

**Suspend the Rules and Pass the Bill, H.R. 3593, with An Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

113<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3593

To amend title 38, United States Code, to improve the construction of major medical facilities, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 21, 2013

Mr. COFFMAN (for himself and Mrs. KIRKPATRICK) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to improve the construction of major medical facilities, 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 Construction As-  
5 sistance Act of 2014”.

6 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7 (a) FINDINGS.—Congress finds the following:

1           (1) According to testimony by the Director of  
2           Physical Infrastructure of the General Account-  
3           ability Office before the Committee on Veterans' Af-  
4           fairs of the House of Representatives in May 2013,  
5           schedule delays of major medical center construction  
6           projects of the Department of Veterans Affairs have  
7           averaged 35 months, with the delays ranging from  
8           14 months to 74 months.

9           (2) The average cost increase attributed to such  
10          delays has been \$336,000,000 per project.

11          (3) Management of the major medical facility  
12          projects currently underway as of the date of the en-  
13          actment of this Act in Denver, Colorado, Orlando,  
14          Florida, and New Orleans, Louisiana, should be sub-  
15          ject to the oversight of a special project manager of  
16          the Army Corps of Engineers that is independent of  
17          the Department of Veterans Affairs because, accord-  
18          ing to the Comptroller General of the United States,  
19          such projects have experienced continuous delays  
20          and a total cost increase of nearly \$1,000,000,000.

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

23                 (1) the management of the major medical cen-  
24                 ter construction projects of the Department of Vet-  
25                 erans Affairs has been an abysmal failure; and

1           (2) in order to minimize repeated delays and  
2           cost increases to such projects, the Secretary of Vet-  
3           erans Affairs should fully implement all rec-  
4           ommendations made by the Comptroller General of  
5           the United States in an April 2013 report to im-  
6           prove construction procedures and practices of the  
7           Department.

8   **SEC. 3. IMPLEMENTATION OF MAJOR MEDICAL FACILITY**  
9                           **CONSTRUCTION REFORMS.**

10          Section 8104 of title 38, United States Code, is  
11          amended by adding at the end the following new sub-  
12          section:

13           “(i)(1) With respect to each project described in  
14          paragraph (2), the Secretary shall—

15                   “(A) use the services of a medical equipment  
16          planner as part of the architectural and engineering  
17          firm for the project;

18                   “(B) develop and use a project management  
19          plan to ensure clear and consistent communication  
20          among all parties;

21                   “(C) subject the project to construction peer ex-  
22          cellence review;

23                   “(D) develop—

24                           “(i) a metrics program to enable the moni-  
25          toring of change-order processing time; and

1           “(ii) goals for the change-order process  
2           consistent with the best practices of other de-  
3           partments and agencies of the Federal Govern-  
4           ment; and

5           “(E) to the extent practicable, use design-build  
6           processes to minimize multiple change orders.

7           “(2) A project described in this paragraph is a con-  
8           struction or alteration project that is a major medical fa-  
9           cility project.”.

10 **SEC. 4. SPECIAL PROJECT MANAGER FOR CERTAIN MED-**  
11 **ICAL CENTER CONSTRUCTION PROJECTS.**

12           (a) APPOINTMENT OF SPECIAL PROJECT MAN-  
13           AGER.—Not later than 180 days after the date of the en-  
14           actment of this Act, the Secretary of Veterans Affairs  
15           shall enter into an agreement with the Army Corps of En-  
16           gineers to procure, on a reimbursable basis, the services  
17           of the Army Corps of Engineers with respect to appointing  
18           not less than one special project manager who has experi-  
19           ence in managing construction projects that exceed  
20           \$60,000,000 to oversee covered projects until the date on  
21           which the project is completed.

22           (b) DUTIES.—A special project manager appointed  
23           under subsection (a) to oversee a covered project shall—

24                   (1) conduct oversight of all construction-related  
25           operations at the project, including with respect to—

1 (A) the performance of the Department of  
2 Veterans Affairs involving the prime contrac-  
3 tors; and

4 (B) the compliance of the Department with  
5 the Federal Acquisition Regulation, including  
6 the VA Acquisition Regulation;

7 (2) advise and assist the Department in any  
8 construction-related activity at the project, including  
9 the approval of change-order requests for the pur-  
10 pose of achieving a timely completion of the project;  
11 and

12 (3) conduct independent technical reviews and  
13 recommend to the Department best construction  
14 practices to improve operations for the project.

15 (c) PLANS AND REPORT.—

16 (1) COMPLETION PLANS.—Not later than 90  
17 days after being appointed under subsection (a), a  
18 special project manager shall submit to the Commit-  
19 tees on Veterans' Affairs of the House of Represent-  
20 atives and the Senate detailed plans of the covered  
21 project for which the special project manager is so  
22 appointed.

23 (2) PROGRESS REPORTS.—Not later than 180  
24 days after being appointed under subsection (a), and  
25 each 180-day period thereafter until the date on

1       which the covered project is completed, a special  
2       project manager shall submit to the Committees on  
3       Veterans' Affairs of the House of Representatives  
4       and the Senate a report detailing the progress of the  
5       covered project for which the special project man-  
6       ager is so appointed. Each report shall include—

7               (A) an analysis of all advice and assistance  
8               provided to the Department under subsection  
9               (b);

10              (B) an analysis of all changes ordered by  
11              the Department with respect to the project, or  
12              claimed to have been made by contract between  
13              the Department and the prime contractor, in-  
14              cluding the extent to which such changes com-  
15              ply with the Federal Acquisition Regulation, in-  
16              cluding the VA Acquisition Regulation;

17              (C) an analysis of the communication and  
18              working relationship between the Department  
19              and the prime contractor, including any rec-  
20              ommendations made by the prime contractor to  
21              aid in the completion of the project; and

22              (D) identification of opportunities and rec-  
23              ommendations with respect to improving the op-  
24              eration of any construction-related activity to

1           reduce costs or complete the project in a more  
2           timely manner.

3       (d) COOPERATION.—

4           (1) INFORMATION.—The Secretary of Veterans  
5       Affairs shall provide a special project manager ap-  
6       pointed under subsection (a) with any necessary doc-  
7       uments or information necessary for the special  
8       project manager to carry out subsections (b) and (c).

9           (2) ASSISTANCE.—Upon request by the special  
10      project manager, the Secretary shall provide to the  
11      special project manager administrative assistance  
12      necessary for the special project manager to carry  
13      out subsections (b) and (c).

14      (e) COVERED PROJECTS DEFINED.—In this section,  
15      the term “covered projects” means each construction  
16      project that is a major medical facility project (as defined  
17      in section 8104(a)(3)(A) of title 38, United States Code)  
18      that—

19           (1) was the subject of a report by the Comp-  
20      troller General of the United States titled “Addi-  
21      tional Actions Needed to Decrease Delays and  
22      Lower Costs of Major Medical-Facility Projects”,  
23      numbered GAO–13–302, and published in April  
24      2013; and

1           (2) has not been activated to accept patients as  
2           of the date of the enactment of this Act.

3 **SEC. 5. PROHIBITION ON NEW APPROPRIATIONS.**

4           No additional funds are authorized to be appro-  
5           priated to carry out this Act and the amendments made  
6           by this Act, and this Act and such amendments shall be  
7           carried out using amounts otherwise made available for  
8           such purposes.