

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.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2017

Mr. ROE of Tennessee (for himself, Mr. COFFMAN, Mr. WENSTRUP, Mrs. RADEWAGEN, Mr. BOST, Mr. POLIQUIN, Mr. ARRINGTON, Mr. RUTHERFORD, Mr. HIGGINS of Louisiana, Mr. BERGMAN, Mr. BANKS of Indiana, Miss GONZÁLEZ-COLÓN of Puerto Rico, and Mr. DUNN) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Rules, and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

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5 **TITLE I—ASSET AND**
6 **INFRASTRUCTURE REVIEW**

7 **SEC. 101. SHORT TITLE.**

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

1 **SEC. 102. THE COMMISSION.**

2 (a) ESTABLISHMENT.—There is established an inde-
3 pendent commission to be known as the “Asset and Infra-
4 structure Review Commission” (in this title referred to as
5 the “Commission”).

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

8 (c) APPOINTMENT.—

9 (1) IN GENERAL.—

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

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

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

22 (A) the Speaker of the House of Rep-
23 resentatives;

24 (B) the majority leader of the Senate;

25 (C) the minority leader of the House of
26 Representatives;

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

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

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

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

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

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

1 (C) at least one member has experience as
2 a senior manager for an entity specified in
3 clause (ii), (iii), or (iv) of section 101(a)(1)(B)
4 of the Veterans Access, Choice, and Account-
5 ability Act of 2014 (Public Law 113–146; 38
6 U.S.C. 1701 note);

7 (D) at least one member—

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

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

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

18 (d) MEETINGS.—

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

21 (2) PUBLIC NATURE OF MEETINGS AND PRO-
22 CEEDINGS.—

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

1 (B) OPEN PARTICIPATION.—All the pro-
2 ceedings, information, and deliberations of the
3 Commission shall be available for review by the
4 public.

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

10 (f) PAY.—

11 (1) IN GENERAL.—Members of the Commission
12 shall serve without pay.

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

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

23 (g) DIRECTOR OF STAFF.—

24 (1) APPOINTMENT.—The Commission shall ap-
25 point a Director who—

1 (A) has not served as an employee of the
2 Department of Veterans Affairs during the one-
3 year period preceding the date of such appoint-
4 ment; and

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

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

13 (h) STAFF.—

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

18 (2) EXEMPTION FROM CERTAIN REQUIRE-
19 MENTS.—The Director may make such appoint-
20 ments without regard to the provisions of title 5,
21 United States Code, governing appointments in the
22 competitive service, and any personnel so appointed
23 may be paid without regard to the provisions of
24 chapter 51 and subchapter III of chapter 53 of that
25 title relating to classification and General Schedule

1 pay rates, except that an individual so appointed
2 may not receive pay in excess of the annual rate of
3 basic pay payable for GS-15 of the General Sched-
4 ule.

5 (3) DETAILEES.—

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

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

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

24 (4) AUTHORITY TO REQUEST DETAILED PER-
25 SONNEL.—Subject to paragraph (3), the head of any

1 Federal department or agency, upon the request of
2 the Director, may detail any of the personnel of that
3 department or agency to the Commission to assist
4 the Commission in carrying out its duties under this
5 title.

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

12 (i) OTHER AUTHORITY.—

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

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

23 (j) TERMINATION.—The Commission shall terminate
24 on December 31, 2023.

1 (k) PROHIBITION AGAINST RESTRICTING COMMU-
2 NICATIONS.—

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

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

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

11 (a) SELECTION CRITERIA.—

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

24 (2) PUBLIC COMMENT.—The Secretary shall
25 provide an opportunity for public comment on the

1 proposed criteria under paragraph (1) for a period
2 of at least 90 days and shall include notice of that
3 opportunity in the publication required under such
4 paragraph.

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

13 (b) RECOMMENDATIONS OF THE SECRETARY.—

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

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

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

9 (B) The provision of effective and efficient
10 access to high-quality health care and services
11 for veterans.

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

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

21 (E) The extent to which the operating and
22 maintenance costs are reduced through consoli-
23 dating, collocating, and reconfiguring space, and
24 through realizing other operational efficiencies.

1 (F) The extent and timing of potential
2 costs and savings, including the number of
3 years such costs or savings will be incurred, be-
4 ginning with the date of completion of the pro-
5 posed recommendation.

6 (G) The extent to which the real property
7 aligns with the mission of the Department of
8 Veterans Affairs.

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

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

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

16 (K) Any other such factors the Secretary
17 determines appropriate.

18 (3) CAPACITY AND COMMERCIAL MARKET AS-
19 SESSMENTS.—

20 (A) ASSESSMENTS.—The Secretary shall
21 assess the capacity of each Veterans Integrated
22 Service Network and medical facility of the De-
23 partment to furnish hospital care or medical
24 services to veterans under chapter 17 of title

1 38, United States Code. Each such assessment
2 shall—

3 (i) identify gaps in furnishing such
4 care or services at such Veterans Inte-
5 grated Service Network or medical facility;

6 (ii) identify how such gaps can be
7 filled by—

8 (I) entering into contracts or
9 agreements with network providers
10 under this section or with entities
11 under other provisions of law;

12 (II) making changes in the way
13 such care and services are furnished
14 at such Veterans Integrated Service
15 Network or medical facility, includ-
16 ing—

17 (aa) extending hours of op-
18 eration;

19 (bb) adding personnel; or

20 (cc) expanding space
21 through the construction, leasing,
22 or sharing of health care facili-
23 ties;

24 (III) the building or realignment
25 of Department resources or personnel;

1 (iii) forecast, based on future projec-
2 tions and historical trends, both the short-
3 and long-term demand in furnishing care
4 or services at such Veterans Integrated
5 Service Network or medical facility and as-
6 sess how such demand affects the needs to
7 use such network providers;

8 (iv) include a commercial health care
9 market assessment of designated catch-
10 ment areas in the United States conducted
11 by a non-governmental entity; and

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

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

23 (C) SUBMITTAL.—The Secretary shall sub-
24 mit such assessments to the Committees on
25 Veterans' Affairs of the House of Representa-

1 tives and the Senate with the recommendations
2 of the Secretary under this subsection and
3 make the assessments publicly available.

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

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

24 (6) AVAILABILITY OF INFORMATION TO CON-
25 GRESS.—In addition to making all information used

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

7 (7) CERTIFICATION OF ACCURACY.—

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

16 (B) COVERED PERSONS.—Subparagraph

17 (A) applies to the following persons:

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

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

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

24 (iv) Each director of a program office
25 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 (c) 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 vised 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 FACILI-
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 Admin-
22 istration. 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 (c) 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 sideration 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 PROCE-
10 DURE.—Appeals from the decisions of the Chair
11 relating to the application of the rules of the
12 Senate, as the case may be, to the procedure re-
13 lating to a joint resolution shall be decided
14 without debate.

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

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

21 (1) IN GENERAL.—If, before passing the joint
22 resolution, one House receives from the other a joint
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 VIEWS.—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 colocated 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 MANAGEMENT AND LEASES**
10

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 rriculum 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 rriculum 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.

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