

## Committee Print

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[Reflecting the actions of the Subcommittee on Health on July  
22, 2015]

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

# H. R. 3106

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

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IN THE HOUSE OF REPRESENTATIVES

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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 CONSTRU-**  
5 **CTION 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.”.

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

23 “(f) To the maximum extent practicable, the Sec-  
24 retary shall use industry standards, standard designs, and  
25 best practices in carrying out the construction of medical  
26 facilities.

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

4 “(A) design, planning, and construction assist-  
5 ance before the entity issues a request for proposals  
6 for the design or construction of the super construc-  
7 tion project covered by the agreement;

8 “(B) any documents or information needed for  
9 the entity to carry out the responsibilities of the en-  
10 tity with respect to the super construction project;  
11 and

12 “(C) upon the request of the entity, any other  
13 assistance that the entity determines necessary to  
14 carry out such responsibilities.

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

18 “(h)(1) With respect to a proposed change to a con-  
19 tract entered into by a non-Department Federal entity  
20 with which the Secretary has entered into an agreement  
21 under subsection (e) that is estimated at a value of less  
22 than \$250,000, the non-Department Federal entity shall  
23 issue a final decision regarding such change not later than  
24 30 days after the date on which the change is proposed.

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

3           “(A) the Secretary may provide to the entity  
4 the recommendations of the Secretary regarding  
5 such change;

6           “(B) during the 30-day period beginning on the  
7 date on which the entity furnishes to the Secretary  
8 information regarding such change, the Secretary  
9 may issue the final decision regarding such change;  
10 and

11           “(C) if the Secretary does not issue a final deci-  
12 sion under subparagraph (B), during the 30-day pe-  
13 riod following the period described in such para-  
14 graph, the entity shall issue a final decision regard-  
15 ing such a change no later than 90 days from when  
16 the entity furnished information regarding such a  
17 change to the Secretary.

18           “(i) The Secretary shall ensure that each employee  
19 of the Department with responsibilities relating to the con-  
20 struction or alteration of medical facilities, including such  
21 construction or alteration carried out pursuant to con-  
22 tracts or agreements, undergoes a program of ongoing  
23 professional training and development. Such program  
24 shall be designed to ensure that employees maintain ade-  
25 quate expertise relating to industry standards and best

1 practices for the acquisition of design and construction  
2 services. The Secretary may provide the program under  
3 this subsection through a contract or agreement with a  
4 non-Federal entity or with a non-Department Federal en-  
5 tity.”.

6 (c) LIMITATION ON PLANNING AND DESIGN FOR  
7 SUPER CONSTRUCTION PROJECTS.—

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

10 (A) by redesignating paragraph (3) as  
11 paragraph (4);

12 (B) by inserting after paragraph (2) the  
13 following new paragraph (3):

14 “(3) The Secretary may not obligate or expend funds  
15 for advance planning or design for any super construction  
16 project, until the date that is 60 days after the date on  
17 which the Secretary submits to the Committee on Vet-  
18 erans’ Affairs and the Committee on Appropriations of the  
19 Senate and the Committee on Veterans’ Affairs and the  
20 Committee on Appropriations of the House of Representa-  
21 tives notice of such obligation or expenditure.”; and

22 (C) in paragraph (4), as redesignated by  
23 paragraph (1) of this subsection, by adding at  
24 the end the following new subparagraph:

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

6           (2) APPLICABILITY.—The amendments made  
7 by paragraph (1) shall take effect on the date of the  
8 enactment of this Act and shall apply with respect  
9 to a construction project that is initiated on or after  
10 that date.

11          (d) CONGRESSIONAL APPROVAL OF CERTAIN  
12 PROJECTS.—

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

16          “(c) The Secretary may not obligate funds for a  
17 major medical facility project or a super construction  
18 project approved by a law described in subsection (a)(2)  
19 in an amount that would cause the total amount obligated  
20 for that project to exceed the amount specified in the law  
21 for that project (or would add to total obligations exceed-  
22 ing such specified amount) by more than 10 percent unless  
23 the Committee on Veterans’ Affairs and the Committee  
24 on Appropriations of the Senate and the Committee on  
25 Veterans’ Affairs and the Committee on Appropriations

1 of the House of Representatives each approve in writing  
2 the obligation of those funds.”.

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

5 (A) in paragraph (2)(B), in the matter  
6 preceding clause (i), by striking “Whenever”  
7 and inserting “Before”; and

8 (B) by adding at the end the following new  
9 paragraph:

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

20 (3) NOTIFICATION REQUIREMENTS.—

21 (A) COMMITTEES REQUIRED.—Subsection  
22 (d)(1) of such section is amended by striking  
23 “each committee” and inserting “the Com-  
24 mittee on Veterans’ Affairs and the Committee  
25 on Appropriations of the Senate and the Com-

1           mittee on Veterans' Affairs and the Committee  
2           on Appropriations of the House of Representa-  
3           tives”.

4           (B) USE OF AMOUNTS FROM BID SAV-  
5           INGS.—Subsection (d)(2)(B) of such section is  
6           amended by adding at the end the following  
7           new clause:

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

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

12           “(II) the percentage of such project that  
13           has been completed; and

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

17           (e) QUARTERLY REPORT ON SUPER CONSTRUCTION  
18           PROJECTS.—

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

22           **“§ 8120. Quarterly report on super construction**  
23           **projects**

24           “(a) QUARTERLY REPORTS REQUIRED.—Not later  
25           than 30 days after the last day of each fiscal quarter the



1 Secretary shall submit to the Committees on Veterans' Af-  
2 fairs of the Senate and House of Representatives on the  
3 super construction projects carried out by the Secretary  
4 during such quarter. Each such report shall include, for  
5 each such project—

6           “(1) the budgetary and scheduling status of the  
7 project, as of the last day of the quarter covered by  
8 the report; and

9           “(2) the actual cost and schedule variances of  
10 the project, as of such day, compared to the planned  
11 cost and schedules for the project.

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

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

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

20           (f) ACCELERATED MASTER PLANNING FOR EACH  
21 MEDICAL FACILITY OF THE DEPARTMENT OF VETERANS  
22 AFFAIRS.—

23           (1) EXISTING FACILITIES.—Not later than De-  
24 cember 31, 2016, the Secretary of Veterans Affairs  
25 shall complete a master plan described in paragraph

1 (3) for each medical facility of the Department of  
2 Veterans Affairs.

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

9 (A) The date on which activation is com-  
10 pleted.

11 (B) The date of the formal dedication of  
12 the facility.

13 (3) MASTER PLAN DESCRIBED.—A master plan  
14 described in this paragraph is, with respect to a  
15 medical facility of the Department, a plan to inform  
16 investment decisions and funding requests over a 10-  
17 year period for construction projects at such medical  
18 facility—

19 (A) to meet the health care needs of a  
20 changing veteran population through a com-  
21 bination of health care from the Department  
22 and other community resources; and

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

1 **SEC. 3. MODIFICATION OF AUTHORIZATION OF FISCAL**  
2 **YEAR 2008 MAJOR MEDICAL FACILITY**  
3 **PROJECT AT DEPARTMENT MEDICAL CENTER**  
4 **IN TAMPA, FLORIDA.**

5 In chapter 3 of the Supplemental Appropriations Act,  
6 2008 (Public Law 110–252; 122 Stat. 2326), in the mat-  
7 ter under the heading “Department of Veterans Affairs–  
8 Departmental Administration–Construction, Major  
9 Projects”, after “Five Year Capital Plan” insert the fol-  
10 lowing: “and for constructing a new bed tower at the De-  
11 partment of Veterans Affairs medical center in Tampa,  
12 Florida, in lieu of providing bed tower upgrades at such  
13 medical center”.

14 **SEC. 4. AUTHORIZATION OF FISCAL YEAR 2015 MAJOR MED-**  
15 **ICAL FACILITY PROJECTS.**

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

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

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

4           (3) Seismic correction of 12 buildings in West  
5           Los Angeles, California, in an amount not to exceed  
6           \$70,500,000.

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

10          (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
11          authorized to be appropriated to the Secretary of Veterans  
12          Affairs for fiscal year 2015 or the year in which funds  
13          are appropriated for the Construction, Major Projects, ac-  
14          count, a total of \$561,420,000 for the projects authorized  
15          in subsection (a).