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(Original Signature of Member)

115TH CONGRESS  
1ST SESSION

**H. R.** 4243

To establish a commission for the purpose of making recommendations regarding the modernization or realignment of facilities of the Veterans Health Administration, to improve construction and management leases of the Department of Veterans Affairs, to amend and appropriate funds for the Veterans Choice Program, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

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

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**A BILL**

To establish a commission for the purpose of making recommendations regarding the modernization or realignment of facilities of the Veterans Health Administration, to improve construction and management leases of the Department of Veterans Affairs, to amend and appropriate funds for the Veterans Choice Program, 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,*

1 **SECTION 1. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

Sec. 1. Table of contents.

**TITLE I—ASSET AND INFRASTRUCTURE REVIEW**

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3 **TITLE I—ASSET AND**  
4 **INFRASTRUCTURE REVIEW**

5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “VA Asset and Infra-  
7 structure Review Act of 2017”.

8 **SEC. 102. THE COMMISSION.**

9 (a) **ESTABLISHMENT.**—There is established an inde-  
10 pendent commission to be known as the “Asset and Infra-

1 structure Review Commission” (in this title referred to as  
2 the “Commission”).

3 (b) DUTIES.—The Commission shall carry out the  
4 duties specified for it in this title.

5 (c) APPOINTMENT.—

6 (1) IN GENERAL.—

7 (A) APPOINTMENT.—The Commission  
8 shall be composed of 9 members appointed by  
9 the President, by and with the advice and con-  
10 sent of the Senate.

11 (B) TRANSMISSION OF NOMINATIONS.—  
12 The President shall transmit to the Senate the  
13 nominations for appointment to the Commission  
14 not later than May 31, 2021.

15 (2) CONSULTATION IN SELECTION PROCESS.—  
16 In selecting individuals for nominations for appoint-  
17 ments to the Commission, the President shall con-  
18 sult with—

19 (A) the Speaker of the House of Rep-  
20 resentatives;

21 (B) the majority leader of the Senate;

22 (C) the minority leader of the House of  
23 Representatives;

24 (D) the minority leader of the Senate; and

1 (E) congressionally chartered, membership  
2 based veterans service organizations concerning  
3 the appointment of three members.

4 (3) DESIGNATION OF CHAIR.—At the time the  
5 President nominates individuals for appointment to  
6 the Commission under paragraph (1)(B), the Presi-  
7 dent shall designate one such individual who shall  
8 serve as Chair of the Commission and one such indi-  
9 vidual who shall serve as Vice Chair of the Commis-  
10 sion.

11 (4) MEMBER REPRESENTATION.—In nomi-  
12 nating individuals under this subsection, the Presi-  
13 dent shall ensure that—

14 (A) veterans, reflecting current demo-  
15 graphics of veterans enrolled in the system of  
16 annual patient enrollment under section 1705  
17 of title 38, United States Code, are adequately  
18 represented in the membership of the Commis-  
19 sion;

20 (B) at least one member of the Commis-  
21 sion has experience working for a private inte-  
22 grated health care system that has annual gross  
23 revenues of more than \$50,000,000;

24 (C) at least one member has experience as  
25 a senior manager for an entity specified in

1 clause (ii), (iii), or (iv) of section 101(a)(1)(B)  
2 of the Veterans Access, Choice, and Account-  
3 ability Act of 2014 (Public Law 113–146; 38  
4 U.S.C. 1701 note);

5 (D) at least one member—

6 (i) has experience with capital asset  
7 management for the Federal Government;  
8 and

9 (ii) is familiar with trades related to  
10 building and real property, including con-  
11 struction, engineering, architecture, leas-  
12 ing, and strategic partnerships; and

13 (E) at least three members represent con-  
14 gressionally chartered, membership-based, vet-  
15 erans service organizations.

16 (d) MEETINGS.—

17 (1) IN GENERAL.—The Commission shall meet  
18 only during calendar years 2022 and 2023.

19 (2) PUBLIC NATURE OF MEETINGS AND PRO-  
20 CEEDINGS.—

21 (A) PUBLIC MEETINGS.—Each meeting of  
22 the Commission shall be open to the public.

23 (B) OPEN PARTICIPATION.—All the pro-  
24 ceedings, information, and deliberations of the

1 Commission shall be available for review by the  
2 public.

3 (e) VACANCIES.—A vacancy in the Commission shall  
4 be filled in the same manner as the original appointment,  
5 but the individual appointed to fill the vacancy shall serve  
6 only for the unexpired portion of the term for which the  
7 individual's predecessor was appointed.

8 (f) PAY.—

9 (1) IN GENERAL.—Members of the Commission  
10 shall serve without pay.

11 (2) OFFICERS OR EMPLOYEES OF THE UNITED  
12 STATES.—Each member of the Commission who is  
13 an officer or employee of the United States shall  
14 serve without compensation in addition to that re-  
15 ceived for service as an officer or employee of the  
16 United States.

17 (3) TRAVEL EXPENSES.—Members shall receive  
18 travel expenses, including per diem in lieu of subsist-  
19 ence, in accordance with sections 5702 and 5703 of  
20 title 5, United States Code.

21 (g) DIRECTOR OF STAFF.—

22 (1) APPOINTMENT.—The Commission shall ap-  
23 point a Director who—

24 (A) has not served as an employee of the  
25 Department of Veterans Affairs during the one-

1           year period preceding the date of such appoint-  
2           ment; and

3           (B) is not otherwise barred or prohibited  
4           from serving as Director under Federal ethics  
5           laws and regulations, by reason of post-employ-  
6           ment conflict of interest.

7           (2) RATE OF PAY.—The Director shall be paid  
8           at the rate of basic pay payable for level IV of the  
9           Executive Schedule under section 5315 of title 5,  
10          United States Code.

11          (h) STAFF.—

12           (1) PAY OF PERSONNEL.—Subject to para-  
13           graphs (2) and (3), the Director, with the approval  
14           of the Commission, may appoint and fix the pay of  
15           additional personnel.

16           (2) EXEMPTION FROM CERTAIN REQUIRE-  
17           MENTS.—The Director may make such appoint-  
18           ments without regard to the provisions of title 5,  
19           United States Code, governing appointments in the  
20           competitive service, and any personnel so appointed  
21           may be paid without regard to the provisions of  
22           chapter 51 and subchapter III of chapter 53 of that  
23           title relating to classification and General Schedule  
24           pay rates, except that an individual so appointed  
25           may not receive pay in excess of the annual rate of

1 basic pay payable for GS-15 of the General Sched-  
2 ule.

3 (3) DETAILEES.—

4 (A) LIMITATION ON NUMBER.—Not more  
5 than two-thirds of the personnel employed by or  
6 detailed to the Commission may be on detail  
7 from the Department of Veterans Affairs.

8 (B) PROFESSIONAL ANALYSTS.—Not more  
9 than half of the professional analysts of the  
10 Commission staff may be persons detailed from  
11 the Department of Veterans Affairs to the  
12 Commission.

13 (C) PROHIBITION ON DETAIL OF CERTAIN  
14 PERSONNEL.—A person may not be detailed  
15 from the Department of Veterans Affairs to the  
16 Commission if, within 6 months before the de-  
17 tail is to begin, that person participated person-  
18 ally and substantially in any matter within the  
19 Department of Veterans Affairs concerning the  
20 preparation of recommendations regarding fa-  
21 cilities of the Veterans Health Administration.

22 (4) AUTHORITY TO REQUEST DETAILED PER-  
23 SONNEL.—Subject to paragraph (3), the head of any  
24 Federal department or agency, upon the request of  
25 the Director, may detail any of the personnel of that

1 department or agency to the Commission to assist  
2 the Commission in carrying out its duties under this  
3 title.

4 (5) INFORMATION FROM FEDERAL AGENCIES.—  
5 The Commission may secure directly from any Fed-  
6 eral agency such information the Commission con-  
7 siders necessary to carry out this title. Upon request  
8 of the Chair, the head of such agency shall furnish  
9 such information to the Commission.

10 (i) OTHER AUTHORITY.—

11 (1) TEMPORARY AND INTERMITTENT SERV-  
12 ICES.—The Commission may procure by contract, to  
13 the extent funds are available, the temporary or  
14 intermittent services of experts or consultants pursu-  
15 ant to section 3109 of title 5, United States Code.

16 (2) LEASING AND ACQUISITION OF PROP-  
17 erty.—To the extent funds are available, the Com-  
18 mission may lease real property and acquire personal  
19 property either of its own accord or in consultation  
20 with the General Services Administration.

21 (j) TERMINATION.—The Commission shall terminate  
22 on December 31, 2023.

23 (k) PROHIBITION AGAINST RESTRICTING COMMU-  
24 NICATIONS.—

1 (1) IN GENERAL.—Except as provided in para-  
2 graph (2), no person may restrict an employee of the  
3 Department of Veterans Affairs in communicating  
4 with the Commission.

5 (2) UNLAWFUL COMMUNICATIONS.—Paragraph  
6 (1) does not apply to a communication that is un-  
7 lawful.

8 **SEC. 103. PROCEDURE FOR MAKING RECOMMENDATIONS.**

9 (a) SELECTION CRITERIA.—

10 (1) PUBLICATION.—The Secretary shall, not  
11 later than February 1, 2021, and after consulting  
12 with veterans service organizations, publish in the  
13 Federal Register and transmit to the Committees on  
14 Veterans' Affairs of the Senate and the House of  
15 Representatives the criteria proposed to be used by  
16 the Department of Veterans Affairs in assessing and  
17 making recommendations regarding the moderniza-  
18 tion or realignment of facilities of the Veterans  
19 Health Administration under this title. Such criteria  
20 shall include the preferences of veterans regarding  
21 health care furnished by the Department.

22 (2) PUBLIC COMMENT.—The Secretary shall  
23 provide an opportunity for public comment on the  
24 proposed criteria under paragraph (1) for a period  
25 of at least 90 days and shall include notice of that

1 opportunity in the publication required under such  
2 paragraph.

3 (3) PUBLICATION OF FINAL CRITERIA.—The  
4 Secretary shall, not later than May 31, 2021, pub-  
5 lish in the Federal Register and transmit to the  
6 Committees on Veterans' Affairs of the Senate and  
7 the House of Representatives the final criteria to be  
8 used in making recommendations regarding the clo-  
9 sure, modernization, or realignment of facilities of  
10 the Veterans Health Administration under this title.

11 (b) RECOMMENDATIONS OF THE SECRETARY.—

12 (1) PUBLICATION IN FEDERAL REGISTER.—The  
13 Secretary shall, not later than January 31, 2022,  
14 and after consulting with veterans service organiza-  
15 tions, publish in the Federal Register and transmit  
16 to the Committees on Veterans' Affairs of the Sen-  
17 ate and the House of Representatives and to the  
18 Commission a report detailing the recommendations  
19 regarding the modernization or realignment of facili-  
20 ties of the Veterans Health Administration on the  
21 basis of the final criteria referred to in subsection  
22 (a)(2) that are applicable.

23 (2) FACTORS FOR CONSIDERATION.—In making  
24 recommendations under this subsection, the Sec-  
25 retary shall consider each of the following factors:

1 (A) The degree to which any health care  
2 delivery or other site for providing services to  
3 veterans reflect the metrics of the Department  
4 of Veterans Affairs regarding market area  
5 health system planning.

6 (B) The provision of effective and efficient  
7 access to high-quality health care and services  
8 for veterans.

9 (C) The extent to which the real property  
10 that no longer meets the needs of the Federal  
11 Government could be reconfigured, repurposed,  
12 consolidated, realigned, exchanged, outleased,  
13 repurposed, replaced, sold, or disposed.

14 (D) The need of the Veterans Health Ad-  
15 ministration to acquire infrastructure or facili-  
16 ties that will be used for the provision of health  
17 care and services to veterans.

18 (E) The extent to which the operating and  
19 maintenance costs are reduced through consoli-  
20 dating, colocating, and reconfiguring space, and  
21 through realizing other operational efficiencies.

22 (F) The extent and timing of potential  
23 costs and savings, including the number of  
24 years such costs or savings will be incurred, be-

1 ginning with the date of completion of the pro-  
2 posed recommendation.

3 (G) The extent to which the real property  
4 aligns with the mission of the Department of  
5 Veterans Affairs.

6 (H) The extent to which any action would  
7 impact other missions of the Department (in-  
8 cluding education, research, or emergency pre-  
9 paredness).

10 (I) Local stakeholder inputs and any fac-  
11 tors identified through public field hearings.

12 (J) The assessments under paragraph (3).

13 (K) Any other such factors the Secretary  
14 determines appropriate.

15 (3) CAPACITY AND COMMERCIAL MARKET AS-  
16 SESSMENTS.—

17 (A) ASSESSMENTS.—The Secretary shall  
18 assess the capacity of each Veterans Integrated  
19 Service Network and medical facility of the De-  
20 partment to furnish hospital care or medical  
21 services to veterans under chapter 17 of title  
22 38, United States Code. Each such assessment  
23 shall—

- 1 (i) identify gaps in furnishing such  
2 care or services at such Veterans Inte-  
3 grated Service Network or medical facility;
- 4 (ii) identify how such gaps can be  
5 filled by—
- 6 (I) entering into contracts or  
7 agreements with network providers  
8 under this section or with entities  
9 under other provisions of law;
- 10 (II) making changes in the way  
11 such care and services are furnished  
12 at such Veterans Integrated Service  
13 Network or medical facility, includ-  
14 ing—
- 15 (aa) extending hours of op-  
16 eration;
- 17 (bb) adding personnel; or
- 18 (cc) expanding space  
19 through the construction, leasing,  
20 or sharing of health care facili-  
21 ties;
- 22 (III) the building or realignment  
23 of Department resources or personnel;
- 24 (iii) forecast, based on future projec-  
25 tions and historical trends, both the short-

1 and long-term demand in furnishing care  
2 or services at such Veterans Integrated  
3 Service Network or medical facility and as-  
4 sess how such demand affects the needs to  
5 use such network providers;

6 (iv) include a commercial health care  
7 market assessment of designated  
8 catchment areas in the United States con-  
9 ducted by a non-governmental entity; and

10 (v) consider the unique ability of the  
11 Federal Government to retain a presence  
12 in an area otherwise devoid of commercial  
13 health care providers or from which such  
14 providers are at risk of leaving.

15 (B) CONSULTATION.—In carrying out the  
16 assessments under subparagraph (A), the Sec-  
17 retary shall consult with veterans service orga-  
18 nizations and veterans served by each such Vet-  
19 erans Integrated Service Network and medical  
20 facility.

21 (C) SUBMITTAL.—The Secretary shall sub-  
22 mit such assessments to the Committees on  
23 Veterans' Affairs of the House of Representa-  
24 tives and the Senate with the recommendations

1 of the Secretary under this subsection and  
2 make the assessments publicly available.

3 (4) SUMMARY OF SELECTION PROCESS.—The  
4 Secretary shall include, with the list of recommenda-  
5 tions published and transmitted pursuant to para-  
6 graph (1), a summary of the selection process that  
7 resulted in the recommendation for each facility of  
8 the Veterans Health Administration, including a jus-  
9 tification for each recommendation. The Secretary  
10 shall transmit the matters referred to in the pre-  
11 ceeding sentence not later than 7 days after the date  
12 of the transmittal to the Committees on Veterans'  
13 Affairs of the Senate and the House of Representa-  
14 tives and the Commission of the report referred to  
15 in paragraph (1).

16 (5) TREATMENT OF FACILITIES.—In assessing  
17 facilities of the Veterans Health Administration, the  
18 Secretary shall consider all such facilities equally  
19 without regard to whether the facility has been pre-  
20 viously considered or proposed for reuse, closure,  
21 modernization, or realignment by the Department of  
22 Veterans Affairs.

23 (6) AVAILABILITY OF INFORMATION TO CON-  
24 GRESS.—In addition to making all information used  
25 by the Secretary to prepare the recommendations

1 under this subsection available to Congress (includ-  
2 ing any committee or Member of Congress), the Sec-  
3 retary shall also make such information available to  
4 the Commission and the Comptroller General of the  
5 United States.

6 (7) CERTIFICATION OF ACCURACY.—

7 (A) IN GENERAL.—Each person referred to  
8 in subparagraph (B), when submitting informa-  
9 tion to the Secretary or the Commission con-  
10 cerning the modernization or realignment of a  
11 facility of the Veterans Health Administration,  
12 shall certify that such information is accurate  
13 and complete to the best of that person's knowl-  
14 edge and belief.

15 (B) COVERED PERSONS.—Subparagraph

16 (A) applies to the following persons:

17 (i) Each Under Secretary of the De-  
18 partment of Veterans Affairs.

19 (ii) Each director of a Veterans Inte-  
20 grated Service Network.

21 (iii) Each director of a medical center  
22 of the Department of Veterans Affairs.

23 (iv) Each director of a program office  
24 of the Department of Veterans Affairs.

1 (v) Each person who is in a position  
2 the duties of which include personal and  
3 substantial involvement in the preparation  
4 and submission of information and rec-  
5 ommendations concerning the moderniza-  
6 tion or realignment of facilities of the Vet-  
7 erans Health Administration.

8 (e) REVIEW AND RECOMMENDATIONS BY THE COM-  
9 MISSION.—

10 (1) PUBLIC HEARINGS.—

11 (A) IN GENERAL.—After receiving the rec-  
12 ommendations from the Secretary pursuant to  
13 subsection (b), the Commission shall conduct  
14 public hearings on the recommendations.

15 (B) LOCATIONS.—The Commission shall  
16 conduct public hearings in regions affected by a  
17 recommendation of the Secretary to close a fa-  
18 cility of the Veterans Health Administration.  
19 To the greatest extent practicable, the Commis-  
20 sion shall conduct public hearings in regions af-  
21 fected by a recommendation of the Secretary to  
22 modernize or realign such a facility.

23 (C) REQUIRED WITNESSES.—Witnesses at  
24 each public hearing shall include at a min-  
25 imum—

- 1 (i) a veteran—  
2 (I) enrolled under section 1705  
3 of title 38, United States Code; and  
4 (II) identified by a local veterans  
5 service organization; and  
6 (ii) a local elected official.

7 (2) TRANSMITTAL TO PRESIDENT.—

8 (A) IN GENERAL.—The Commission shall,  
9 not later than January 31, 2023, transmit to  
10 the President a report containing the Commis-  
11 sion's findings and conclusions based on a re-  
12 view and analysis of the recommendations made  
13 by the Secretary, together with the Commis-  
14 sion's recommendations, for modernizations and  
15 realignments of facilities of the Veterans Health  
16 Administration.

17 (B) AUTHORITY TO MAKE CHANGES TO  
18 RECOMMENDATIONS.—Subject to subparagraph  
19 (C), in making its recommendations, the Com-  
20 mission may change any recommendation made  
21 by the Secretary if the Commission—

- 22 (i) determines that the Secretary devi-  
23 ated substantially from the final criteria  
24 referred to in subsection (a)(2) in making  
25 such recommendation;

1 (ii) determines that the change is con-  
2 sistent with the final criteria referred to in  
3 subsection (a)(2);

4 (iii) publishes a notice of the proposed  
5 change in the Federal Register not less  
6 than 45 days before transmitting its rec-  
7 ommendations to the President pursuant  
8 to subparagraph (A); and

9 (iv) conducts public hearings on the  
10 proposed change.

11 (3) JUSTIFICATION FOR CHANGES.—The Com-  
12 mission shall explain and justify in its report sub-  
13 mitted to the President pursuant to paragraph (2)  
14 any recommendation made by the Commission that  
15 is different from the recommendations made by the  
16 Secretary pursuant to subsection (b). The Commis-  
17 sion shall transmit a copy of such report to the  
18 Committees on Veterans' Affairs of the Senate and  
19 the House of Representatives on the same date on  
20 which it transmits its recommendations to the Presi-  
21 dent under paragraph (2).

22 (4) PROVISION OF INFORMATION TO CON-  
23 GRESS.—After January 31, 2023, the Commission  
24 shall promptly provide, upon request, to any Member

1 of Congress information used by the Commission in  
2 making its recommendations.

3 (d) REVIEW BY THE PRESIDENT.—

4 (1) REPORT.—The President shall, not later  
5 than February 15, 2023, transmit to the Commis-  
6 sion and to the Congress a report containing the  
7 President's approval or disapproval of the Commis-  
8 sion's recommendations.

9 (2) PRESIDENTIAL APPROVAL.—If the Presi-  
10 dent approves all the recommendations of the Com-  
11 mission, the President shall transmit a copy of such  
12 recommendations to the Congress, together with a  
13 certification of such approval.

14 (3) PRESIDENTIAL DISAPPROVAL.—If the  
15 President disapproves the recommendations of the  
16 Commission, in whole or in part, the President shall  
17 transmit to the Commission and the Congress, not  
18 later than March 1, 2023, the reasons for that dis-  
19 approval. The Commission shall then transmit to the  
20 President, not later than March 15, 2023, a revised  
21 list of recommendations for closures, modernizations,  
22 and realignments of facilities of the Veterans Health  
23 Administration.

24 (4) TRANSMITTAL OF RECOMMENDATIONS TO  
25 CONGRESS.—If the President approves all of the re-

1 revised recommendations of the Commission trans-  
2 mitted to the President under paragraph (3), the  
3 President shall transmit a copy of such revised rec-  
4 ommendations to the Congress, together with a cer-  
5 tification of such approval.

6 (5) FAILURE TO TRANSMIT.—If the President  
7 does not transmit to the Congress an approval and  
8 certification described in paragraph (2) or (4) by  
9 March 30, 2023, the process by which facilities of  
10 the Veterans Health Administration may be selected  
11 for modernization or realignment under this title  
12 shall be terminated.

13 **SEC. 104. ACTIONS REGARDING INFRASTRUCTURE AND FA-**  
14 **CILITIES OF THE VETERANS HEALTH ADMIN-**  
15 **ISTRATION.**

16 (a) IN GENERAL.—Subject to subsection (b), the Sec-  
17 retary shall begin to implement the recommended mod-  
18 ernizations and realignments in the report under section  
19 103(d) not later than three years after the date on which  
20 the President transmits such report to Congress. Such im-  
21 plementation includes the planning of modernizations and  
22 realignments of facilities of the Veterans Health Adminis-  
23 tration as recommended in such report.

24 (b) CONGRESSIONAL DISAPPROVAL.—

1           (1) IN GENERAL.—The Secretary may not carry  
2           out any modernization or realignment recommended  
3           by the Commission in a report transmitted from the  
4           President pursuant to section 103(d) if a joint reso-  
5           lution is enacted, in accordance with the provisions  
6           of section 107, disapproving such recommendations  
7           of the Commission before the earlier of—

8                   (A) the end of the 45-day period beginning  
9                   on the date on which the President transmits  
10                  such report; or

11                  (B) the adjournment of Congress sine die  
12                  for the session during which such report is  
13                  transmitted.

14           (2) COMPUTATION OF PERIOD.—For purposes  
15           of paragraph (1) and subsections (a) and (c) of sec-  
16           tion 107, the days on which either House of Con-  
17           gress is not in session because of an adjournment of  
18           more than three days to a day certain shall be ex-  
19           cluded in the computation of a period.

20           (c) SPECIFIC AUTHORIZATION.—Any obligation or  
21           expenditure of funds for any major medical facility project  
22           or any major medical facility lease under subsection (a)  
23           shall be treated as if specifically authorized by law for pur-  
24           poses of section 8104 of title 38, United States Code, as  
25           amended by sections 201 and 202 of this Act.

1 **SEC. 105. IMPLEMENTATION.**

2 (a) IN GENERAL.—

3 (1) MODERNIZING AND REALIGNING FACIL-  
4 TIES.—In modernizing or realigning any facility of  
5 the Veterans Health Administration under this title,  
6 the Secretary may—

7 (A) take such actions as may be necessary  
8 to modernize or realign any such facility, in-  
9 cluding the alteration of such facilities, the ac-  
10 quisition of such land, the leasing or construc-  
11 tion of such replacement facilities, the disposi-  
12 tion of such land or facilities, the performance  
13 of such activities, and the conduct of such ad-  
14 vance planning and design as may be required  
15 to transfer functions from a facility of the Vet-  
16 erans Health Administration to another such  
17 facility, and may use for such purpose funds in  
18 the Account or funds appropriated to the De-  
19 partment of Veterans Affairs for such purposes;

20 (B) carry out activities for the purposes of  
21 environmental mitigation, abatement, or res-  
22 toration at any such facility, and shall use for  
23 such purposes funds in the Account;

24 (C) provide outplacement assistance to em-  
25 ployees employed by the Department of Vet-  
26 erans Affairs at facilities of the Veterans

1 Health Administration being closed or re-  
2 aligned, and may use for such purpose funds in  
3 the Account or funds appropriated to the De-  
4 partment of Veterans Affairs for outplacement  
5 assistance to employees;

6 (D) reimburse other Federal agencies for  
7 actions performed at the request of the Sec-  
8 retary with respect to any such closure or re-  
9 alignment, and may use for such purpose funds  
10 in the Account or funds appropriated to the De-  
11 partment of Veterans Affairs and available for  
12 such purpose; and

13 (E) exercise the authority of the Secretary  
14 under subchapter V of chapter 81 of title 38,  
15 United States Code.

16 (2) ENVIRONMENTAL RESTORATION; HISTORIC  
17 PRESERVATION.—In carrying out any closure or re-  
18 alignment under this title, the Secretary, with re-  
19 gards to any property made excess to the needs of  
20 the Department of Veterans Affairs as a result of  
21 such closure or realignment, shall carry out, as soon  
22 as possible with funds available for such purpose,  
23 any of the following for which the Secretary is re-  
24 sponsible:

25 (A) Environmental mitigation.

- 1 (B) Environmental abatement.
- 2 (C) Environmental restoration.
- 3 (D) Compliance with historic preservation  
4 requirements.

5 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

6 (1) EXISTING DISPOSAL AUTHORITIES.—To  
7 transfer or dispose of surplus real property or infra-  
8 structure located at any facility of the Veterans  
9 Health Administration that is modernized or re-  
10 aligned under this Act, the Secretary may exercise  
11 the authorities of the Secretary under subchapters I  
12 and II of chapter 81 of title 38, United States Code,  
13 or the authorities delegated to the Secretary by the  
14 Administrator of General Services under subchapter  
15 III of chapter 5 of title 40, United States Code.

16 (2) EFFECTS ON LOCAL COMMUNITIES.—

17 (A) CONSULTATION WITH STATE AND  
18 LOCAL GOVERNMENT.—Before any action may  
19 be taken with respect to the disposal of any  
20 surplus real property or infrastructure located  
21 at any facility of the Veterans Health Adminis-  
22 tration to be closed or realigned under this title,  
23 the Secretary of Veterans Affairs shall consult  
24 with the Governor of the State and the heads  
25 of the local governments concerned for the pur-

1           pose of considering any plan for the use of such  
2           property by the local community concerned.

3                   (B) TREATMENT OF ROADS.—If infra-  
4           structure or a facility of the Veterans Health  
5           Administration to be closed or realigned under  
6           this title includes a road used for public access  
7           through, into, or around the facility, the Sec-  
8           retary—

9                   (i) shall consult with the Government  
10           of the State and the heads of the local gov-  
11           ernments concerned for the purpose of con-  
12           sidering the continued availability of the  
13           road for public use after the recommended  
14           action is complete; and

15                   (ii) may exercise the authority of the  
16           Secretary under section 8108 of title 38,  
17           United States Code.

18           (3) LEASES; CERCLA.—

19                   (A) LEASE AUTHORITY.—

20                   (i) TRANSFER TO REDEVELOPMENT  
21           AUTHORITY FOR LEASE.—The Secretary  
22           may transfer title to a facility of the Vet-  
23           erans Health Administration approved for  
24           closure or realignment under this title (in-  
25           cluding property at a facility of the Vet-

1           erans Health Administration approved for  
2           realignment which will be retained by the  
3           Department of Veterans Affairs or another  
4           Federal agency after realignment) to the  
5           redevelopment authority for the facility if  
6           the redevelopment authority agrees to  
7           lease, directly upon transfer, one or more  
8           portions of the property transferred under  
9           this subparagraph to the Secretary or to  
10          the head of another department or agency  
11          of the Federal Government.

12                   (ii) TERM OF LEASE.—A lease under  
13                   clause (i) shall be for a term of not to ex-  
14                   ceed 50 years, but may provide for options  
15                   for renewal or extension of the term by the  
16                   department or agency concerned.

17                   (iii) LIMITATION.—A lease under  
18                   clause (i) may not require rental payments  
19                   by the United States.

20                   (iv) TREATMENT OF REMAINDERED  
21                   LEASE TERMS.—A lease under clause (i)  
22                   shall include a provision specifying that if  
23                   the department or agency concerned ceases  
24                   requiring the use of the leased property be-  
25                   fore the expiration of the term of the lease,

1 the remainder of the lease term may be  
2 satisfied by the same or another depart-  
3 ment or agency of the Federal Government  
4 using the property for a use similar to the  
5 use under the lease. Exercise of the au-  
6 thority provided by this clause shall be  
7 made in consultation with the redevelop-  
8 ment authority concerned.

9 (v) FACILITY SERVICES.—Notwith-  
10 standing clause (iii), if a lease under clause  
11 (i) involves a substantial portion of the fa-  
12 cility, the department or agency concerned  
13 may obtain facility services for the leased  
14 property and common area maintenance  
15 from the redevelopment authority or the  
16 redevelopment authority's assignee as a  
17 provision of the lease. The facility services  
18 and common area maintenance shall be  
19 provided at a rate no higher than the rate  
20 charged to non-Federal tenants of the  
21 transferred property. Facility services and  
22 common area maintenance covered by the  
23 lease shall not include—

24 (I) municipal services that a  
25 State or local government is required

1 by law to provide to all landowners in  
2 its jurisdiction without direct charge;  
3 or

4 (II) firefighting or security-guard  
5 functions.

6 (B) APPLICATION OF CERCLA.—The provi-  
7 sions of section 120(h) of the Comprehensive  
8 Environmental Response, Compensation, and  
9 Liability Act of 1980 (42 U.S.C. 9620(h)) shall  
10 apply to any transfer of real property under  
11 this paragraph.

12 (C) ADDITIONAL TERMS AND CONDI-  
13 TIONS.—The Secretary may require any addi-  
14 tional terms and conditions in connection with  
15 a transfer under this paragraph as such Sec-  
16 retary considers appropriate to protect the in-  
17 terests of the United States.

18 (4) APPLICATION OF MCKINNEY-VENTO HOME-  
19 LESS ASSISTANCE ACT.—Nothing in this title shall  
20 limit or otherwise affect the application of the provi-  
21 sions of the McKinney-Vento Homeless Assistance  
22 Act (42 U.S.C. 11301 et seq.) to facilities of the  
23 Veterans Health Administration closed under this  
24 title.

1 (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL  
2 POLICY ACT OF 1969.—

3 (1) IN GENERAL.—The provisions of the Na-  
4 tional Environmental Policy Act of 1969 (42 U.S.C.  
5 4321 et seq.) shall not apply to the actions of the  
6 President, the Commission, and, except as provided  
7 in paragraph (2), the Department of Veterans Af-  
8 fairs in carrying out this title.

9 (2) DEPARTMENT OF VETERANS AFFAIRS.—

10 (A) COVERED ACTIVITIES.—The provisions  
11 of the National Environmental Policy Act of  
12 1969 shall apply to actions of the Department  
13 of Veterans Affairs under this title—

14 (i) during the process of property dis-  
15 posal; and

16 (ii) during the process of relocating  
17 functions from a facility of the Veterans  
18 Health Administration being closed or re-  
19 aligned to another facility after the receiv-  
20 ing facility has been selected but before the  
21 functions are relocated.

22 (B) OTHER ACTIVITIES.—In applying the  
23 provisions of the National Environmental Policy  
24 Act of 1969 to the processes referred to in sub-

1 paragraph (A), the Secretary shall not have to  
2 consider—

3 (i) the need for closing or realigning  
4 the facility of the Veterans Health Admin-  
5 istration as recommended by the Commis-  
6 sion;

7 (ii) the need for transferring functions  
8 to any facility of the Veterans Health Ad-  
9 ministration which has been selected as the  
10 receiving facility; or

11 (iii) facilities of the Veterans Health  
12 Administration alternative to those rec-  
13 ommended or selected.

14 (d) WAIVER.—

15 (1) RESTRICTIONS ON USE OF FUNDS.—The  
16 Secretary may close or realign facilities of the Vet-  
17 erans Health Administration under this title without  
18 regard to any provision of law restricting the use of  
19 funds for closing or realigning facilities of the Vet-  
20 erans Health Administration included in any appro-  
21 priation or authorization Act.

22 (2) RESTRICTIONS ON AUTHORITIES.—The Sec-  
23 retary may close or realign facilities of the Veterans  
24 Health Administration under this title without re-

1       gard to the restrictions of section 8110 of title 38,  
2       United States Code.

3       (e) TRANSFER AUTHORITY IN CONNECTION WITH  
4 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

5           (1) IN GENERAL.—

6               (A) TRANSFER BY DEED.—Subject to  
7       paragraph (2) of this subsection and section  
8       120(h) of the Comprehensive Environmental  
9       Response, Compensation, and Liability Act of  
10      1980 (42 U.S.C. 9620(h)), the Secretary may  
11      enter into an agreement to transfer by deed a  
12      facility of the Veterans Health Administration  
13      with any person who agrees to perform all envi-  
14      ronmental restoration, waste management, and  
15      environmental compliance activities that are re-  
16      quired for the property or facilities under Fed-  
17      eral and State laws, administrative decisions,  
18      agreements (including schedules and mile-  
19      stones), and concurrences.

20               (B) ADDITIONAL TERMS OR CONDI-  
21      TIONS.—The Secretary may require any addi-  
22      tional terms and conditions in connection with  
23      an agreement authorized by subparagraph (A)  
24      as the Secretary considers appropriate to pro-  
25      tect the interests of the United States.

1           (2) LIMITATION.—A transfer of a facility of the  
2       Veterans Health Administration may be made under  
3       paragraph (1) only if the Secretary certifies to Con-  
4       gress that—

5           (A) the costs of all environmental restora-  
6       tion, waste management, and environmental  
7       compliance activities otherwise to be paid by the  
8       Secretary with respect to the facility of the Vet-  
9       erans Health Administration are equal to or  
10      greater than the fair market value of the prop-  
11      erty or facilities to be transferred, as deter-  
12      mined by the Secretary; or

13          (B) if such costs are lower than the fair  
14      market value of the facility of the Veterans  
15      Health Administration, the recipient of such  
16      transfer agrees to pay the difference between  
17      the fair market value and such costs.

18          (3) PAYMENT BY THE SECRETARY FOR CER-  
19      TAIN TRANSFERS.—In the case of a facility of the  
20      Veterans Health Administration covered by a certifi-  
21      cation under paragraph (2)(A), the Secretary may  
22      pay the recipient of such facility an amount equal to  
23      the lesser of—

24          (A) the amount by which the costs in-  
25      curred by the recipient of the facility of the

1           Veterans Health Administration for all environ-  
2           mental restoration, waste, management, and en-  
3           vironmental compliance activities with respect  
4           to such facility exceed the fair market value of  
5           such property as specified in such certification;  
6           or

7                   (B) the amount by which the costs (as de-  
8           termined by the Secretary) that would other-  
9           wise have been incurred by the Secretary for  
10          such restoration, management, and activities  
11          with respect to such facility of the Veterans  
12          Health Administration exceed the fair market  
13          value of property as so specified.

14          (4) DISCLOSURE.—As part of an agreement  
15          under paragraph (1), the Secretary shall disclose to  
16          the person to whom the facility of the Veterans  
17          Health Administration will be transferred any infor-  
18          mation of the Secretary regarding the environmental  
19          restoration, waste management, and environmental  
20          compliance activities described in paragraph (1) that  
21          relate to the facility of the Veterans Health Admini-  
22          stration. The Secretary shall provide such informa-  
23          tion before entering into the agreement.

24          (5) APPLICABILITY OF CERTAIN ENVIRON-  
25          MENTAL LAWS.—Nothing in this subsection shall be

1 construed to modify, alter, or amend the Com-  
2 prehensive Environmental Response, Compensation,  
3 and Liability Act of 1980 (42 U.S.C. 9601 et seq.)  
4 or the Solid Waste Disposal Act (42 U.S.C. 6901 et  
5 seq.).

6 **SEC. 106. DEPARTMENT OF VETERANS AFFAIRS ASSET AND**  
7 **INFRASTRUCTURE REVIEW ACCOUNT.**

8 (a) ESTABLISHMENT.—There is hereby established in  
9 the ledgers of the Treasury an account to be known as  
10 the “Department of Veterans Affairs Asset and Infra-  
11 structure Review Account” which shall be administered by  
12 the Secretary as a single account.

13 (b) CREDITS TO ACCOUNT.—There shall be credited  
14 to the Account the following:

15 (1) Funds authorized for and appropriated to  
16 the Account.

17 (2) Funds that the Secretary may transfer to  
18 the Account from funds appropriated to the Depart-  
19 ment of Veterans Affairs for any purpose, except  
20 that funds may be transferred under the authority  
21 of this paragraph only after the latter of the dates  
22 on which the Secretary—

23 (A) transmits written notice of, and jus-  
24 tification for, such transfer to the Committees

1 on Veterans' Affairs of the Senate and the  
2 House of Representatives; and

3 (B) receives approval of such transfer from  
4 the Committees on Appropriations of the House  
5 of Representatives and the Senate.

6 (3) Proceeds received from the lease, transfer,  
7 or disposal of any property at a facility of the Vet-  
8 erans Health Administration closed or realigned  
9 under this title.

10 (c) USE OF ACCOUNT.—The Secretary may use the  
11 funds in the Account only for the following purposes:

12 (1) To carry out this title.

13 (2) To cover property management and disposal  
14 costs incurred at facilities of the Veterans Health  
15 Administration closed, modernized, or realigned  
16 under this title.

17 (3) To cover costs associated with supervision,  
18 inspection, overhead, engineering, and design of con-  
19 struction projects undertaken under this title, and  
20 subsequent claims, if any, related to such activities.

21 (4) Other purposes that the Secretary deter-  
22 mines support the mission and operations of the De-  
23 partment of Veterans Affairs.

24 (d) CONSOLIDATED BUDGET JUSTIFICATION DIS-  
25 PLAY FOR ACCOUNT.—

1           (1) CONSOLIDATED BUDGET INFORMATION RE-  
2           QUIRED.—The Secretary shall establish a consoli-  
3           dated budget justification display in support of the  
4           Account that for each fiscal year—

5                   (A) details the amount and nature of cred-  
6                   its to, and expenditures from, the Account dur-  
7                   ing the preceding fiscal year;

8                   (B) separately details the environmental  
9                   remediation costs associated with facility of the  
10                  Veterans Health Administration for which a  
11                  budget request is made;

12                  (C) specifies the transfers into the Account  
13                  and the purposes for which these transferred  
14                  funds will be further obligated, to include care-  
15                  taker and environment remediation costs associ-  
16                  ated with each facility of the Veterans Health  
17                  Administration; and

18                  (D) details any intra-budget activity trans-  
19                  fers within the Account that exceeded  
20                  \$1,000,000 during the preceding fiscal year or  
21                  that are proposed for the next fiscal year and  
22                  will exceed \$1,000,000.

23           (2) SUBMISSION.—The Secretary shall include  
24           the information required by paragraph (1) in the  
25           materials that the Secretary submits to Congress in

1 support of the budget for a fiscal year submitted by  
2 the President pursuant to section 1105 of title 31,  
3 United States Code.

4 (e) CLOSURE OF ACCOUNT; TREATMENT OF REMAIN-  
5 ING FUNDS.—

6 (1) CLOSURE.—The Account shall be closed at  
7 the time and in the manner provided for appropria-  
8 tion accounts under section 1555 of title 31, United  
9 States Code, except that unobligated funds which re-  
10 main in the Account upon closure shall be held by  
11 the Secretary of the Treasury until transferred to  
12 the Secretary of Veterans Affairs by law after the  
13 Committees on Veterans' Affairs of the Senate and  
14 the House of Representatives receive the final report  
15 transmitted under paragraph (2).

16 (2) FINAL REPORT.—No later than 60 days  
17 after the closure of the Account under paragraph  
18 (1), the Secretary shall transmit to the Committees  
19 on Veterans' Affairs of the Senate and the House of  
20 Representatives and the Committees on Appropria-  
21 tions of the House of Representatives and the Sen-  
22 ate a report containing an accounting of—

23 (A) all the funds credited to and expended  
24 from the Account or otherwise expended under  
25 this title; and

1 (B) any funds remaining in the Account.

2 **SEC. 107. CONGRESSIONAL CONSIDERATION OF COMMIS-**  
3 **SION REPORT.**

4 (a) **DISAPPROVAL RESOLUTION.**—For purposes of  
5 section 104(b), the term “joint resolution” means only a  
6 joint resolution which is introduced within the 5-day pe-  
7 riod beginning on the date on which the President trans-  
8 mits the report to the Congress under section 103(d),  
9 and—

10 (1) which does not have a preamble;

11 (2) the matter after the resolving clause of  
12 which is as follows: “that Congress disapproves the  
13 recommendations of the VHA Asset and Infrastruc-  
14 ture Review Commission as submitted by the Presi-  
15 dent on \_\_\_\_\_”, the blank space being filled with  
16 the appropriate date; and

17 (3) the title of which is as follows: “Joint reso-  
18 lution disapproving the recommendations of the  
19 VHA Asset and Infrastructure Review Commis-  
20 sion.”.

21 (b) **CONSIDERATION IN THE HOUSE OF REPRESENT-**  
22 **ATIVES.**—

23 (1) **REPORTING AND DISCHARGE.**—Any com-  
24 mittee of the House of Representatives to which a  
25 joint resolution is referred shall report it to the

1 House without amendment not later than 15 legisla-  
2 tive days after the date of introduction thereof. If a  
3 committee fails to report the joint resolution within  
4 that period, the committee shall be discharged from  
5 further consideration of the joint resolution.

6 (2) PROCEEDING TO CONSIDERATION.—It shall  
7 be in order at any time after the third legislative day  
8 after each committee authorized to consider a joint  
9 resolution has reported or has been discharged from  
10 consideration of a joint resolution, to move to pro-  
11 ceed to consider the joint resolution in the House.  
12 All points of order against the motion are waived.  
13 Such a motion shall not be in order after the House  
14 has disposed of a motion to proceed on a joint reso-  
15 lution addressing a particular submission. The pre-  
16 vious question shall be considered as ordered on the  
17 motion to its adoption without intervening motion.  
18 The motion shall not be debatable. A motion to re-  
19 consider the vote by which the motion is disposed of  
20 shall not be in order.

21 (3) CONSIDERATION.—The joint resolution  
22 shall be considered as read. All points of order  
23 against the joint resolution and against its consider-  
24 ation are waived. The previous question shall be con-  
25 sidered as ordered on the joint resolution to its pas-

1       sage without intervening motion except two hours of  
2       debate equally divided and controlled by the pro-  
3       ponent and an opponent. A motion to reconsider the  
4       vote on passage of the joint resolution shall not be  
5       in order.

6       (e) CONSIDERATION IN THE SENATE.—

7           (1) REFERRAL.—A joint resolution introduced  
8       in the Senate shall be referred to the Committee on  
9       Veterans' Affairs.

10          (2) REPORTING AND DISCHARGE.—Any com-  
11       mittee of the Senate to which a joint resolution is  
12       referred shall report it to the Senate without amend-  
13       ment not later than 15 session days after the date  
14       of introduction of a joint resolution described in sub-  
15       section (a). If a committee fails to report the joint  
16       resolution within that period, the committee shall be  
17       discharged from further consideration of the joint  
18       resolution and the joint resolution shall be placed on  
19       the calendar.

20          (3) FLOOR CONSIDERATION.—

21           (A) IN GENERAL.—Notwithstanding Rule  
22       XXII of the Standing Rules of the Senate, it is  
23       in order at any time after the third session day  
24       on which the Committee on Veterans' Affairs  
25       has reported or has been discharged from con-

1 consideration of a joint resolution described in sub-  
2 section (a) (even though a previous motion to  
3 the same effect has been disagreed to) to move  
4 to proceed to the consideration of the joint reso-  
5 lution, and all points of order against the joint  
6 resolution (and against consideration of the  
7 joint resolution) are waived. The motion to pro-  
8 ceed is not debatable. The motion is not subject  
9 to a motion to postpone. A motion to reconsider  
10 the vote by which the motion is agreed to or  
11 disagreed to shall not be in order. If a motion  
12 to proceed to the consideration of the resolution  
13 is agreed to, the joint resolution shall remain  
14 the unfinished business until disposed of.

15 (B) CONSIDERATION.—Consideration of  
16 the joint resolution, and on all debatable mo-  
17 tions and appeals in connection therewith, shall  
18 be limited to not more than 2 hours, which  
19 shall be divided equally between the majority  
20 and minority leaders or their designees. A mo-  
21 tion further to limit debate is in order and not  
22 debatable. An amendment to, or a motion to  
23 postpone, or a motion to proceed to the consid-  
24 eration of other business, or a motion to recom-  
25 mit the joint resolution is not in order.

1           (C) VOTE ON PASSAGE.—If the Senate has  
2           voted to proceed to a joint resolution, the vote  
3           on passage of the joint resolution shall occur  
4           immediately following the conclusion of consid-  
5           eration of the joint resolution, and a single  
6           quorum call at the conclusion of the debate if  
7           requested in accordance with the rules of the  
8           Senate.

9           (D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair  
10          relating to the application of the rules of the  
11          Senate, as the case may be, to the procedure re-  
12          lating to a joint resolution shall be decided  
13          without debate.

14          (d) AMENDMENT NOT IN ORDER.—A joint resolution  
15          of disapproval considered pursuant to this section shall not  
16          be subject to amendment in either the House of Rep-  
17          resentatives or the Senate.

18          (e) COORDINATION WITH ACTION BY OTHER  
19          HOUSE.—

20           (1) IN GENERAL.—If, before passing the joint  
21          resolution, one House receives from the other a joint  
22          resolution—  
23          resolution—

24           (A) the joint resolution of the other House  
25          shall not be referred to a committee; and

1           (B) the procedure in the receiving House  
2           shall be the same as if no joint resolution had  
3           been received from the other House until the  
4           vote on passage, when the joint resolution re-  
5           ceived from the other House shall supplant the  
6           joint resolution of the receiving House.

7           (2) TREATMENT OF JOINT RESOLUTION OF  
8           OTHER HOUSE.—If the Senate fails to introduce or  
9           consider a joint resolution under this section, the  
10          joint resolution of the House shall be entitled to ex-  
11          pedited floor procedures under this section.

12          (3) TREATMENT OF COMPANION MEASURES.—  
13          If, following passage of the joint resolution in the  
14          Senate, the Senate then receives the companion  
15          measure from the House of Representatives, the  
16          companion measure shall not be debatable.

17          (f) RULES OF THE HOUSE OF REPRESENTATIVES  
18          AND SENATE.—This section is enacted by Congress—

19               (1) as an exercise of the rulemaking power of  
20               the Senate and House of Representatives, respec-  
21               tively, and as such it is deemed a part of the rules  
22               of each House, respectively, but applicable only with  
23               respect to the procedure to be followed in that  
24               House in the case of a joint resolution, and it super-

1 sedes other rules only to the extent that it is incon-  
2 sistent with such rules; and

3 (2) with full recognition of the constitutional  
4 right of either House to change the rules (so far as  
5 relating to the procedure of that House) at any time,  
6 in the same manner, and to the same extent as in  
7 the case of any other rule of that House.

8 **SEC. 108. OTHER MATTERS.**

9 (a) **ONLINE PUBLICATION OF COMMUNICATIONS.—**

10 (1) **IN GENERAL.**—Not later than 24 hours  
11 after the transmission or receipt of any communica-  
12 tion under this title that is transmitted or received  
13 by a party specified in paragraph (2), the Secretary  
14 of Veterans Affairs shall publish such communica-  
15 tion online.

16 (2) **PARTIES SPECIFIED.**—The parties specified  
17 under this paragraph are the following:

18 (A) The Secretary of Veterans Affairs.

19 (B) The Commission.

20 (C) The President.

21 (b) **CONTINUATION OF EXISTING CONSTRUCTION**  
22 **PROJECTS AND PLANNING.**—During activities that the  
23 Commission, President, or Congress carry out under this  
24 title, the Secretary of Veterans Affairs may not stop, sole-  
25 ly because of such activities—

1 (1) a construction or leasing project of the Vet-  
2 erans Health Administration;

3 (2) long term planning regarding infrastructure  
4 and assets of the Veterans Health Administration;  
5 or

6 (3) budgetary processes for the Veterans  
7 Health Administration.

8 (c) **RECOMMENDATIONS FOR FUTURE ASSET RE-**  
9 **IEWS.**—The Secretary of Veterans Affairs may, after  
10 consulting with veterans service organizations, include in  
11 budget submissions the Secretary submits after the termi-  
12 nation of the Commission recommendations for future  
13 such commissions or other capital asset realignment and  
14 management processes.

15 **SEC. 109. DEFINITIONS.**

16 In this title:

17 (1) The term “Account” means the Department  
18 of Veterans Affairs Asset and Infrastructure Review  
19 Account established by section 106(a).

20 (2) The term “Commission” means the Com-  
21 mission established by section 102.

22 (3) The term “date of approval”, with respect  
23 to a modernization or realignment of a facility of the  
24 Veterans Health Administration, means the date on  
25 which the authority of Congress to disapprove a rec-

1 commendation of modernization or realignment, as  
2 the case may be, of such facility under this title ex-  
3 pires.

4 (4) The term “facility of the Veterans Health  
5 Administration”—

6 (A) means any land, building, structure, or  
7 infrastructure (including any medical center,  
8 nursing home, domiciliary facility, outpatient  
9 clinic, center that provides readjustment coun-  
10 seling, or leased facility) that is—

11 (i) under the jurisdiction of the De-  
12 partment of Veterans Affairs;

13 (ii) under the control of the Veterans  
14 Health Administration; and

15 (iii) not under the control of the Gen-  
16 eral Services Administration; or

17 (B) with respect to a collocated facility of  
18 the Department of Veterans Affairs, includes  
19 any land, building, or structure—

20 (i) under the jurisdiction of the De-  
21 partment of Veterans Affairs;

22 (ii) under the control of another ad-  
23 ministration of the Department of Vet-  
24 erans Affairs; and

1 (iii) not under the control of the Gen-  
2 eral Services Administration.

3 (5) The term “infrastructure” means improve-  
4 ments to land other than buildings or structures.

5 (6) The term “modernization” includes—

6 (A) any action, including closure, required  
7 to align the form and function of a facility of  
8 the Veterans Health Administration to the pro-  
9 vision of modern day health care, including util-  
10 ities and environmental control systems;

11 (B) the construction, purchase, lease, or  
12 sharing of a facility of the Veterans Health Ad-  
13 ministration; and

14 (C) realignments, disposals, exchanges, col-  
15 laborations between the Department of Vet-  
16 erans Affairs and other Federal entities, and  
17 strategic collaborations between the Depart-  
18 ment and non-Federal entities, including tribal  
19 organizations.

20 (7) The term “realignment”, with respect to a  
21 facility of the Veterans Health Administration, in-  
22 cludes—

23 (A) any action that changes the numbers  
24 of or relocates services, functions, and per-  
25 sonnel positions;

1 (B) disposals or exchanges between the  
2 Department of Veterans Affairs and other Fed-  
3 eral entities, including the Department of De-  
4 fense; and

5 (C) strategic collaborations between the  
6 Department of Veterans Affairs and non-Fed-  
7 eral entities, including tribal organizations.

8 (8) The term “redevelopment authority”, in the  
9 case of a facility of the Veterans Health Administra-  
10 tion closed or modernized under this title, means  
11 any entity (including an entity established by a  
12 State or local government) recognized by the Sec-  
13 retary of Veterans Affairs as the entity responsible  
14 for developing the redevelopment plan with respect  
15 to the facility or for directing the implementation of  
16 such plan.

17 (9) The term “redevelopment plan” in the case  
18 of a facility of the Veterans Health Administration  
19 to be closed or realigned under this title, means a  
20 plan that—

21 (A) is agreed to by the local redevelopment  
22 authority with respect to the facility; and

23 (B) provides for the reuse or redevelop-  
24 ment of the real property and personal property  
25 of the facility that is available for such reuse

1 and redevelopment as a result of the closure or  
2 realignment of the facility.

3 (10) The term “Secretary” means the Secretary  
4 of Veterans Affairs.

5 (11) The term “tribal organization” has the  
6 meaning given such term in section 3765 of title 38,  
7 United States Code.

8 **TITLE II—IMPROVEMENTS TO**  
9 **CONSTRUCTION MANAGE-**  
10 **MENT AND LEASES**

11 **SEC. 201. MODIFICATION OF THRESHOLDS FOR MAJOR**  
12 **MEDICAL FACILITY PROJECTS AND MAJOR**  
13 **MEDICAL FACILITY LEASES.**

14 (a) DEFINITIONS.—Paragraph (3) of section 8104(a)  
15 of title 38, United States Code, is amended to read as  
16 follows:

17 “(3) In this subsection:

18 “(A)(i) The term ‘major medical facility project’  
19 means—

20 “(I) a project for the construction, alter-  
21 ation, or acquisition of a medical facility involv-  
22 ing a total expenditure of more than  
23 \$20,000,000; or

24 “(II) the construction, alteration, or acqui-  
25 sition of a shared medical facility (as defined in

1 section 8111B(d) of this title) for which the es-  
2 timated share of the Department of Veterans  
3 Affairs for the costs of such construction, alter-  
4 ation, or acquisition exceeds \$20,000,000.

5 “(ii) Such term does not include—

6 “(I) an acquisition by exchange;

7 “(II) nonrecurring maintenance projects of  
8 the Department; or

9 “(III) the construction, alteration, or ac-  
10 quisition of a shared medical facility for which  
11 the estimated share of the Department of Vet-  
12 erans Affairs for the costs of such construction,  
13 alteration, or acquisition does not exceed  
14 \$20,000,000.

15 “(B) The term ‘major medical facility lease’  
16 means—

17 “(i) a lease for space for use as a new  
18 medical facility at an average annual rent that  
19 is equal to or exceeds the amount specified in  
20 subsection (a)(2) of section 3307 of title 40; or

21 “(ii) a lease for space for use as a shared  
22 medical facility (as defined in section 8111B(d)  
23 of this title) for which the estimated share of  
24 the Department of Veterans Affairs for the  
25 costs of such lease is equal to or exceeds the

1 amount specified in subsection (a)(2) of section  
2 3307 of title 40.”

3 (b) APPLICATION.—The amendment made by sub-  
4 section (a) shall apply with respect to major medical facil-  
5 ity projects and major medical facility leases authorized  
6 by law on or after the date of the enactment of this Act.

7 **SEC. 202. SUBMISSION OF PROSPECTUSES OF PROPOSED**  
8 **MINOR MEDICAL FACILITY PROJECTS.**

9 Section 8104(b) of title 38, United States Code, is  
10 amended, in the matter preceding paragraph (1), by strik-  
11 ing “a major medical facility project (as defined in sub-  
12 section (a)(3)(A))” and inserting the following: “a major  
13 medical facility project (as defined in subsection  
14 (a)(3)(A)), a medical facility project that would be a major  
15 medical facility project but for the total expenditure (or,  
16 with respect to a shared medical facility, the estimated  
17 share of the Department of Veterans Affairs) being an  
18 amount that is more than \$10,000,000 and less than  
19 \$20,000,000.”

20 **SEC. 203. IMPROVEMENT TO TRAINING OF CONSTRUCTION**  
21 **PERSONNEL.**

22 Subsection (g) of section 8103 of title 38, United  
23 States Code, is amended to read as follows:

24 “(g)(1)(A) Not later than September 30 of the fiscal  
25 year following the fiscal year during which this subsection

1 is enacted, the Secretary shall implement the covered  
2 training curriculum and the covered certification program.

3 “(B) In designing and implementing the covered  
4 training curriculum and the covered certification program  
5 under paragraph (1), the Secretary shall use as models  
6 existing training curricula and certification programs that  
7 have been established under chapter 87 of title 10, United  
8 States Code, as determined relevant by the Secretary.

9 “(2) The Secretary may develop the training cur-  
10 riculum under paragraph (1)(A) in a manner that provides  
11 such training in any combination of—

12 “(A) training provided in person;

13 “(B) training provided over an internet website;

14 or

15 “(C) training provided by another department  
16 or agency of the Federal Government.

17 “(3) The Secretary may develop the certification pro-  
18 gram under paragraph (1)(A) in a manner that uses—

19 “(A) one level of certification; or

20 “(B) more than one level of certification, as de-  
21 termined appropriate by the Secretary with respect  
22 to the level of certification for different grades of the  
23 General Schedule.

24 “(4) The Secretary may enter into a contract with  
25 an appropriate entity to provide the covered training cur-

1 riculum and the covered certification program under para-  
2 graph (1)(A).

3 “(5)(A) Not later than September 30 of the second  
4 fiscal year following the fiscal year during which this Act  
5 is enacted, the Secretary shall ensure that the majority  
6 of employees subject to the covered certification program  
7 achieve the certification or the appropriate level of certifi-  
8 cation pursuant to paragraph (3), as the case may be.

9 “(B) After carrying out subparagraph (A), the Sec-  
10 retary shall ensure that each employee subject to the cov-  
11 ered certification program achieves the certification or the  
12 appropriate level of certification pursuant to paragraph  
13 (3), as the case may be, as quickly as practicable.

14 “(6) In this subsection:

15 “(A) The term ‘covered certification program’  
16 means, with respect to employees of the Department  
17 of Veterans Affairs who are members of occupational  
18 series relating to construction or facilities manage-  
19 ment, or employees of the Department who award or  
20 administer contracts for major construction, minor  
21 construction, or nonrecurring maintenance, including  
22 as contract specialists or contracting officers’ rep-  
23 resentatives, a program to certify knowledge and  
24 skills relating to construction or facilities manage-  
25 ment and to ensure that such employees maintain

1 adequate expertise relating to industry standards  
2 and best practices for the acquisition of design and  
3 construction services.

4 “(B) The term ‘covered training curriculum’  
5 means, with respect to employees specified in sub-  
6 paragraph (A), a training curriculum relating to  
7 construction or facilities management.”

8 **SEC. 204. AUTHORITY TO PLAN, DESIGN, CONSTRUCT, OR**  
9 **LEASE SHARED MEDICAL FACILITIES.**

10 (a) AUTHORITY.—

11 (1) IN GENERAL.—Chapter 81 of title 38,  
12 United States Code, is amended by inserting after  
13 section 8111A the following new section:

14 **“§ 8111B. Authority to plan, design, construct or lease**  
15 **a medical facility shared with other de-**  
16 **partments or agencies**

17 “(a) AUTHORITY.—Subject to sections 8103 and  
18 8104 of this title, the Secretary of Veterans Affairs may  
19 enter into agreements with the heads of other departments  
20 or agencies of the Federal Government for the planning,  
21 designing, constructing, or leasing of medical facilities to  
22 be shared by the Department of Veterans Affairs and that  
23 department or agency to improve the access to, and qual-  
24 ity and cost effectiveness of, the health care provided by

1 the Veterans Health Administration and that department  
2 or agency.

3       “(b) TRANSFERS OF AMOUNTS FROM DEPARTMENT  
4 OF VETERANS AFFAIRS.—(1) With respect to a shared  
5 medical facility construction project for which the esti-  
6 mated costs to the Department of Veterans Affairs do not  
7 exceed the amount specified in section 8104(a)(3)(A) of  
8 this title, the Secretary of Veterans Affairs may transfer  
9 to the partner agency amounts appropriated in the Con-  
10 struction, Minor Projects account of the Department for  
11 use for the planning, design, or construction of the shared  
12 medical facility.

13       “(2) With respect to a shared medical facility con-  
14 struction project for which the estimated costs to the De-  
15 partment of Veterans Affairs exceed the amount specified  
16 in section 8104(a)(3)(A) of this title, the Secretary of Vet-  
17 erans Affairs may transfer to the partner agency amounts  
18 appropriated in the Construction, Major Projects account  
19 of the Department for use for the planning, design, or con-  
20 struction of the shared medical facility.

21       “(3) With respect to a shared medical facility lease  
22 project for which the estimated costs of the lease to the  
23 Department of Veterans Affairs do not exceed the amount  
24 specified in section 8104(a)(3)(B) of this title, the Sec-  
25 retary of Veterans Affairs may transfer to the partner

1 agency amounts appropriated in the applicable medical ap-  
2 propriation account of the Department for such lease.

3       “(c) TRANSFERS OF AMOUNTS TO DEPARTMENT OF  
4 VETERANS AFFAIRS.—(1) With respect to a shared med-  
5 ical facility construction project for which the estimated  
6 costs to the Department of Veterans Affairs do not exceed  
7 the amount specified in section 8104(a)(3)(A) of this title,  
8 any amounts transferred by the partner agency to the Sec-  
9 retary of Veterans Affairs may be deposited in the Con-  
10 struction, Minor Projects account of the Department for  
11 use for the planning, design, or construction of the shared  
12 medical facility. Amounts so deposited shall be merged  
13 with and available for the same purposes, and for the same  
14 period, as such account.

15       “(2) With respect to a shared medical facility con-  
16 struction project for which the estimated costs to the De-  
17 partment of Veterans Affairs exceed the amount specified  
18 in section 8104(a)(3)(A) of this title, any amounts trans-  
19 ferred by the partner agency to the Secretary of Veterans  
20 Affairs may be deposited in the Construction, Major  
21 Projects account of the Department for use for the plan-  
22 ning, design, or construction of the shared medical facility.  
23 Amounts so deposited shall be merged with and available  
24 for the same purposes, and for the same period, as such  
25 account.

1       “(3) With respect to a shared medical facility lease  
2 project, any amounts transferred by the partner agency  
3 to the Secretary of Veterans Affairs may be deposited in  
4 the applicable medical appropriation account of the De-  
5 partment for such lease. Amounts so deposited shall be  
6 available without fiscal year limitation.

7       “(d) DEFINITIONS.—In this section:

8           “(1) The term ‘partner agency’ means a depart-  
9 ment or agency of the Federal Government that has  
10 entered into an agreement with the Secretary of Vet-  
11 erans Affairs under subsection (a).

12           “(2) The term ‘shared medical facility’ means a  
13 medical facility shared by the Department of Vet-  
14 erans Affairs and a partner agency pursuant to an  
15 agreement entered into under subsection (a).

16           “(3) The term ‘shared medical facility construc-  
17 tion project’ means the planning, designing, or con-  
18 structing of a shared medical facility pursuant to an  
19 agreement entered into under subsection (a).

20           “(4) The term ‘shared medical facility lease  
21 project’ means the leasing of a shared medical facil-  
22 ity pursuant to an agreement entered into under  
23 subsection (a).”.

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

1 by inserting after the item relating to section 8111A  
2 the following new item:

“8111B. Authority to plan, design, construct, or lease a medical facility shared  
with other departments or agencies.”.

3 (b) DEFINITION OF MEDICAL FACILITY.—Paragraph  
4 (3) of section 8101 of title 38, United States Code, is  
5 amended to read as follows:

6 “(3) The term ‘medical facility’ means any facility or  
7 part thereof which is, or will be, under the jurisdiction  
8 of the Secretary, including with respect to a shared med-  
9 ical facility (as defined in section 8111B(d) of this title),  
10 for the provision of health-care services (including hos-  
11 pital, outpatient clinic, extended care services, nursing  
12 home, or domiciliary care or medical services), including  
13 any necessary building and auxiliary structure, garage,  
14 parking facility, mechanical equipment, trackage facilities  
15 leading thereto, abutting sidewalks, accommodations for  
16 attending personnel, and recreation facilities associated  
17 therewith.”.

18 **SEC. 205. ENHANCED USE LEASE AUTHORITY.**

19 (a) IN GENERAL.—Section 8162(a)(2) of title 38,  
20 United States Code, is amended—

21 (1) by striking “only”; and

22 (2) by inserting “, or if the lease will enhance  
23 the use of the property,” after “housing”.

1 (b) APPLICATION.—The amendments made by sub-  
2 section (a) shall apply with respect to enhanced-use leases  
3 entered into on or after the date of the enactment of this  
4 Act.

### 5 **TITLE III—OTHER MATTERS**

#### 6 **SEC. 301. EXCEPTION ON LIMITATION ON AWARDS AND BO-** 7 **NUSES FOR RECRUITMENT, RELOCATION,** 8 **AND RETENTION.**

9 Section 705(a) of the Veterans Access, Choice, and  
10 Accountability Act of 2014 (Public Law 113–146; 38  
11 U.S.C. 703 note) is amended, in the matter preceding  
12 paragraph (1), by inserting “other than recruitment, relo-  
13 cation, or retention incentives,” after “title 38, United  
14 States Code.”

#### 15 **SEC. 302. APPROPRIATION OF AMOUNTS.**

16 (a) VETERANS CHOICE PROGRAM.—There is author-  
17 ized to be appropriated, and is appropriated, to the Sec-  
18 retary of Veterans Affairs, out of any funds in the Treas-  
19 ury not otherwise appropriated, \$2,100,000,000 to be de-  
20 posited in the Veterans Choice Fund under section 802  
21 of the Veterans Access, Choice, and Accountability Act of  
22 2014 (Public Law 113–146; 38 U.S.C. 1701 note).

23 (b) MINOR CONSTRUCTION AND NONRECURRING  
24 MAINTENANCE.—

1           (1) IN GENERAL.—There is authorized to be  
2 appropriated, and is appropriated, to the Secretary  
3 of Veterans Affairs, out of any funds in the Treas-  
4 ury not otherwise appropriated, \$500,000,000 for  
5 “Medical Facilities” for minor construction and non-  
6 recurring maintenance projects, to be prioritized ac-  
7 cording to their rankings in the strategic capital in-  
8 vestment planning process.

9           (2) NOTIFICATION.—Not later than 30 days be-  
10 fore obligating amounts appropriated under para-  
11 graph (1), the Secretary shall notify the Committees  
12 on Veterans’ Affairs of the House of Representatives  
13 and the Senate and the Committees on Appropria-  
14 tions of the House of Representatives and the Sen-  
15 ate of the medical facilities and specifics of the  
16 projects for which such amounts shall be obligated.

17           (c) AVAILABILITY OF AMOUNTS.—The amounts ap-  
18 propriated under subsections (a) and (b)(1) shall be avail-  
19 able for obligation or expenditure without fiscal year limi-  
20 tation.