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(Original Signature of Member)

113TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To authorize Department of Veterans Affairs major medical facility leases,  
and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. MILLER of Florida introduced the following bill; which was referred to  
the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To authorize Department of Veterans Affairs major medical  
facility leases, 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 “Department of Vet-  
5 erans Affairs Major Medical Facility Lease Authorization  
6 Act of 2013”.

1 **SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY**  
2 **LEASES.**

3 The Secretary of Veterans Affairs may carry out the  
4 following major medical facility leases at the locations  
5 specified, and in an amount for each lease not to exceed  
6 the amount shown for such location (not including any es-  
7 timated cancellation costs):

8 (1) For a clinical research and pharmacy co-  
9 ordinating center, Albuquerque, New Mexico, an  
10 amount not to exceed \$9,560,000.

11 (2) For a community-based outpatient clinic,  
12 Brick, New Jersey, an amount not to exceed  
13 \$7,280,000.

14 (3) For a new primary care and dental clinic  
15 annex, Charleston, South Carolina, an amount not  
16 to exceed \$7,070,250.

17 (4) For the Cobb County community-based  
18 Outpatient Clinic, Cobb County, Georgia, an amount  
19 not to exceed \$6,409,000.

20 (5) For the Leeward Outpatient Healthcare Ac-  
21 cess Center, Honolulu, Hawaii, including a co-lo-  
22 cated clinic with the Department of Defense and the  
23 co-location of the Honolulu Regional Office of the  
24 Veterans Benefits Administration and the Kapolei  
25 Vet Center of the Department of Veterans Affairs,  
26 an amount not to exceed \$15,887,370.

1           (6) For a community-based outpatient clinic,  
2           Johnson County, Kansas, an amount not to exceed  
3           \$2,263,000.

4           (7) For a replacement community-based out-  
5           patient clinic, Lafayette, Louisiana, an amount not  
6           to exceed \$2,996,000.

7           (8) For a community-based outpatient clinic,  
8           Lake Charles, Louisiana, an amount not to exceed  
9           \$2,626,000.

10          (9) For outpatient clinic consolidation, New  
11          Port Richey, Florida, an amount not to exceed  
12          \$11,927,000.

13          (10) For an outpatient clinic, Ponce, Puerto  
14          Rico, an amount not to exceed \$11,535,000.

15          (11) For lease consolidation, San Antonio,  
16          Texas, an amount not to exceed \$19,426,000.

17          (12) For a community-based outpatient clinic,  
18          San Diego, California, an amount not to exceed  
19          \$11,946,100.

20          (13) For an outpatient clinic, Tyler, Texas, an  
21          amount not to exceed \$4,327,000.

22          (14) For the Errera Community Care Center,  
23          West Haven, Connecticut, an amount not to exceed  
24          \$4,883,000.

1           (15) For the Worcester community-based Out-  
2           patient Clinic, Worcester, Massachusetts, an amount  
3           not to exceed \$4,855,000.

4           (16) For the expansion of a community-based  
5           outpatient clinic, Cape Girardeau, Missouri, an  
6           amount not to exceed \$4,232,060.

7           (17) For a multispecialty clinic, Chattanooga,  
8           Tennessee, an amount not to exceed \$7,069,000.

9           (18) For the expansion of a community-based  
10          outpatient clinic, Chico, California, an amount not to  
11          exceed \$4,534,000.

12          (19) For a community-based outpatient clinic,  
13          Chula Vista, California, an amount not to exceed  
14          \$3,714,000.

15          (20) For a new research lease, Hines, Illinois,  
16          an amount not to exceed \$22,032,000.

17          (21) For a replacement research lease, Hous-  
18          ton, Texas, an amount not to exceed \$6,142,000.

19          (22) For a community-based outpatient clinic,  
20          Lincoln, Nebraska, an amount not to exceed  
21          \$7,178,400.

22          (23) For a community-based outpatient clinic,  
23          Lubbock, Texas, an amount not to exceed  
24          \$8,554,000.

1           (24) For a community-based outpatient clinic  
2           consolidation, Myrtle Beach, South Carolina, an  
3           amount not to exceed \$8,022,000.

4           (25) For a community-based outpatient clinic,  
5           Phoenix, Arizona, an amount not to exceed  
6           \$20,757,000.

7           (26) For the expansion of a community-based  
8           outpatient clinic, Redding, California, an amount not  
9           to exceed \$8,154,000.

10          (27) For the expansion of a community-based  
11          outpatient clinic, Tulsa, Oklahoma, an amount not  
12          to exceed \$13,269,200.

13 **SEC. 3. BUDGETARY TREATMENT OF DEPARTMENT OF VET-**  
14 **ERANS AFFAIRS MAJOR MEDICAL FACILITIES**  
15 **LEASES.**

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

17           (1) Title 31, United States Code, requires the  
18           Department of Veterans Affairs to record the full  
19           cost of its contractual obligation against funds avail-  
20           able at the time a contract is executed.

21           (2) Office of Management and Budget Circular  
22           A–11 provides guidance to agencies in meeting the  
23           statutory requirements under title 31, United States  
24           Code, with respect to leases.

1           (3) For operating leases, Office of Management  
2           and Budget Circular A–11 requires the Department  
3           of Veterans Affairs to record up-front budget au-  
4           thority in an “amount equal to total payments under  
5           the full term of the lease or [an] amount sufficient  
6           to cover first year lease payments plus cancellation  
7           costs”.

8           (b) REQUIREMENT FOR OBLIGATION OF FULL  
9           COST.—Subject to the availability of appropriations pro-  
10          vided in advance, in exercising the authority of the Sec-  
11          retary of Veterans Affairs to enter into leases provided  
12          in this Act, the Secretary shall record, pursuant to section  
13          1501 of title 31, United States Code, as the full cost of  
14          the contractual obligation at the time a contract is exe-  
15          cuted either—

16                (1) an amount equal to total payments under  
17                the full term of the lease; or

18                (2) if the lease specifies payments to be made  
19                in the event the lease is terminated before its full  
20                term, an amount sufficient to cover the first year  
21                lease payments plus the specified cancellation costs.

22           (c) TRANSPARENCY.—

23                (1) COMPLIANCE.—Subsection (b) of section  
24                8104 of title 38, United States Code, is amended by  
25                adding at the end the following new paragraph:

1           “(7) In the case of a prospectus proposing  
2           funding for a major medical facility lease, a detailed  
3           analysis of how the lease is expected to comply with  
4           Office of Management and Budget Circular A-11  
5           and section 1341 of title 31 (commonly referred to  
6           as the ‘Anti-Deficiency Act’). Any such analysis shall  
7           include—

8                   “(A) an analysis of the classification of the  
9                   lease as a ‘lease-purchase’, ‘capital lease’, or  
10                  ‘operating lease’ as those terms are defined in  
11                  Office of Management and Budget Circular A-  
12                  11;

13                  “(B) an analysis of the obligation of budg-  
14                  etary resources associated with the lease; and

15                  “(C) an analysis of the methodology used  
16                  in determining the asset cost, fair market value,  
17                  and cancellation costs of the lease.”.

18           (2) SUBMITTAL TO CONGRESS.—Such section  
19           8104 is further amended by adding at the end the  
20           following new subsection:

21           “(h)(1) Not less than 30 days before entering into  
22           a major medical facility lease, the Secretary shall submit  
23           to the Committees on Veterans’ Affairs of the Senate and  
24           the House of Representatives—

1           “(A) notice of the Secretary’s intention to enter  
2           into the lease;

3           “(B) a copy of the proposed lease;

4           “(C) a description and analysis of any dif-  
5           ferences between the prospectus submitted pursuant  
6           to subsection (b) and the proposed lease; and

7           “(D) a scoring analysis demonstrating that the  
8           proposed lease fully complies with Office of Manage-  
9           ment and Budget Circular A–11.

10          “(2) Each committee described in paragraph (1) shall  
11          ensure that any information submitted to the committee  
12          under such paragraph is treated by the committee with  
13          the same level of confidentiality as is required by law of  
14          the Secretary and subject to the same statutory penalties  
15          for unauthorized disclosure or use as the Secretary.

16          “(3) Not more than 30 days after entering into a  
17          major medical facility lease, the Secretary shall submit to  
18          each committee described in paragraph (1) a report on  
19          any material differences between the lease that was en-  
20          tered into and the proposed lease described under such  
21          paragraph, including how the lease that was entered into  
22          changes the previously submitted scoring analysis de-  
23          scribed in subparagraph (D) of such paragraph.”.

24          (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
25          tion, or the amendments made by this section, shall be

1 construed to in any way relieve the Department of Vet-  
2 erans Affairs from any statutory or regulatory obligations  
3 or requirements existing prior to the enactment of this  
4 section and such amendments.