

116TH CONGRESS
1ST SESSION

S. 3089

To improve the construction and leasing of medical facilities of the
Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2019

Mr. TESTER (for himself and Mr. HAWLEY) introduced the following bill;
which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To improve the construction and leasing of medical facilities
of the Department of Veterans Affairs, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Build, Utilize, Invest,
5 Lease, and Deliver for Veterans Act of 2019” or the
6 “BUILD for Veterans Act of 2019”.

1 **SEC. 2. TREATMENT OF MAJOR MEDICAL FACILITY LEASES**
2 **OF THE DEPARTMENT OF VETERANS AF-**
3 **FAIRS.**

4 (a) CONGRESSIONAL APPROVAL OF MAJOR MEDICAL
5 FACILITY LEASES.—

6 (1) IN GENERAL.—Paragraph (2) of section
7 8104(a) of title 38, United States Code, is amend-
8 ed—

9 (A) by striking “No funds” and inserting
10 “(A) No funds”;

11 (B) by striking “or any major medical fa-
12 cility lease”;

13 (C) by striking “or lease”; and

14 (D) by adding at the end the following new
15 subparagraph:

16 “(B) No funds may be appropriated for any fiscal
17 year (other than for advance planning and design) for any
18 major medical facility lease unless the Committee on Vet-
19 erans’ Affairs of the Senate and the Committee on Vet-
20 erans’ Affairs of the House of Representatives each adopt
21 a resolution approving the lease.”.

22 (2) APPLICABILITY.—The amendments made
23 by paragraph (1) shall apply with respect to a lease
24 that has not been specifically authorized by law on
25 or before the date of the enactment of this Act.

1 (b) MODIFICATION OF DEFINITION OF MAJOR MED-
 2 ICAL FACILITY LEASE.—Paragraph (3)(B) of such section
 3 is amended to read as follows:

4 “(B) The term ‘major medical facility lease’
 5 means a lease for space for use as a new medical fa-
 6 cility at an average annual rent equal to or greater
 7 than the dollar threshold for leases procured through
 8 the General Services Administration under section
 9 3307(a)(2) of title 40, which shall be subject to an-
 10 nual adjustment in accordance with section 3307(h)
 11 of such title, but such term does not include a lease
 12 for space for use as a shared Federal medical facility
 13 for which the Department’s estimated share of the
 14 lease costs does not exceed that dollar threshold.”.

15 **SEC. 3. MODIFICATIONS TO ENHANCED-USE LEASE AU-**
 16 **THORITY OF THE DEPARTMENT OF VET-**
 17 **ERANS AFFAIRS.**

18 Section 8162(a)(2) of title 38, United States Code,
 19 is amended to read as follows:

20 “(2)(A) The Secretary may enter into an enhanced-
 21 use lease on or after the date of the enactment of the
 22 Build, Utilize, Invest, Lease, and Deliver for Veterans Act
 23 of 2019 only if the Secretary determines that—

24 “(i) the lease will not be inconsistent with and
 25 will not adversely affect—

1 “(I) the mission of the Department; or

2 “(II) the operation of facilities, programs,
3 and services of the Department in the local
4 area; and

5 “(ii)(I) the lease will enhance the use of the
6 leased property by directly or indirectly benefitting
7 veterans; or

8 “(II) the leased property will provide supportive
9 housing.

10 “(B) The Secretary shall give priority to enhanced
11 used leases that, on the leased property—

12 “(i) provide supportive housing for veterans;

13 “(ii) provide direct services or benefits targeted
14 to veterans; or

15 “(iii) provide services or benefits that indirectly
16 support veterans.”.

17 **SEC. 4. FACILITY PLANNING STAFF AT MEDICAL CENTERS**

18 **OF THE DEPARTMENT OF VETERANS AF-**

19 **FAIRS.**

20 (a) STAFFING.—

21 (1) IN GENERAL.—The Secretary of Veterans
22 Affairs shall ensure that each medical center of the
23 Department of Veterans Affairs has not fewer than
24 one staff member whose sole job is—

25 (A) facility planning;

1 (B) long-range capital planning; and
2 (C) management of projects and capital as-
3 sets relating to the execution of major construc-
4 tion projects, minor construction projects,
5 major leases, minor leases, non-recurring main-
6 tenance, and related matters at the medical
7 center and the catchment area surrounding the
8 medical center.

9 (2) TREATMENT OF STATES AND TERRITORIES
10 WITHOUT A MEDICAL CENTER.—In the case of a
11 State or territory of the United States in which the
12 Department does not operate a full-service medical
13 center, the staff member required under paragraph
14 (1) shall be located at the largest medical facility of
15 the Department in that State or territory, and any
16 reference in this section to a medical center shall be
17 deemed to be a reference to that medical facility.

18 (b) LONG-TERM PLANNING AND MANAGEMENT.—An
19 individual in a position described in subsection (a) at a
20 medical center of the Department shall not be the same
21 individual responsible for day to day maintenance and re-
22 pairs at the medical center or other medical facilities of
23 the Department in the catchment area surrounding the
24 medical center.

1 (c) QUALIFICATIONS.—The Secretary shall ensure
2 that an individual in a position described in subsection (a)
3 has the appropriate professional certifications, educational
4 background, and other qualifications to manage the duties
5 of such position under this section.

6 (d) DUTIES.—

7 (1) IN GENERAL.—An individual in a position
8 described in subsection (a) at a medical center of the
9 Department shall have the following duties:

10 (A) The development, monitoring, and im-
11 plementation of capital asset objectives for the
12 catchment area surrounding the medical center,
13 including community-based outpatient clinics
14 and other sites of care of the Department in
15 that area.

16 (B) The coordination of capital asset man-
17 agement and planning with counterparts at
18 other medical centers of the Department in the
19 region and facility planners for the Veterans In-
20 tegrated Service Network or Networks in the
21 region.

22 (C) Constantly monitoring the needs of
23 veterans and staff of the Department as it re-
24 lates to medical space and services at the med-
25 ical center and the catchment area surrounding

1 the medical center to forward plan and identify
2 and submit plans to meet those needs.

3 (D) In order to formulate local and re-
4 gional capital improvement and asset manage-
5 ment plans for medical facilities of the Depart-
6 ment, the collection, not less frequently than
7 once every two years, of—

8 (i) views and expectations of veterans
9 in the catchment area surrounding the
10 medical center who are users of health care
11 provided by the Department with respect
12 to—

13 (I) preferences and needs of
14 those veterans for the care received
15 from medical facilities of the Depart-
16 ment in that area; and

17 (II) the need for improvements
18 and enhancements to infrastructure of
19 the Department; and

20 (ii) views of relevant medical staff of
21 the Department at the medical center and
22 in the catchment area surrounding the
23 medical center regarding their preferences
24 and needs for how to deliver health care to
25 veterans and how those preferences impact

1 the infrastructure needs of the Depart-
 2 ment.

3 (E) With respect to space, planning, and
 4 infrastructure policies and directives of the De-
 5 partment, including those issued by the central
 6 office of the Department, the Veterans Health
 7 Administration, the Office of Acquisition, Lo-
 8 gistics, and Construction, the Office of Manage-
 9 ment, the Office of General Counsel, a Veterans
 10 Integrated Service Network, and any other of-
 11 fice of the Department with significant respon-
 12 sibility over capital asset management and plan-
 13 ning—

14 (i) understanding and implementing
 15 locally those policies and directives; and

16 (ii) providing feedback regarding ways
 17 in which those policies and directives can
 18 be improved.

19 (2) COLLECTION OF VIEWS AND EXPECTA-
 20 TIONS.—

21 (A) IN GENERAL.—Views and expectations
 22 may be collected under paragraph (1)(D)
 23 through multiple channels and the process used
 24 for such collection shall ensure that the views
 25 and expectations collected provide a representa-

1 tive sample of the population from which such
2 views and expectations are collected.

3 (B) CONFIDENTIALITY.—Any information
4 collected under paragraph (1)(D) shall be col-
5 lected in a manner that provides an option for
6 submission of views that are anonymous and
7 confidential.

8 (C) INCLUSION OF DIVERSE VIEW-
9 POINTS.—In collecting views and expectations
10 of veterans under paragraph (1)(D)(i), an indi-
11 vidual in a position described in subsection (a)
12 at a medical center of the Department shall en-
13 sure that the viewpoints of a diverse population
14 of veterans being served by the medical center
15 are captured.

16 (e) DEVELOPMENT OF STANDARD PROCESS TO SO-
17 LICIT VIEWS ON EFFECTIVENESS.—

18 (1) IN GENERAL.—The Secretary shall develop
19 a standardized process to solicit, not less frequently
20 than once every two years, feedback from medical
21 centers and Veterans Integrated Service Networks of
22 the Department regarding the effectiveness of and
23 ways to improve the infrastructure and asset man-
24 agement investment processes and guidance of the

1 central office of the Department and Veterans Inte-
2 grated Service Networks.

3 (2) CONFIDENTIALITY.—Any information col-
4 lected under paragraph (1) shall be collected in a
5 manner that provides an option for submission of
6 views that are anonymous and confidential.

7 **SEC. 5. REVIEW OF CLIMATE RESILIENCE OF FACILITIES**
8 **OF THE DEPARTMENT OF VETERANS AF-**
9 **FAIRS.**

10 (a) IN GENERAL.—The Secretary of Veterans Affairs
11 shall conduct a comprehensive review of the climate resil-
12 ience of facilities under the authority and jurisdiction of
13 the Secretary.

14 (b) ELEMENTS.—

15 (1) IN GENERAL.—The review conducted under
16 subsection (a) shall—

17 (A) provide a comprehensive assessment of
18 existing facilities that may be at risk due to
19 changes in the climate, including potential
20 vulnerabilities related to—

21 (i) proximity to a body of water;

22 (ii) proximity to an area prone to
23 flooding;

24 (iii) proximity to an area prone to
25 wild fire;

1 (iv) proximity to an area prone to tor-
2 nadoes, hurricanes, or other storms; and

3 (v) such other matters as the Sec-
4 retary considers appropriate after con-
5 sulting with the United States Global
6 Change Research Program on the best
7 available observations and forward-looking
8 climate projections by region, including sea
9 level rise data;

10 (B) include a description of strategies to
11 improve the climate resilience of existing facili-
12 ties at risk due to changes in the climate, in-
13 cluding potential modifications to facility oper-
14 ations and maintenance practices, and the cost
15 of such strategies;

16 (C) include an analysis of the design
17 standards and building codes used by the De-
18 partment to site, plan, build, lease, and ren-
19 ovate facilities and whether those design stand-
20 ards and building codes reflect both observed
21 and forward-looking climate information;

22 (D) use, in consultation with the United
23 States Global Change Research Program, for-
24 ward-looking climate information and other pro-
25 jections to anticipate changing environmental

1 conditions during the design life of existing or
2 planned facilities and infrastructure; and

3 (E) include recommendations for best
4 practices for future placement, planning, ren-
5 ovation, and construction of facilities of the De-
6 partment so as to avoid or mitigate the chal-
7 lenges resulting from placing a facility in an
8 area at risk of being vulnerable to harm from
9 the impacts of changing environmental condi-
10 tions.

11 (2) SOURCES OF INFORMATION AND PROJEC-
12 TIONS.—Sources of information and projections used
13 under paragraph (1)(D) may include the Bureau of
14 the Census (for population projections), the National
15 Academies of Sciences, Engineering, and Medicine
16 (for land use change projections and climate projec-
17 tions), the United States Geological Survey (for land
18 use change projections), the United States Global
19 Change Research Program and the National Climate
20 Assessment (for climate observations and projec-
21 tions), and such other sources as the Secretary con-
22 siders reliable in consultation with the United States
23 Global Change Research Program.

24 (c) REPORT.—

1 (1) IN GENERAL.—Not later than two years
2 after the date of the enactment of this Act, the Sec-
3 retary shall submit to the appropriate committees of
4 Congress a report detailing the results of the review
5 conducted under subsection (a) and the actions the
6 Secretary will take in response to the findings of
7 such review.

8 (2) ELEMENTS.—The report required by para-
9 graph (1) shall include the following:

10 (A) Recommendations for legislative and
11 administrative action to mitigate and respond
12 to the findings contained in such review.

13 (B) A description of action to be taken by
14 the Secretary to improve the climate resilience
15 of existing facilities of the Department of Vet-
16 erans Affairs.

17 (C) A description of changes in policy, di-
18 rectives, and procedures of the Department to
19 mitigate, plan for, and improve resilience of fu-
20 ture constructed facilities of the Department.

21 (D) The estimated cost to implement the
22 changes described in the report.

23 (E) The estimate timeline to implement
24 the changes described in the report.

1 (F) Such other matters, recommendations,
2 or requests as the Secretary considers appro-
3 priate.

4 (d) DEFINITIONS.—In this section:

5 (1) APPROPRIATE COMMITTEES OF CON-
6 GRESS.—The term “appropriate committees of Con-
7 gress” means—

8 (A) the Committee on Appropriations and
9 the Committee on Veterans’ Affairs of the Sen-
10 ate; and

11 (B) the Committee on Appropriations and
12 the Committee on Veterans’ Affairs of the
13 House of Representatives.

14 (2) CLIMATE RESILIENCE.—The term “climate
15 resilience” means—

16 (A) anticipating, preparing for, and adapt-
17 ing to changing environmental conditions such
18 as variations in average weather conditions that
19 persist over multiple decades or longer that en-
20 compass increases and decreases in tempera-
21 ture, shifts in precipitation, and changing risk
22 of certain types of severe weather events; and

23 (B) the ability to withstand, respond to,
24 and recover rapidly from disruptions while en-

1 suring the sustainment of mission-critical oper-
2 ations.

3 **SEC. 6. REVIEW OF INFRASTRUCTURE NEEDS FOR DEPLOY-**
4 **MENT OF THE ELECTRONIC HEALTH RECORD**
5 **MODERNIZATION INITIATIVE OF THE DE-**
6 **PARTMENT OF VETERANS AFFAIRS.**

7 (a) IN GENERAL.—The Secretary of Veterans Affairs
8 shall conduct a review of the physical space needs of each
9 facility of the Department of Veterans Affairs as it relates
10 to the deployment of the Electronic Health Record Mod-
11 ernization initiative of the Department.

12 (b) ELEMENTS.—The review conducted under sub-
13 section (a) shall include an assessment of the amount and
14 type of space, by facility, that needs to be renovated, modi-
15 fied, or constructed to accommodate any new or existing
16 information technology or other infrastructure needed for
17 the effective deployment of the new electronic health
18 record of the Department.

19 (c) REPORT.—

20 (1) IN GENERAL.—Not later than 275 days
21 after the date of the enactment of this Act, the Sec-
22 retary shall submit to the appropriate committees of
23 Congress a report—

24 (A) summarizing the findings of the review
25 conducted under subsection (a);

1 (B) detailing any legislative or administra-
 2 tive action needed to carry out any projects rec-
 3 ommended in the review;

4 (C) containing a timeline to complete any
 5 such projects;

6 (D) containing the cost and location of any
 7 such projects; and

8 (E) containing such recommendations, in-
 9 formation, or requests as the Secretary con-
 10 siders appropriate.

11 (2) APPROPRIATE COMMITTEES OF CONGRESS
 12 DEFINED.—In this subsection, the term “appro-
 13 priate committees of Congress” means—

14 (A) the Committee on Appropriations and
 15 the Committee on Veterans’ Affairs of the Sen-
 16 ate; and

17 (B) the Committee on Appropriations and
 18 the Committee on Veterans’ Affairs of the
 19 House of Representatives.

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