

Date: JAN 05 2016

From: Principal Executive Director, Office of Acquisition, Logistics, and Construction (003)

Subj: Request for Delegation of Authority for Real Property Actions, Excluding Enhanced Use Leases (EUL) (VAIQ 7623342)

To: Secretary (00)

1. This memorandum requests delegation of authority to the Office of Acquisition, Logistics, and Construction (OALC) pertaining to the Department of Veterans Affairs (VA) Land Management Program to expedite project schedules and reduce administrative burden, as follows:

a. To delegate authority to approve land acquisitions and dispositions (by transfer, exchange, donation, excess, etc.), changes to VA's jurisdiction over its land (typically used to share police power with local governments), and encumbering VA-owned property with conditions, restrictions, or limitations on VA's use (typically used to grant easements or comply with environmental laws or regulations) that currently require approval by the Secretary of VA (SECVA) prior to execution.

b. Collectively, these actions will be referred to as "Real Property Actions."

2. I request a delegation of authority from you to me as the Principal Executive Director, OALC, to provide approval of Real Property Actions that Real Property Service (RPS) does not already have the authority to approve. The Principal Executive Director, OALC, may re-delegate this authority to the Executive Director, Office of Construction and Facilities Management (CFM). The requested delegation is designed to streamline VA's Land Management Program to ensure efficient delivery of construction projects and proper utilization and management of VA's real estate, and to eliminate current redundant or administratively burdensome review and approval requirements.

3. The following laws grant SECVA authority to undertake the actions described in this memorandum:

- Title 38 U.S.C. § 115 (General Acquisition of Real Property)
- Title 38 U.S.C. § 512(a) (Delegation of Authority)
- Title 38 U.S.C. § 2032 (Compensated Work Therapy Properties)
- Title 38 U.S.C. § 2406 (NCA Real Property authority)
- Title 38 U.S.C. §§ 8103-8104 (VHA Real Property Authority)
- Title 38 U.S.C. § 8108 (Contribution to Local Authorities)
- Title 38 U.S.C. § 8109 (Parking Facilities)

Subj: Request for Delegation of Authority for Real Property Actions, Excluding Enhanced Use Leases (EUL) (VAIQ 7623342)

- Title 38 U.S.C. § 8112 (Partial Relinquishment of Legislative Jurisdiction)
- Title 38 U.S.C. § 8115 (Acceptance of Facilities/Land)
- Title 38 U.S.C. § 8118 (Transfer authority)
- Title 38 U.S.C. § 8122 (State Home Transfers)
- Title 40 U.S.C. § 3112 (Federal Jurisdiction)

4. Upon your approval of the delegation of authority, CFM will implement a new Land Management Handbook that sets forth updated information regarding approval and signature levels for Real Property Actions. The new handbook will set forth a clear description of the authorities, roles, and responsibilities to best support execution of VA's Land Management Program by CFM.

5. OALC, CFM, and RPS will continue to obtain necessary reviews from applicable VA offices prior to execution of real estate agreements. Existing laws and regulations will be adhered to, and contracting authorities are not changed by this request. Required environmental and historic reviews and title clearances will continue to be obtained prior to closing on Real Property Actions.

6. VA Directive 0000, paragraph 2(e), requires that all delegation of authority memoranda must include a sunset date establishing a two-year time limit unless a waiver is approved by the Secretary. I request your waiver to ensure that the efficiencies achieved by the requested delegation can be fully realized. Accordingly, the enclosed Delegation of Authority does not contain a sunset date and will therefore be in effect until amended or superseded. If changes are needed in the future, my office will take further action at that time.


7. Your signature below and on the enclosed Delegation of Authority will evidence your approval and delegation to OALC to approve Real Property Actions as well as your waiver of the requirement that the Delegation contain an expiration date.



Gregory L. Giddens

Attachment

APPROVE / DISAPPROVE:



Robert A. McDonald

Date: 11/20/16

**MEMORANDUM FOR THE PRINCIPAL EXECUTIVE DIRECTOR,
OFFICE OF ACQUISITION, LOGISTICS, AND CONSTRUCTION**

SUBJECT: Delegation of Authority to Approve Certain Land Acquisitions, Dispositions, and Land Management Actions.

1. **DELEGATION.** This memorandum delegates to the Principal Executive Director, Office of Acquisition, Logistics, and Construction, the authority to approve the following actions, in accordance with the statutory authority described in section 2 of this memorandum:

- a. Acquisition of interests in land, including by acquisition, transfer, exchange, donation, condemnation, or otherwise;
- b. Disposition of interests in land, through exchange, transfer, excess, encumbrance, or otherwise; and,
- c. Alteration of jurisdiction over VA-owned land.

2. **AUTHORITY.**

- Title 38 U.S.C. § 115 (General Acquisition of Real Property)
- Title 38 U.S.C. § 512(a) (Delegation of Authority)
- Title 38 U.S.C. § 2032 (Compensated Work Therapy Properties)
- Title 38 U.S.C. § 2406 (NCA Real Property Authority)
- Title 38 U.S.C. §§ 8103-8104 (VHA Real Property Authority)
- Title 38 U.S.C. § 8108 (Contribution to Local Authorities)
- Title 38 U.S.C. § 8109 (Parking Facilities)
- Title 38 U.S.C. § 8112 (Partial Relinquishment of Legislative Jurisdiction)
- Title 38 U.S.C. § 8115 (Acceptance of Facilities/Land)
- Title 38 U.S.C. § 8118 (Transfer Authority)
- Title 38 U.S.C. § 8122 (State Home Transfers)
- Title 40 U.S.C. § 3112 (Federal Jurisdiction)

3. **RESTRICTIONS.** None

4. **REDELEGATION.** Upon approval, the Principal Executive Director, Office of Acquisition, Logistics, and Construction, may further delegate all or a portion of this authority to the Executive Director, Office of Construction and Facilities Management, and/or to the Director, Real Property Service, or other successive names or titles of those organizations as may be in effect at that time, as necessary to facilitate VA's Land Management Program.

5. **EFFECTIVE DATE.** This delegation of authority is effective upon signature.



Robert A. McDonald