect on the date of the enactment of this Act may
 16 be amended to incorporate terms authorized by subpara-
 17 graphs (B) and (C) of section 2(e)(1) of such Act, as
 18 added by subsection (a)(2)(D) of this section.

Passed the Senate September 29, 2022.

Attest:

Secretary.

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