

114TH CONGRESS
1ST SESSION

H. R. 2365

To authorize Department major medical facility construction projects for fiscal year 2015, to amend title 38, United States Code, to make certain improvements in the administration of Department medical facility construction projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2015

Mr. MILLER of Florida introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To authorize Department major medical facility construction projects for fiscal year 2015, to amend title 38, United States Code, to make certain improvements in the administration of Department medical facility 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 “Construction Reform,
5 Authorization, and Choice Improvement Act of 2015”.

1 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS CONSTRU-**
2 **CTION REFORMS.**

3 (a) PROJECT MANAGEMENT.—Section 8103 of title
4 38, United States Code, is amended by adding at the end
5 the following new subsection:

6 “(e) In the case of any super construction project (as
7 such term is defined in section 8104(a)(4)(C)), the Sec-
8 retary shall enter into an agreement with an appropriate
9 non-Department entity to provide full project management
10 services for the super construction project.”.

11 (b) APPLICATION OF INDUSTRY STANDARDS.—Sec-
12 tion 8103 of title 38, United States Code, as amended by
13 subsection (a) is further amended by adding at the end
14 the following new subsection:

15 “(f) To the maximum extent practicable, the Sec-
16 retary shall use industry standards, standard designs, and
17 best practices in carrying out the construction of medical
18 facilities.”.

19 (c) LIMITATION ON PLANNING AND DESIGN FOR
20 SUPER CONSTRUCTION PROJECTS.—Section 8104(a) of
21 title 38, United States Code, is amended—

22 (1) by redesignating paragraph (3) as para-
23 graph (4);

24 (2) by inserting after paragraph (2) the fol-
25 lowing new paragraph (3):

1 “(3) The Secretary may not obligate or expend funds
 2 for advance planning or design for any super construction
 3 project, until the date that is 60 days after the date on
 4 which the Secretary submits to the Committee on Vet-
 5 erans’ Affairs and the Committee on Appropriations of the
 6 Senate and the Committee on Veterans’ Affairs and the
 7 Committee on Appropriations of the House of Representa-
 8 tives notice of such obligation or expenditure.”; and

9 (3) in paragraph (4), as redesignated by para-
 10 graph (1) of this subsection, by adding at the end
 11 the following new subparagraph:

12 “(C) The term ‘super construction project’
 13 means a project for the construction, alteration, or
 14 acquisition of a medical facility involving a total ex-
 15 penditure of more than \$100,000,000, but such term
 16 does not include an acquisition by exchange.”.

17 (d) CONGRESSIONAL APPROVAL OF CERTAIN
 18 PROJECTS.—

19 (1) PROJECTS THAT EXCEED SPECIFIED
 20 AMOUNT.—Subsection (c) of section 8104 of title 38,
 21 United States Code, is amended to read as follows:

22 “(c) The Secretary may not obligate funds for a
 23 major medical facility project or a super construction
 24 project approved by a law described in subsection (a)(2)
 25 in an amount that would cause the total amount obligated

1 for that project to exceed the amount specified in the law
2 for that project (or would add to total obligations exceed-
3 ing such specified amount) by more than 10 percent unless
4 the Committee on Veterans' Affairs and the Committee
5 on Appropriations of the Senate and the Committee on
6 Veterans' Affairs and the Committee on Appropriations
7 of the House of Representatives each approve in writing
8 the obligation of those funds.”.

9 (2) USE OF EXTRA AMOUNTS.—Subsection (d)
10 of such section is amended—

11 (A) in paragraph (2)(B), in the matter
12 preceding clause (i), by striking “Whenever”
13 and inserting “Before”; and

14 (B) by adding at the end the following new
15 paragraph:

16 “(3) The Secretary may not obligate any funds de-
17 scribed in paragraph (1) or amounts described in para-
18 graph (2) before the date that is 30 days after the notifi-
19 cation submitted under paragraph (1) or paragraph
20 (2)(B), as the case may be, unless the Committee on Vet-
21 erans' Affairs and the Committee on Appropriations of the
22 Senate and the Committee on Veterans' Affairs and the
23 Committee on Appropriations of the House of Representa-
24 tives each approve in writing the obligation of those funds
25 or amounts.”.

1 (3) NOTIFICATION REQUIREMENTS.—

2 (A) COMMITTEES REQUIRED.—Subsection
3 (d)(1) of such section is amended by striking
4 “each committee” and inserting “the Com-
5 mittee on Veterans’ Affairs and the Committee
6 on Appropriations of the Senate and the Com-
7 mittee on Veterans’ Affairs and the Committee
8 on Appropriations of the House of Representa-
9 tives”.

10 (B) USE OF AMOUNTS FROM BID SAV-
11 INGS.—Subsection (d)(2)(B) of such section is
12 amended by adding at the end the following
13 new clause:

14 “(iv) With respect to the major construction
15 project that is the source of the bid savings—

16 “(I) the amounts already obligated or
17 available in the project reserve for such project;

18 “(II) the percentage of such project that
19 has been completed; and

20 “(III) the amount of such bid savings that
21 is already obligated or otherwise being used for
22 a purpose other than such project.”.

23 (e) QUARTERLY REPORT ON SUPER CONSTRUCTION
24 PROJECTS.—

1 (1) IN GENERAL.—At the end of subchapter I
 2 of chapter 81 of title 38, United States Code, insert
 3 the following new section:

4 **“§ 8120. Quarterly report on super construction**
 5 **projects**

6 “(a) QUARTERLY REPORTS REQUIRED.—Not later
 7 than 30 days after the last day of each fiscal quarter the
 8 Secretary shall submit to the Committees on Veterans’ Af-
 9 fairs of the Senate and House of Representatives on the
 10 super construction projects carried out by the Secretary
 11 during such quarter. Each such report shall include, for
 12 each such project—

13 “(1) the budgetary and scheduling status of the
 14 project, as of the last day of the quarter covered by
 15 the report; and

16 “(2) the actual cost and schedule variances of
 17 the project, as of such day, compared to the planned
 18 cost and schedules for the project.

19 “(b) SUPER CONSTRUCTION PROJECT DEFINED.—In
 20 this section, the term ‘super construction project’ has the
 21 meaning given such term in section 8103(a)(4)(C) of this
 22 title.”.

23 (2) CLERICAL AMENDMENT.—The table of sec-
 24 tions at the beginning of the chapter is amended by

1 adding at the end of the items relating to such sub-
2 chapter the following new item:

“8120. Quarterly report on super construction projects.”.

3 (f) ACCELERATED MASTER PLANNING FOR EACH
4 MEDICAL FACILITY OF THE DEPARTMENT OF VETERANS
5 AFFAIRS.—

6 (1) EXISTING FACILITIES.—Not later than De-
7 cember 31, 2016, the Secretary of Veterans Affairs
8 shall complete a master plan described in paragraph
9 (3) for each medical facility of the Department of
10 Veterans Affairs.

11 (2) NEW FACILITIES.—For each medical facility
12 of the Department for which construction is com-
13 pleted after the date of the enactment of this Act,
14 the Secretary shall complete a master plan described
15 in paragraph (3) for the facility by not later than
16 the earlier of the following dates:

17 (A) The date on which activation is com-
18 pleted.

19 (B) The date of the formal dedication of
20 the facility.

21 (3) MASTER PLAN DESCRIBED.—A master plan
22 described in this paragraph is, with respect to a
23 medical facility of the Department, a plan to inform
24 investment decisions and funding requests over a 10-

1 year period for construction projects at such medical
2 facility—

3 (A) to meet the health care needs of a
4 changing veteran population through a com-
5 bination of health care from the Department
6 and other community resources; and

7 (B) to maximize the best use of the land
8 and structures comprising such medical facility.

9 **SEC. 3. CLARIFICATION OF DISTANCE REQUIREMENT FOR**
10 **EXPANDED AVAILABILITY OF HOSPITAL**
11 **CARE AND MEDICAL SERVICES FOR VET-**
12 **ERANS THROUGH THE USE OF AGREEMENTS**
13 **WITH NON-DEPARTMENT OF VETERANS AF-**
14 **FAIRS ENTITIES.**

15 (a) IN GENERAL.—Section 101(b)(2) of the Veterans
16 Access, Choice, and Accountability Act of 2014 (Public
17 Law 113–146; 38 U.S.C. 1701 note) is amended—

18 (1) in subparagraph (B), by inserting “(as cal-
19 culated based on distance traveled)” after “40
20 miles”; and

21 (2) in subparagraph (D)(ii), by striking sub-
22 clause (II), and inserting the following new sub-
23 clause (II):

24 “(II) faces an unusual or exces-
25 sive burden in traveling to such a

1 medical facility of the Department
 2 based on—

3 “(aa) geographical chal-
 4 lenges;

5 “(bb) environmental factors,
 6 such as roads that are not acces-
 7 sible to the general public, traf-
 8 fic, or hazardous weather;

9 “(cc) a medical condition
 10 that impacts the ability to travel;
 11 or

12 “(dd) other factors, as de-
 13 termined by the Secretary.”.

14 (b) EFFECTIVE DATE.—The amendments made by
 15 subsection (a) shall take effect on the date of the enact-
 16 ment of this Act and apply with respect to care or services
 17 provided on or after such date.

18 **SEC. 4. MODIFICATION OF AUTHORIZATION OF FISCAL**
 19 **YEAR 2008 MAJOR MEDICAL FACILITY**
 20 **PROJECT AT DEPARTMENT MEDICAL CENTER**
 21 **IN TAMPA, FLORIDA.**

22 In chapter 3 of the Supplemental Appropriations Act,
 23 2008 (Public Law 110–252; 122 Stat. 2326), in the mat-
 24 ter under the heading “Department of Veterans Affairs—
 25 Departmental Administration—Construction, Major

1 Projects”, after “Five Year Capital Plan” insert the fol-
 2 lowing: “and for constructing a new bed tower at the De-
 3 partment of Veterans Affairs medical center in Tampa,
 4 Florida, in lieu of providing bed tower upgrades at such
 5 medical center”.

6 **SEC. 5. AUTHORIZATION OF FISCAL YEAR 2015 MAJOR MED-**
 7 **ICAL FACILITY PROJECTS.**

8 (a) AUTHORIZATION.—The Secretary of Veterans Af-
 9 fairs may carry out the following major medical facility
 10 projects in fiscal year 2015, with each project to be carried
 11 out in an amount not to exceed the amount specified for
 12 that project:

13 (1) Construction of a community living center,
 14 outpatient clinic, renovated domiciliary, and renova-
 15 tion of existing buildings in Canandaigua, New
 16 York, in an amount not to exceed \$158,980,000.

17 (2) Seismic corrections to the mental health
 18 and community living center in Long Beach, Cali-
 19 fornia, in an amount not to exceed \$126,100,000.

20 (3) Seismic correction of 12 buildings in West
 21 Los Angeles, California, in an amount not to exceed
 22 \$70,500,000.

23 (4) Construction of a spinal cord injury build-
 24 ing and seismic corrections in San Diego, California,
 25 in an amount not to exceed \$205,840,000.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary of Veterans
3 Affairs for fiscal year 2015 or the year in which funds
4 are appropriated for the Construction, Major Projects, ac-
5 count, a total of \$561,420,000 for the projects authorized
6 in subsection (a).

7 **SEC. 6. PERMANENT AUTHORITY FOR EXPANDED AVAIL-**
8 **ABILITY OF HOSPITAL CARE AND MEDICAL**
9 **SERVICES FOR VETERANS THROUGH THE**
10 **USE OF AGREEMENTS WITH NON-DEPART-**
11 **MENT OF VETERANS AFFAIRS ENTITIES.**

12 (a) IN GENERAL.—Section 101 of the Veterans Ac-
13 cess, Choice, and Accountability Act of 2014 (Public Law
14 113–146; 38 U.S.C. 1701 note) is amended—

15 (1) by striking subsection (p); and

16 (2) by redesignating subsections (q) through (s)
17 as subsections (p) through (r), respectively.

18 (b) CONFORMING AMENDMENTS.—Such section is
19 further amended—

20 (1) in subsection (i)(2), by striking “is author-
21 ized to carry out this section pursuant to subsection
22 (p)” and inserting “carries out this section”; and

23 (2) in subsection (q)(2), by striking subpara-
24 graph (F).

1 **SEC. 7. SENSE OF CONGRESS REGARDING VETERANS**

2 **CHOICE FUND.**

3 Section 802(e) of the Veterans Access, Choice, and
4 Accountability Act of 2014 (Public Law 113–146; 128
5 Stat. 1803) is amended by striking “for each of fiscal
6 years 2015 through 2017”.

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