

114TH CONGRESS
2D SESSION

S. 3364

To authorize the Secretary of Veterans Affairs to carry out a pilot program to accept the donation of facilities and related improvements for use by the Department of Veterans Affairs.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2016

Mrs. FISCHER (for herself and Mrs. FEINSTEIN) introduced the following bill;
which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To authorize the Secretary of Veterans Affairs to carry out a pilot program to accept the donation of facilities and related improvements for use by 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
6 Veterans Act of 2016” or the “CHIP IN for Vets Act of
7 2016”.

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

4 (a) PILOT PROGRAM AUTHORIZED.—

5 (1) IN GENERAL.—Notwithstanding sections
6 8103 and 8104 of title 38, United States Code, the
7 Secretary of Veterans Affairs may carry out a pilot
8 program under which the Secretary may accept do-
9 nations of the following property from entities de-
10 scribed in paragraph (2):

11 (A) Real property (including structures
12 and equipment associated therewith)—

13 (i) that includes a constructed facility;

14 or

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

17 (B) A facility to be constructed by the en-
18 tity on real property of the Department of Vet-
19 erans Affairs.

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

22 (A) A State or local authority.

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

1 (C) A limited liability corporation.

2 (D) A private entity.

3 (E) A donor or donor group.

4 (F) Any other non-Federal Government
5 entity.

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

10 (b) CONDITIONS FOR ACCEPTANCE OF PROPERTY.—
11 The Secretary may accept the donation of a property de-
12 scribed in subsection (a)(1) under the pilot program only
13 if—

14 (1) the property is—

15 (A) a property with respect to which funds
16 have been appropriated for a Department facil-
17 ity project; or

18 (B) a property identified as—

19 (i) meeting a need of the Department
20 as part of the long-range capital planning
21 process of the Department; and

22 (ii) the location for a Department fa-
23 cility project that is included on the Stra-
24 tegic Capital Investment Planning process
25 priority list in the most recent budget sub-

1 mitted to Congress by the President pursu-
 2 ant to section 1105(a) of title 31, United
 3 States Code; and

4 (2) an entity described in subsection (a)(2) has
 5 entered into or is willing to enter into a formal
 6 agreement with the Secretary in accordance with
 7 subsection (c) under which the entity agrees to inde-
 8 pendently donate the real property, improvements,
 9 goods, or services, for the Department facility
 10 project in an amount acceptable to the Secretary
 11 and at no additional cost to the Federal Govern-
 12 ment.

13 (c) REQUIREMENT TO ENTER INTO AN AGREE-
 14 MENT.—

15 (1) IN GENERAL.—The Secretary may accept
 16 real property and improvements donated under the
 17 pilot program by an entity described in subsection
 18 (a)(2) only if the entity enters into a formal agree-
 19 ment with the Secretary that provides for—

20 (A) the donation of real property and im-
 21 provements (including structures and equip-
 22 ment associated therewith) that includes a con-
 23 structed facility; or

24 (B) the construction by the entity of a fa-
 25 cility on—

1 (i) real property and improvements of
2 the Department of Veterans Affairs; or

3 (ii) real property and improvements
4 donated to the Department by the entity.

5 (2) CONTENT OF CERTAIN AGREEMENTS.—

6 With respect to an entity described in subsection
7 (a)(2) that seeks to enter into a formal agreement
8 under paragraph (1) of this subsection that includes
9 the construction by the entity of a facility, the for-
10 mal agreement shall provide for the following:

11 (A) The entity shall conduct all necessary
12 environmental and historic preservation due
13 diligence, shall comply with all local zoning re-
14 quirements (except for studies and consulta-
15 tions required of the Department under Federal
16 law), and shall obtain all permits required in
17 connection with the construction of the facility.

18 (B) The entity shall use construction
19 standards required of the Department when de-
20 signing and building the facility, except to the
21 extent the Secretary determines otherwise.

22 (C) The entity shall provide the real prop-
23 erty, improvements, goods, or services in a
24 manner described in subsection (b)(2) sufficient

1 to complete the construction of the facility, at
2 no additional cost to the Federal Government.

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

8 (e) FUNDING.—

9 (1) FROM DEPARTMENT.—

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

21 (B) TERMS AND CONDITIONS.—The Sec-
22 retary shall provide funds pursuant to subpara-
23 graph (A) under such terms, conditions, and
24 schedule as the Secretary determines appro-
25 priate.

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

9 (f) APPLICATION.—An entity described in subsection
10 (a)(2) that seeks to donate real property and improve-
11 ments under the pilot program shall submit to the Sec-
12 retary an application to address needs relating to facilities
13 of the Department, including health care needs, identified
14 in the Construction and Long-Range Capital Plan of the
15 Department, at such time, in such manner, and containing
16 such information as the Secretary may require.

17 (g) INFORMATION ON DONATIONS AND RELATED
18 PROJECTS.—

19 (1) IN GENERAL.—The Secretary shall include
20 in the budget submitted to Congress by the Presi-
21 dent pursuant to section 1105(a) of title 31, United
22 States Code, information regarding real property
23 and improvements donated under the pilot program
24 during the year preceding the submittal of the budg-

1 et and the status of facility projects relating to that
 2 property.

3 (2) ELEMENTS.—Information submitted under
 4 paragraph (1) shall include a detailed status of do-
 5 nations of real property and improvements con-
 6 ducted under the pilot program and facility projects
 7 relating to that property, including the percentage
 8 completion of the donations and projects.

9 (h) BIENNIAL REPORT OF COMPTROLLER GENERAL
 10 OF THE UNITED STATES.—Not less frequently than once
 11 every two years until the termination date set forth in sub-
 12 section (i), the Comptroller General of the United States
 13 shall submit to Congress a report on the donation arrange-
 14 ments entered into under the pilot program.

15 (i) TERMINATION.—The authority for the Secretary
 16 to accept donations under the pilot program shall termi-
 17 nate on the date that is five years after the date of the
 18 enactment of this Act.

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

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