Suspend the Rules and Pass the Bill, HR. 5099
(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
2D SESSION

H. R. 5099

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

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 Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

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

SEC. 2. PILOT PROGRAM ON ACCEPTANCE BY THE DEPARTMENT OF VETERANS AFFAIRS OF DONATED FACILITIES AND RELATED IMPROVEMENTS.

(a) Pilot Program Authorized.—

(1) In general.—Notwithstanding sections 8103 and 8104 of title 38, United States Code, the Secretary of Veterans Affairs may carry out a pilot program under which the Secretary may accept donations of the following property from entities described in paragraph (2):

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

(i) that includes a constructed facility; or

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

(B) A facility to be constructed by the entity on real property of the Department of Veterans 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—

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

(ii) the location for a Department facility project that is included on the Strategic Capital Investment Planning priority list in the most recent budget sub-
mitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code; and

(2) an entity described in subsection (a)(2) has entered into or is willing to enter into a formal agreement with the Secretary in accordance with subsection (e) under which the entity agrees to independently donate the real property, improvements, goods, or services, for the Department facility project in an amount acceptable to the Secretary and at no additional cost to the Federal Government.

(e) Requirement to Enter Into an Agreement.—

(1) In General.—The Secretary may accept real property and improvements donated under the pilot program by an entity described in subsection (a)(2) only if the entity enters into a formal agreement with the Secretary that provides for—

(A) the donation of real property and improvements (including structures and equipment associated therewith) that includes a constructed facility; or

(B) the construction by the entity of a facility on—
(i) real property and improvements of
the Department of Veterans Affairs; or

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

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

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

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

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

(d) No Payment of Rent or Usage Fees.—The
Secretary may not pay rent, usage fees, or any other
amounts to an entity described in subsection (a)(2) or any
other entity for the use or occupancy of real property or
improvements donated under this section.

(e) Funding.—

(1) From Department.—

(A) In General.—The Secretary may not
provide funds to help the entity finance, design,
or construct a facility in connection with real
property and improvements donated under the
pilot program by an entity described in sub-
section (a)(2) that are in addition to the funds
appropriated for the facility as of the date on
which the Secretary and the entity enter into a
formal agreement under subsection (e) for the
donation of the real property and improve-
ments.

(B) Terms and Conditions.—The Sec-
retary shall provide funds pursuant to subpara-
graph (A) under such terms, conditions, and
schedule as the Secretary determines appro-
piate.
(2) FROM ENTITY.—An entity described in subsection (a)(2) that is donating a facility constructed by the entity under the pilot program shall be required, pursuant to a formal agreement entered into under subsection (c), to provide other funds in addition to the amounts provided by the Department under paragraph (1) that are needed to complete construction of the facility.

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

(g) INFORMATION ON DONATIONS AND RELATED PROJECTS.—

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

(2) ELEMENTS.—Information submitted under paragraph (1) shall provide a detailed status of donations of real property and improvements conducted under the pilot program and facility projects relating to that property, including the percentage completion of the donations and projects.

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

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

(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of the Secretary to enter into other arrangements or agreements that are authorized by law and not inconsistent with this section.