

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 3106
OFFERED BY MR. MILLER OF FLORIDA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Construction Reform
3 Act of 2015”.

4 SEC. 2. DEPARTMENT OF VETERANS AFFAIRS CONSTRUCTION REFORMS.

6 (a) PROJECT MANAGEMENT.—Section 8103 of title
7 38, United States Code, is amended by adding at the end
8 the following new subsection:

9 “(e) In the case of any super construction project (as
10 such term is defined in section 8104(a)(4)(C)), the Sec-
11 retary shall enter into an agreement with an appropriate
12 non-Department Federal entity to provide full project
13 management services for the super construction project,
14 including management over the project design, acquisition,
15 construction, and contract changes. Such agreement shall
16 provide that the Secretary shall reimburse such Federal
17 entity for all costs associated with the provision of project
18 management services under the agreement.”.

1 (b) APPLICATION OF INDUSTRY STANDARDS; ASSIST-
2 ANCE.—Section 8103 of title 38, United States Code, as
3 amended by subsection (a), is further amended by adding
4 at the end the following new subsections:

5 “(f) To the maximum extent practicable, the Sec-
6 retary shall use industry standards, standard designs, and
7 best practices in carrying out the construction of medical
8 facilities.

9 “(g)(1) The Secretary shall provide to a non-Depart-
10 ment Federal entity with which the Secretary has entered
11 into an agreement under subsection (e)—

12 “(A) design, planning, and construction assist-
13 ance before the entity issues a request for proposals
14 for the design or construction of the super construc-
15 tion project covered by the agreement;

16 “(B) any documents or information needed for
17 the entity to carry out the responsibilities of the en-
18 tity with respect to the super construction project;
19 and

20 “(C) upon the request of the entity, any other
21 assistance that the entity determines necessary to
22 carry out such responsibilities.

23 “(2) Any assistance provided under paragraph (1)
24 shall be provided to the non-Department Federal entity
25 on a non-reimbursable basis.

1 “(h)(1) With respect to a proposed change to a con-
2 tract entered into by a non-Department Federal entity
3 with which the Secretary has entered into an agreement
4 under subsection (e) that is estimated at a value of less
5 than \$250,000, the non-Department Federal entity shall
6 issue a final decision regarding such change not later than
7 30 days after the date on which the change is proposed.

8 “(2) With respect to a proposed change to such a con-
9 tract that is estimated at a value of \$250,000 or more—

10 “(A) the Secretary may provide to the entity
11 the recommendations of the Secretary regarding
12 such change;

13 “(B) during the 30-day period beginning on the
14 date on which the entity furnishes to the Secretary
15 information regarding such change, the Secretary
16 may issue the final decision regarding such change;
17 and

18 “(C) if the Secretary does not issue a final deci-
19 sion under subparagraph (B), during the 30-day pe-
20 riod following the period described in such para-
21 graph, the entity shall issue a final decision regard-
22 ing such a change no later than 90 days from when
23 the entity furnished information regarding such a
24 change to the Secretary.

1 “(i) The Secretary shall ensure that each employee
2 of the Department with responsibilities relating to the con-
3 struction or alteration of medical facilities, including such
4 construction or alteration carried out pursuant to con-
5 tracts or agreements, undergoes a program of ongoing
6 professional training and development. Such program
7 shall be designed to ensure that employees maintain ade-
8 quate expertise relating to industry standards and best
9 practices for the acquisition of design and construction
10 services. The Secretary may provide the program under
11 this subsection through a contract or agreement with a
12 non-Federal entity or with a non-Department Federal en-
13 tity.”.

14 (c) LIMITATION ON PLANNING AND DESIGN FOR
15 SUPER CONSTRUCTION PROJECTS.—

16 (1) IN GENERAL.—Section 8104(a) of title 38,
17 United States Code, is amended—

18 (A) by redesignating paragraph (3) as
19 paragraph (4);

20 (B) by inserting after paragraph (2) the
21 following new paragraph (3):

22 “(3) The Secretary may not obligate or expend funds
23 for advance planning or design for any super construction
24 project, until the date that is 60 days after the date on
25 which the Secretary submits to the Committee on Vet-

1 erans' Affairs and the Committee on Appropriations of the
2 Senate and the Committee on Veterans' Affairs and the
3 Committee on Appropriations of the House of Representa-
4 tives notice of such obligation or expenditure.”; and

5 (C) in paragraph (4), as redesignated by
6 paragraph (1) of this subsection, by adding at
7 the end the following new subparagraph:

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

13 (2) APPLICABILITY.—The amendments made
14 by paragraph (1) shall take effect on the date of the
15 enactment of this Act and shall apply with respect
16 to a construction project that is initiated on or after
17 that date.

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

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

23 “(c) The Secretary may not obligate funds for a
24 major medical facility project or a super construction
25 project approved by a law described in subsection (a)(2)

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

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

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

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

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

1 tives each approve in writing the obligation of those funds
2 or amounts.”.

3 (3) NOTIFICATION REQUIREMENTS.—

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

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

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

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

20 “(II) the percentage of such project that
21 has been completed; and

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

1 (e) QUARTERLY REPORT ON SUPER CONSTRUCTION
2 PROJECTS.—

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

6 **“§ 8120. Quarterly report on super construction**
7 **projects**

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

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

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

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

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of the chapter is amended by
3 adding at the end of the items relating to such sub-
4 chapter the following new item:

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

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

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

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

19 (A) The date on which activation is com-
20 pleted.

21 (B) The date of the formal dedication of
22 the facility.

23 (3) MASTER PLAN DESCRIBED.—A master plan
24 described in this paragraph is, with respect to a
25 medical facility of the Department, a plan to inform

1 investment decisions and funding requests over a 10-
2 year period for construction projects at such medical
3 facility—

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

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

10 **SEC. 3. MODIFICATION OF AUTHORIZATION OF FISCAL**
11 **YEAR 2008 MAJOR MEDICAL FACILITY**
12 **PROJECT AT DEPARTMENT MEDICAL CENTER**
13 **IN TAMPA, FLORIDA.**

14 (a) **MODIFICATION OF AUTHORIZATION.**—In chapter
15 3 of the Supplemental Appropriations Act, 2008 (Public
16 Law 110–252; 122 Stat. 2326), in the matter under the
17 heading “Department of Veterans Affairs—Departmental
18 Administration—Construction, Major Projects”, after
19 “Five Year Capital Plan” insert the following: “and for
20 constructing a new bed tower at the Department of Vet-
21 erans Affairs medical center in Tampa, Florida, in lieu
22 of providing bed tower upgrades at such medical center”.

23 (b) **EMERGENCY DESIGNATION.**—

24 (1) **IN GENERAL.**—Subsection (a) is designated
25 as an emergency requirement pursuant to section

1 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2
2 U.S.C. 933(g)).

3 (2) DESIGNATION IN SENATE.—In the Senate,
4 subsection (a) is designated as an emergency re-
5 quirement pursuant to section 403(a) of S. Con.
6 Res. 13 (111th Congress), the concurrent resolution
7 on the budget for fiscal year 2010.

8 **SEC. 4. AUTHORIZATION OF FISCAL YEAR 2015 MAJOR MED-**
9 **ICAL FACILITY PROJECTS.**

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

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

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

21 (3) Seismic correction of 12 buildings in West
22 Los Angeles, California, in an amount not to exceed
23 \$70,500,000.

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

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

10 (c) LIMITATION.—The projects authorized under this
11 section may only be carried out using—

12 (1) funds appropriated for fiscal year 2015 pur-
13 suant to the authorization of appropriations in sub-
14 section (b);

15 (2) funds available for Construction, Major
16 Projects for a fiscal year before fiscal year 2015 that
17 remain available for obligation;

18 (3) funds available for Construction, Major
19 Projects, for a fiscal year after fiscal year 2015 that
20 remain available for obligation;

21 (4) funds appropriated for Construction, Major
22 Projects, for fiscal year 2015 for a category of activ-
23 ity not specific to a project;

1 (5) funds appropriated for Construction, Major
2 Projects, for a fiscal year before 2015 for a category
3 of activity not specific to a project; and

4 (6) funds appropriated for Construction, Major
5 Projects, for a fiscal year after 2015 for a category
6 of activity not specific to a project.

7 **SEC. 5. ASSISTANT INSPECTOR GENERAL FOR CONSTRU-**
8 **CTION.**

9 (a) IN GENERAL.—Chapter 3 of title 38, United
10 States Code, is amended by inserting after section 312 the
11 following new section:

12 **“§ 312A. Assistant Inspector General for Construction**

13 “(a) IN GENERAL.—There is in the Office of Inspec-
14 tor General an Assistant Inspector General for Construc-
15 tion. The Assistant Inspector General for Construction is
16 responsible for conducting, supervising, and coordinating
17 audits, evaluations, and investigations of the planning, de-
18 sign, contracting, execution, and construction of facilities
19 and infrastructure of the Department, including major
20 and minor construction projects and leases.

21 “(b) QUALIFICATIONS.—Each individual appointed
22 as Assistant Inspector General for Construction shall be
23 an individual who has expertise in construction and facili-
24 ties management.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by inserting
3 after the item relating to section 312 the following new
4 item:

“312A. Assistant Inspector General for Construction.”

