

119TH CONGRESS
1ST SESSION

S. 1846

To amend title 38, United States Code, to provide for certain requirements relating to the use of the design-build construction method for Department of Veterans Affairs construction projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2025

Mr. BANKS (for himself and Mr. HICKENLOOPER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for certain requirements relating to the use of the design-build construction method for Department of Veterans Affairs construction projects, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “VA Design-Build Con-
5 struction Enhancement Act of 2025”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS REGARDING THE**
2 **DESIGN-BUILD CONSTRUCTION METHOD FOR**
3 **DEPARTMENT OF VETERANS AFFAIRS CON-**
4 **STRUCTION PROJECTS.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) It has been the policy of the Federal Gov-
8 ernment since the enactment of the Clinger-Cohen
9 Act of 1996 (divisions D and E of Public Law 104–
10 106) that design-build construction methods shall be
11 used when appropriate circumstances are present.

12 (2) The Secretary of Veterans Affairs estimated
13 in the congressional justification of the fiscal year
14 2025 budget request for the Department of Veterans
15 Affairs that the cost to implement the long term
16 capital plan of the Department may be as high as
17 \$184,000,000,0000, and that estimate has increased
18 in every successive fiscal year’s budget request since
19 the origination of such estimate.

20 (3) The Secretary expects to open the replace-
21 ment medical center of the Department in Louisville,
22 Kentucky, in 2026, which will be the first replace-
23 ment medical center constructed since the Rocky
24 Mountain Regional VA Medical Center opened in
25 Aurora, Colorado, in July 2018.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) construction challenges with the Rocky
4 Mountain Regional VA Medical Center involving use
5 of the integrated design and construct acquisition
6 method should not be interpreted to mean that a de-
7 sign-build construction method, as described in sec-
8 tion 3309 of title 41, United States Code, is unsuit-
9 able for construction projects of the Department of
10 Veterans Affairs;

11 (2) when used properly by adequately trained
12 acquisition and construction management personnel
13 and in the appropriate circumstances, a design-build
14 construction method is an effective construction ac-
15 quisition method for the Department, which has
16 been demonstrated to reduce change orders, decrease
17 the duration between design completion and bene-
18 ficial occupancy, and increase warranty protections;
19 and

20 (3) in order to provide veterans with modern,
21 high-quality medical facilities, implement the long-
22 term capital plan of the Department, and reduce the
23 size of the outstanding capital need of the Depart-
24 ment, it would be beneficial for the Secretary of Vet-
25 erans Affairs to accelerate the pace of medical cen-

1 ter construction and carry out such construction
 2 more efficiently, including by making greater use of
 3 design-build construction methods in accordance
 4 with the amendments made by this Act.

5 **SEC. 3. DEPARTMENT OF VETERANS AFFAIRS USE OF DE-**
 6 **SIGN-BUILD CONSTRUCTION METHOD.**

7 (a) USE OF DESIGN-BUILD SELECTION PROCE-
 8 DURES.—Section 8106 of title 38, United States Code, is
 9 amended by adding at the end the following new sub-
 10 section:

11 “(d)(1) If the Secretary seeks to enter into a contract
 12 for the design and construction of a building or facility,
 13 the Secretary shall use the procedures established in sec-
 14 tion 3309 of title 41.

15 “(2) In the case of a super construction project for
 16 which a non-Department Federal entity provides project
 17 management services under section 8103(e) of this title,
 18 the Secretary shall not discourage the entity from using
 19 the procedures established in section 3309 of title 41.”.

20 (b) COVERED CERTIFICATION PROGRAM.—Section
 21 8103(g)(6)(A) of such title is amended by inserting “, in-
 22 cluding design-build construction” before the period at the
 23 end.

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