114th Congress 1st Session

H. R.

To extend the authorization for the major medical facility project to replace the Department of Veterans Affairs Medical Center in Denver, Colorado, to direct the Secretary of Veterans Affairs to enter into an agreement with the Army Corps of Engineers to manage the construction of such project, to transfer the authority to carry out future major medical facility projects of the Department from the Secretary to the Army Corps of Engineers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Coffman introduced the following bill; which was referred to the Committee on

A BILL

To extend the authorization for the major medical facility project to replace the Department of Veterans Affairs Medical Center in Denver, Colorado, to direct the Secretary of Veterans Affairs to enter into an agreement with the Army Corps of Engineers to manage the construction of such project, to transfer the authority to carry out future major medical facility projects of the Department from the Secretary to the Army Corps of Engineers, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “VA Construction, Ac-
countability, and Reform Act”.

SEC. 2. EXTENSION OF AUTHORIZATION OF MAJOR MED-
ICAL FACILITY PROJECT TO REPLACE DE-
PARTMENT OF VETERANS AFFAIRS MEDICAL
CENTER IN DENVER, COLORADO.

The Secretary of Veterans Affairs may carry out the
major medical facility project to replace the Department
of Veterans Affairs Medical Center in Denver, Colorado,
in an amount not to exceed a total of $1,730,000,000.

SEC. 3. PROHIBITION ON BONUSES UNTIL MAJOR MEDICAL
FACILITY PROJECT TO REPLACE DEPART-
MENT OF VETERANS AFFAIRS MEDICAL CEN-
TER IN DENVER, COLORADO, IS OPER-
ATIONAL.

(a) Prohibition on Bonuses During Fiscal
Years 2015 and 2016.—During fiscal years 2015 and
2016, the Secretary of Veterans Affairs may not pay any
bonus.

(b) Prohibition on Bonuses Until Operation
of Medical Center.—If the major medical facility
project to replace the Department of Veterans Affairs
Medical Center in Denver, Colorado, is not completed by September 30, 2016, the Secretary may not pay any bonus until the date on which the Secretary certifies to the Committees on Veterans’ Affairs of the House of Representatives and the Senate that the major medical facility project specified in section 2 to replace the Department of Veterans Affairs Medical Center in Denver, Colorado, is fully operational.

(e) LIMITATION ON BONUSES.—During the fiscal year in which the Secretary may begin to pay a bonus pursuant to subsection (b), and each fiscal year thereafter through fiscal year 2024, the Secretary shall ensure that the aggregate amount of bonuses paid by the Secretary during each such fiscal year does not exceed $360,000,000.

(d) BONUS DEFINED.—In this subsection, the term “bonus” means any bonus or award under chapter 45 or 53 of title 5, United States Code, or any other bonus or award authorized under such title or title 38, United States Code.

(e) CONFORMING REPEAL.—Section 705 of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 703 note) is repealed.
SEC. 4. MANAGEMENT OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN AURORA, COLORADO.

(a) Transfer of Construction Agent Responsibilities.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the Secretary of the Army, acting through the Chief of Engineers, for the Army Corps of Engineers to carry out, on a reimbursable basis, design, contract, construction management, and similar services for the Aurora medical facility project. Such agreement shall be subject to subsections (b) through (e) of section 1535 of title 31, United States Code.

(b) Duties.—

(1) Responsibilities.—Under the agreement entered into under subsection (a), the Army Corps of Engineers shall have the authority to perform the project, design, contract, and construction management necessary to complete the remaining work at the Aurora medical facility project. Such authority shall include entering into new contracts in accordance with the Federal Acquisition Regulation to fulfill construction agent responsibilities associated with such project. A determination will be made if entering into a new contract agreement with the cur-
rent prime contractor is consistent with the Federal
Acquisition Regulation and in the best interests of
the Government.

(2) INFORMATION REQUIRED.—In accordance
with subsection (d)(1), the Secretary of Veterans Af-
fairs shall provide the Army Corps of Engineers with
the information needed to ensure that the Army
Corps of Engineers understands the requirements
for the successful operation of the Aurora medical
facility project.

(c) PLANS AND REPORTS.—

(1) COMPLETION PLANS.—Not later than 60
days after entering into the agreement under sub-
section (a), the Secretary of Veterans Affairs, based
upon the advice of the Army Corps of Engineers
provided under the agreement entered into under
subsection (a), shall submit to the Committees on
Veterans’ Affairs of the House of Representatives
and the Senate detailed plans, including estimated
costs, to complete construction of the Aurora med-
ical facility project.

(2) PROGRESS REPORTS.—Not later than 180
days after entering into the agreement under sub-
section (a), and each 180-day period thereafter until
the date on which the Aurora medical facility project
is completed, the Secretary of Veterans Affairs, based on the advice of the Army Corps of Engineers provided under the agreement entered into under subsection (a), shall submit to the Committees on Veterans’ Affairs of the House of Representatives and Senate a report detailing the progress on the Aurora medical facility project.

(d) COOPERATION.—

(1) INFORMATION.—The Secretary of Veterans Affairs shall provide the Army Corps of Engineers with any documents or information which the Army Corps of Engineers determines necessary to carry out subsections (a) and (b).

(2) ASSISTANCE.—Upon request by the Army Corps of Engineers, the Secretary of Veterans Affairs shall provide to the Army Corps of Engineers any assistance that the Army Corps of Engineers determines necessary to carry out subsections (a) and (b). Such assistance shall be provided at no cost to the Army Corps of Engineers.

(e) AURORA MEDICAL FACILITY PROJECT DEFINED.—In this section, the term “Aurora medical facility project” means the major medical facility project specified in section 2 to replace the Department of Veterans Affairs Medical Center in Denver, Colorado.
SEC. 5. PROHIBITION ON SECRETARY OF VETERANS AFFAIRS CARRYING OUT MAJOR MEDICAL FACILITY PROJECTS.

(a) ARMY CORPS OF ENGINEERS.—Chapter 81 of title 38, United States Code, is amended by inserting after section 8103 the following new section:

§ 8103A. Authority of Army Corps of Engineers to carry out major medical facility projects

“(a) PROHIBITION.—Notwithstanding any other provision of law, the Secretary may not carry out any major medical facility project (as defined in section 8104(a)(3)(A) of this title).

“(b) ARMY CORPS OF ENGINEERS.—Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, shall carry out all major medical facility projects for the Department of Veterans Affairs.

“(c) AGREEMENTS.—The Chief of Engineers shall enter into an agreement with the Secretary of Veterans Affairs to carry out, on a reimbursable basis, design, contract, construction management, and similar services for major medical facility projects pursuant to subsection (b). Each such agreement shall be subject to subsections (b) through (e) of section 1535 of title 31.

“(d) DUTIES.—(1) Under an agreement entered into under subsection (c), the Army Corps of Engineers shall
have the authority to perform the project, design, contract, 
and construction management necessary to complete the 
major medical facility project covered by the agreement. 
Such authority shall include entering into new contracts 
in accordance with the Federal Acquisition Regulation to 
fulfill construction agent responsibilities associated with 
such project.

“(2) The Secretary of Veterans Affairs shall provide 
the Army Corps of Engineers with any documents or in-
formation needed for the Army Corps of Engineers to 
carry out major medical facility projects pursuant to sub-
section (b).

“(3) Upon request by the Army Corps of Engineers, 
the Secretary of Veterans Affairs shall provide to the 
Army Corps of Engineers any assistance that the Army 
Corps of Engineers determines necessary to carry out 
major medical facility projects pursuant to subsection (b). 
Such assistance shall be provided at no cost to the Army 
Corps of Engineers.

“(e) APPLICABILITY.—This section shall apply with 
respect to a major medical facility project that begins after 
the date of the enactment of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections 
at the beginning of such chapter is amended by inserting
after the item relating to section 8103 the following new item:

“8103A. Authority of Army Corps of Engineers to carry out major medical facility projects.”.

(c) CONFORMING AMENDMENTS.—Title 38, United States Code, is further amended—

(1) in section 312A(c)—

(A) in paragraph (1), by striking “The Director of” and inserting “Except as provided by section 8103A of this title, the Director of”;

and

(B) in paragraph (2), by striking “In carrying out” and inserting “Except as provided by section 8103A of this title, in carrying out”;

(2) in section 8103(a), by striking “section 8104” and inserting “sections 8103A and 8104”;

(3) in section 8104, by adding at the end the following new subsection:

“(i) The Secretary shall carry out this section in accordance with section 8103A of this title, including with respect to obligating or expending funds described in this section.”; and

(4) in section 8106—

(A) in subsection (a), by striking “The Secretary may” and inserting “Subject to section 8103A of this title, the Secretary may”;
(B) in subsection (b)(1), by striking “The Secretary may” and inserting “Subject to section 8103A of this title, the Secretary may”; and

(C) in subsection (c), by inserting “(except under section 8103A)” after “this subchapter”.

SEC. 6. COMPTROLLER GENERAL REPORT ON MANAGEMENT OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN AURORA, COLORADO.

(a) Review.—The Comptroller General of the United States shall review the management by the Secretary of Veterans Affairs of the Aurora medical facility project (as defined in section 4(e)), including with respect to the thoroughness and accuracy of the investigation into mismanagement conducted by the Administrative Investigation Board established by the Secretary. The review shall include a review of the following:

(1) Any potential misconduct or criminal activity committed by employees of the Department of Veterans Affairs that may have contributed to the significant cost overruns of the Aurora medical facility project.
(2) When senior officials of the Department knew, or should have known, that such project was likely to incur such significant cost overruns.

(3) The justification of the Secretary for withholding from Congress any information relating to such significant cost overruns.

(b) REPORT.—Not later than 180 days after the date on which the Secretary of Veterans Affairs concludes the Administrative Investigation Board described in subsection (a), the Comptroller General shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a report containing the review under such subsection.

SEC. 7. NOTIFICATION TO CONGRESS FOR USE OF FUNDS FOR MAJOR MEDICAL FACILITY PROJECTS THAT EXCEED AUTHORIZED AMOUNTS.

Section 8104(c) of title 38, United States Code, is amended by striking “30 days” and inserting “120 days”.