

116TH CONGRESS
1ST SESSION

S. 2328

To amend title 10, United States Code, to provide the Secretary of Defense and the Secretary of Veterans Affairs authority to enter into agreements for the planning, design, and construction, or leasing, of facilities to be operated as shared medical facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2019

Mr. SULLIVAN introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 10, United States Code, to provide the Secretary of Defense and the Secretary of Veterans Affairs authority to enter into agreements for the planning, design, and construction, or leasing, of facilities to be operated as shared medical facilities, 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 “VA-DoD Shared Med-
5 ical Facilities Act of 2019”.

1 **SEC. 2. AUTHORITY TO PLAN, DESIGN, AND CONSTRUCT, OR**
 2 **LEASE, SHARED MEDICAL FACILITIES.**

3 (a) IN GENERAL.—Chapter 55 of title 10, United
 4 States Code, is amended by inserting after section 1104
 5 the following new section:

6 **“§ 1104a. Shared medical facilities with the Depart-**
 7 **ment of Veterans Affairs**

8 “(a) AGREEMENTS.—The Secretary of Defense and
 9 the Secretary of Veterans Affairs may enter into agree-
 10 ments with each other for the planning, design, and con-
 11 struction, or leasing, of facilities to be operated as shared
 12 medical facilities.

13 “(b) TRANSFER OF AMOUNTS BY SECRETARY OF DE-
 14 FENSE.—(1) The Secretary of Defense may transfer to
 15 the Secretary of Veterans Affairs amounts as follows:

16 “(A) Amounts, not in excess of the amount au-
 17 thorized by law for an unspecified minor military
 18 construction project, for the construction of a shared
 19 medical facility if—

20 “(i) the amount of the share of the De-
 21 partment of Defense for the estimated cost of
 22 the project does not exceed the amount speci-
 23 fied in subsection (a)(2) of section 2805 of this
 24 title; and

1 “(ii) the other requirements of such section
2 have been met with respect to amounts identi-
3 fied for transfer.

4 “(B) Amounts appropriated for the Defense
5 Health Program for the purpose of the planning, de-
6 sign, and construction, or the leasing of space, for
7 a shared medical facility.

8 “(2) The authority to transfer amounts under this
9 section is in addition to any other authority to transfer
10 amounts available to the Secretary of Defense.

11 “(3) Section 2215 of this title does not apply to a
12 transfer of funds under this subsection.

13 “(c) TRANSFER OF AMOUNTS BY SECRETARY OF
14 VETERANS AFFAIRS.—The Secretary of Veterans Affairs
15 may transfer to the Secretary of Defense amounts as fol-
16 lows:

17 “(1) Amounts appropriated to the Secretary of
18 Veterans Affairs for ‘Construction, minor projects’
19 for use for the planning, design, or construction of
20 a shared medical facility if the amount of the share
21 of the Department of Veterans Affairs for the esti-
22 mated cost of the project does not exceed the
23 amount specified in section 8104(a)(3)(A) of title
24 38.

1 “(2) Amounts appropriated to the Secretary of
2 Veterans Affairs for ‘Construction, major projects’
3 for use for the planning, design, or construction of
4 a shared medical facility if—

5 “(A) the amount of the share of the De-
6 partment of Veterans Affairs for the estimated
7 cost of the project exceeds the amount specified
8 in subsection (a)(3) of section 8104 of title 38;
9 and

10 “(B) the other requirements of such sec-
11 tion have been met with respect to amounts
12 identified for transfer.

13 “(3) Amounts appropriated to the applicable
14 appropriation account of the Department of Vet-
15 erans Affairs for the purpose of leasing space for a
16 shared medical facility if the amount of the share of
17 the Department of Veterans Affairs for the esti-
18 mated cost of the project does not exceed the
19 amount specified in section 8104(a)(3)(B) of title
20 38.

21 “(d) RECEIPT OF AMOUNTS BY SECRETARY OF DE-
22 FENSE.—(1) Any amount transferred to the Secretary of
23 Defense by the Secretary of Veterans Affairs for necessary
24 expenses for the planning, design, and construction of a
25 shared medical facility, if the amount of the share of the

1 Department of Defense for the cost of such project does
2 not exceed the amount specified in section 2805(a)(2) of
3 this title, may be credited to accounts of the Department
4 of Defense available for the construction of a shared med-
5 ical facility.

6 “(2) Any amount transferred to the Secretary of De-
7 fense by the Secretary of Veterans Affairs for the purpose
8 of the planning and design, or the leasing of space, for
9 a shared medical facility may be credited to accounts of
10 the Department of Defense available for such purposes,
11 and may be used for such purposes.

12 “(3) Using accounts credited with transfers from the
13 Secretary of Veterans Affairs under paragraph (1), the
14 Secretary of Defense may carry out unspecified minor
15 military construction projects, if the share of the Depart-
16 ment of Defense for the cost of such project does not ex-
17 ceed the amount specified in section 2805(a)(2) of this
18 title.

19 “(e) RECEIPT OF AMOUNTS BY SECRETARY OF VET-
20 ERANS AFFAIRS.—(1) Any amount transferred to the Sec-
21 retary of Veterans Affairs by the Secretary of Defense for
22 necessary expenses for the planning, design, and construc-
23 tion of a shared medical facility, if the amount of the share
24 of the Department of Veterans Affairs for the cost of such
25 project does not exceed the amount specified in section

1 8104(a)(3)(A) of title 38, may be credited to the ‘Con-
2 struction, minor projects’ account of the Department of
3 Veterans Affairs and used for the necessary expenses of
4 constructing such shared medical facility.

5 “(2) Any amount transferred to the Secretary of Vet-
6 erans Affairs by the Secretary of Defense for necessary
7 expenses for the planning, design, and construction of a
8 shared medical facility, if the amount of the share of the
9 Department of Veterans Affairs for the cost of such
10 project exceeds the amount specified in subsection
11 (a)(3)(A) of section 8104 of title 38, may be credited to
12 the ‘Construction, major projects’ account of the Depart-
13 ment of Veterans Affairs and used for the necessary ex-
14 penses of constructing such shared medical facility if the
15 other requirements of such section have been met with re-
16 spect to amounts identified for transfer.

17 “(3) Any amount transferred to the Secretary of Vet-
18 erans Affairs by the Secretary of Defense for the purpose
19 of leasing space for a shared medical facility may be cred-
20 ited to accounts of the Department of Veterans Affairs
21 available for such purposes, and may be used for such pur-
22 poses.

23 “(f) MERGER OF AMOUNTS TRANSFERRED.—Any
24 amount transferred under this section shall be merged
25 with, and be available for the same purposes and the same

1 time period as, the appropriation or fund to which trans-
 2 ferred.

3 “(g) SHARED MEDICAL FACILITY DEFINED.—(1) In
 4 this section, the term ‘shared medical facility’ means a
 5 building or buildings, or a campus, intended to be used
 6 by both the Department of Defense and the Department
 7 of Veterans Affairs for the provision of health care serv-
 8 ices, whether under the jurisdiction of the Secretary of De-
 9 fense or the Secretary of Veterans Affairs, and whether
 10 or not located on a military installation or on real property
 11 under the jurisdiction of the Secretary of Veterans Affairs.

12 “(2) Such term includes any necessary building and
 13 auxiliary structure, garage, parking facility, mechanical
 14 equipment, abutting sidewalks, and accommodations for
 15 attending personnel.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
 17 at the beginning of chapter 55 of such title is amended
 18 by inserting after the item relating to section 1104 the
 19 following new item:

“1104a. Shared medical facilities with the Department of Veterans Affairs.”.

20 (c) TECHNICAL CORRECTION.—Paragraph (3) of sec-
 21 tion 8104(a) of title 38, United States Code, is amended
 22 to read as follows:

23 “(3) For purposes of this subsection:

24 “(A) The term ‘major medical facility project’
 25 means a project for the construction, alteration, or

1 acquisition of a medical facility involving a total ex-
2 penditure of more than \$20,000,000, but such term
3 does not include an acquisition by exchange, non-
4 recurring maintenance projects of the Department,
5 or the construction, alteration, or acquisition of a
6 shared Federal medical facility for which the De-
7 partment's estimated share of the project costs does
8 not exceed \$20,000,000.

9 “(B) The term ‘major medical facility lease’
10 means a lease for space for use as a new medical fa-
11 cility at an average annual rent of more than
12 \$1,000,000.”.

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