

Union Calendar No. 867

115TH CONGRESS
2D SESSION

H. R. 4243

[Report No. 115–1036, Part I]

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

NOVEMBER 16, 2018

Reported from the Committee on Veterans' Affairs with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

NOVEMBER 16, 2018

Referral to the Committees on Rules and Appropriations extended for a period ending not later than December 28, 2018

[For text of introduced bill, see copy of bill as introduced on November 3, 2017]

DECEMBER 28, 2018

Additional sponsors: Mr. BILIRAKIS, Mr. SESSIONS, and Mr. FRANCIS
ROONEY of Florida

DECEMBER 28, 2018

Committees on Rules and Appropriations discharged; committed to the Com-

mittee of the Whole House on the State of the Union and ordered to be printed

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,*

3 **SECTION 1. TABLE OF CONTENTS.**

4 *The table of contents for this Act is as follows:*

Sec. 1. Table of contents.

TITLE I—ASSET AND INFRASTRUCTURE REVIEW

Sec. 101. Short title.

Sec. 102. The Commission.

Sec. 103. Procedure for making recommendations.

Sec. 104. Actions regarding infrastructure and facilities of the Veterans Health Administration.

Sec. 105. Implementation.

Sec. 106. Department of Veterans Affairs Asset and Infrastructure Review Account.

Sec. 107. Congressional consideration of Commission report.

Sec. 108. Other matters.

Sec. 109. Definitions.

TITLE II—IMPROVEMENTS TO CONSTRUCTION MANAGEMENT AND LEASES

Sec. 201. Modification of thresholds for major medical facility projects and major medical facility leases.

Sec. 202. Submission of prospectuses of proposed minor medical facility projects.

Sec. 203. Improvement to training of construction personnel.

Sec. 204. Authority to plan, design, construct, or lease shared medical facilities.

Sec. 205. Enhanced use lease authority.

TITLE III—OTHER MATTERS

Sec. 301. Exception on limitation on awards and bonuses for recruitment, relocation, and retention.

Sec. 302. Appropriation of amounts.

Sec. 303. Assessment of health care furnished by the Department to veterans who live in the territories.

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 du-*
 7 *ties specified for it in this title.*

8 (c) *APPOINTMENT.*—

9 (1) *IN GENERAL.*—

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

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

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

22 (A) *the Speaker of the House of Representa-*
 23 *tives;*

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 nominating
13 individuals under this subsection, the President shall
14 ensure that—

15 (A) veterans, reflecting current demo-
16 graphics of veterans enrolled in the system of an-
17 nual patient enrollment under section 1705 of
18 title 38, United States Code, are adequately rep-
19 resented in the membership of the Commission;

20 (B) at least one member of the Commission
21 has experience working for a private integrated
22 health care system that has annual gross reve-
23 nues of more than \$50,000,000;

24 (C) at least one member has experience as
25 a senior manager for an entity specified in

1 *clause (ii), (iii), or (iv) of section 101(a)(1)(B)*
 2 *of the Veterans Access, Choice, and Account-*
 3 *ability Act of 2014 (Public Law 113–146; 38*
 4 *U.S.C. 1701 note);*

5 *(D) at least one member—*

6 *(i) has experience with capital asset*
 7 *management for the Federal Government;*
 8 *and*

9 *(ii) is familiar with trades related to*
 10 *building and real property, including con-*
 11 *struction, engineering, architecture, leasing,*
 12 *and strategic partnerships; and*

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

16 *(d) MEETINGS.—*

17 *(1) IN GENERAL.—The Commission shall meet*
 18 *only during calendar years 2022 and 2023.*

19 *(2) PUBLIC NATURE OF MEETINGS AND PRO-*
 20 *CEEDINGS.—*

21 *(A) PUBLIC MEETINGS.—Each meeting of*
 22 *the Commission shall be open to the public.*

23 *(B) OPEN PARTICIPATION.—All the pro-*
 24 *ceedings, information, and deliberations of the*

1 *Commission shall be available for review by the*
2 *public.*

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

8 (f) *PAY.—*

9 (1) *IN GENERAL.—Members of the Commission*
10 *shall serve without pay.*

11 (2) *OFFICERS OR EMPLOYEES OF THE UNITED*
12 *STATES.—Each member of the Commission who is an*
13 *officer or employee of the United States shall serve*
14 *without compensation in addition to that received for*
15 *service as an officer or employee of the United States.*

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

20 (g) *DIRECTOR OF STAFF.—*

21 (1) *APPOINTMENT.—The Commission shall ap-*
22 *point a Director who—*

23 (A) *has not served as an employee of the*
24 *Department of Veterans Affairs during the one-*

1 *year period preceding the date of such appoint-*
2 *ment; and*

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

7 *(2) RATE OF PAY.—The Director shall be paid at*
8 *the rate of basic pay payable for level IV of the Exec-*
9 *utive Schedule under section 5315 of title 5, United*
10 *States Code.*

11 *(h) STAFF.—*

12 *(1) PAY OF PERSONNEL.—Subject to paragraphs*
13 *(2) and (3), the Director, with the approval of the*
14 *Commission, may appoint and fix the pay of addi-*
15 *tional personnel.*

16 *(2) EXEMPTION FROM CERTAIN REQUIRE-*
17 *MENTS.—The Director may make such appointments*
18 *without regard to the provisions of title 5, United*
19 *States Code, governing appointments in the competi-*
20 *tive service, and any personnel so appointed may be*
21 *paid without regard to the provisions of chapter 51*
22 *and subchapter III of chapter 53 of that title relating*
23 *to classification and General Schedule pay rates, ex-*
24 *cept that an individual so appointed may not receive*

1 *pay in excess of the annual rate of basic pay payable*
2 *for GS-15 of the General Schedule.*

3 (3) *DETAILEES.—*

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

8 (B) *PROFESSIONAL ANALYSTS.—Not more*
9 *than half of the professional analysts of the Com-*
10 *mission staff may be persons detailed from the*
11 *Department of Veterans Affairs to the Commis-*
12 *sion.*

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

22 (4) *AUTHORITY TO REQUEST DETAILED PER-*
23 *SONNEL.—Subject to paragraph (3), the head of any*
24 *Federal department or agency, upon the request of the*
25 *Director, may detail any of the personnel of that de-*

1 *partment or agency to the Commission to assist the*
 2 *Commission in carrying out its duties under this*
 3 *title.*

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

10 (i) *OTHER AUTHORITY.—*

11 (1) *TEMPORARY AND INTERMITTENT SERV-*
 12 *ICES.—The Commission may procure by contract, to*
 13 *the extent funds are available, the temporary or inter-*
 14 *mittent services of experts or consultants pursuant to*
 15 *section 3109 of title 5, United States Code.*

16 (2) *LEASING AND ACQUISITION OF PROPERTY.—*
 17 *To the extent funds are available, the Commission*
 18 *may lease real property and acquire personal prop-*
 19 *erty either of its own accord or in consultation with*
 20 *the General Services Administration.*

21 (j) *TERMINATION.—The Commission shall terminate*
 22 *on December 31, 2023.*

23 (k) *PROHIBITION AGAINST RESTRICTING COMMUNICA-*
 24 *TIONS.—*

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

5 (2) *UNLAWFUL COMMUNICATIONS.*—*Paragraph*
6 *(1) does not apply to a communication that is unlaw-*
7 *ful.*

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

9 (a) *SELECTION CRITERIA.*—

10 (1) *PUBLICATION.*—*The Secretary shall, not later*
11 *than February 1, 2021, and after consulting with vet-*
12 *erans service organizations, publish in the Federal*
13 *Register and transmit to the Committees on Veterans’*
14 *Affairs of the Senate and the House of Representatives*
15 *the criteria proposed to be used by the Department of*
16 *Veterans Affairs in assessing and making rec-*
17 *ommendations regarding the modernization or re-*
18 *alignment of facilities of the Veterans Health Admin-*
19 *istration under this title. Such criteria shall include*
20 *the preferences of veterans regarding health care fur-*
21 *nished by the Department.*

22 (2) *PUBLIC COMMENT.*—*The Secretary shall pro-*
23 *vide an opportunity for public comment on the pro-*
24 *posed criteria under paragraph (1) for a period of at*
25 *least 90 days and shall include notice of that oppor-*

1 *tunity in the publication required under such para-*
2 *graph.*

3 (3) *PUBLICATION OF FINAL CRITERIA.*—*The Sec-*
4 *retary shall, not later than May 31, 2021, publish in*
5 *the Federal Register and transmit to the Committees*
6 *on Veterans’ Affairs of the Senate and the House of*
7 *Representatives the final criteria to be used in mak-*
8 *ing recommendations regarding the closure, mod-*
9 *ernization, or realignment of facilities of the Veterans*
10 *Health Administration under this title.*

11 (b) *RECOMMENDATIONS OF THE SECRETARY.*—

12 (1) *PUBLICATION IN FEDERAL REGISTER.*—*The*
13 *Secretary shall, not later than January 31, 2022, and*
14 *after consulting with veterans service organizations,*
15 *publish in the Federal Register and transmit to the*
16 *Committees on Veterans’ Affairs of the Senate and the*
17 *House of Representatives and to the Commission a re-*
18 *port detailing the recommendations regarding the*
19 *modernization or realignment of facilities of the Vet-*
20 *erans Health Administration on the basis of the final*
21 *criteria referred to in subsection (a)(2) that are ap-*
22 *plicable.*

23 (2) *FACTORS FOR CONSIDERATION.*—*In making*
24 *recommendations under this subsection, the Secretary*
25 *shall consider each of the following factors:*

1 (A) *The degree to which any health care de-*
2 *livery or other site for providing services to vet-*
3 *erans reflect the metrics of the Department of*
4 *Veterans Affairs regarding market area health*
5 *system planning.*

6 (B) *The provision of effective and efficient*
7 *access to high-quality health care and services for*
8 *veterans.*

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

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

18 (E) *The extent to which the operating and*
19 *maintenance costs are reduced through consoli-*
20 *dating, colocating, and reconfiguring space, and*
21 *through realizing other operational efficiencies.*

22 (F) *The extent and timing of potential costs*
23 *and savings, including the number of years such*
24 *costs or savings will be incurred, beginning with*

1 *the date of completion of the proposed rec-*
2 *ommendation.*

3 *(G) The extent to which the real property*
4 *aligns with the mission of the Department of*
5 *Veterans Affairs.*

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

10 *(I) Local stakeholder inputs and any factors*
11 *identified through public field hearings.*

12 *(J) The assessments under paragraph (3).*

13 *(K) Any other such factors the Secretary de-*
14 *termines appropriate.*

15 *(3) CAPACITY AND COMMERCIAL MARKET AS-*
16 *SESSMENTS.—*

17 *(A) ASSESSMENTS.—The Secretary shall as-*
18 *sess the capacity of each Veterans Integrated*
19 *Service Network and medical facility of the De-*
20 *partment to furnish hospital care or medical*
21 *services to veterans under chapter 17 of title 38,*
22 *United States Code. Each such assessment*
23 *shall—*

1 (i) identify gaps in furnishing such
2 care or services at such Veterans Integrated
3 Service Network or medical facility;

4 (ii) identify how such gaps can be
5 filled by—

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

10 (II) making changes in the way
11 such care and services are furnished at
12 such Veterans Integrated Service Net-
13 work or medical facility, including—

14 (aa) extending hours of oper-
15 ation;

16 (bb) adding personnel; or

17 (cc) expanding space through
18 the construction, leasing, or shar-
19 ing of health care facilities;

20 (III) the building or realignment
21 of Department resources or personnel;

22 (iii) forecast, based on future projec-
23 tions and historical trends, both the short-
24 and long-term demand in furnishing care
25 or services at such Veterans Integrated Serv-

1 ice Network or medical facility and assess
2 how such demand affects the needs to use
3 such network providers;

4 (iv) include a commercial health care
5 market assessment of designated catchment
6 areas in the United States conducted by a
7 non-governmental entity; and

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

13 (B) CONSULTATION.—In carrying out the
14 assessments under subparagraph (A), the Sec-
15 retary shall consult with veterans service organi-
16 zations and veterans served by each such Vet-
17 erans Integrated Service Network and medical
18 facility.

19 (C) SUBMITTAL.—The Secretary shall sub-
20 mit such assessments to the Committees on Vet-
21 erans' Affairs of the House of Representatives
22 and the Senate with the recommendations of the
23 Secretary under this subsection and make the as-
24 sessments publicly available.

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

14 (5) *TREATMENT OF FACILITIES.*—*In assessing*
15 *facilities of the Veterans Health Administration, the*
16 *Secretary shall consider all such facilities equally*
17 *without regard to whether the facility has been pre-*
18 *viously considered or proposed for reuse, closure, mod-*
19 *ernization, or realignment by the Department of Vet-*
20 *erans Affairs.*

21 (6) *AVAILABILITY OF INFORMATION TO CON-*
22 *GRESS.*—*In addition to making all information used*
23 *by the Secretary to prepare the recommendations*
24 *under this subsection available to Congress (including*
25 *any committee or Member of Congress), the Secretary*

1 *shall also make such information available to the*
2 *Commission and the Comptroller General of the*
3 *United States.*

4 (7) *CERTIFICATION OF ACCURACY.—*

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

13 (B) *COVERED PERSONS.—Subparagraph*
14 *(A) applies to the following persons:*

15 (i) *Each Under Secretary of the De-*
16 *partment of Veterans Affairs.*

17 (ii) *Each director of a Veterans Inte-*
18 *grated Service Network.*

19 (iii) *Each director of a medical center*
20 *of the Department of Veterans Affairs.*

21 (iv) *Each director of a program office*
22 *of the Department of Veterans Affairs.*

23 (v) *Each person who is in a position*
24 *the duties of which include personal and*
25 *substantial involvement in the preparation*

1 *and submission of information and rec-*
2 *ommendations concerning the moderniza-*
3 *tion or realignment of facilities of the Vet-*
4 *erans Health Administration.*

5 (c) *REVIEW AND RECOMMENDATIONS BY THE COMMIS-*
6 *SION.—*

7 (1) *PUBLIC HEARINGS.—*

8 (A) *IN GENERAL.—**After receiving the rec-*
9 *ommendations from the Secretary pursuant to*
10 *subsection (b), the Commission shall conduct*
11 *public hearings on the recommendations.*

12 (B) *LOCATIONS.—**The Commission shall*
13 *conduct public hearings in regions affected by a*
14 *recommendation of the Secretary to close a facil-*
15 *ity of the Veterans Health Administration. To*
16 *the greatest extent practicable, the Commission*
17 *shall conduct public hearings in regions affected*
18 *by a recommendation of the Secretary to mod-*
19 *ernize or realign such a facility.*

20 (C) *REQUIRED WITNESSES.—**Witnesses at*
21 *each public hearing shall include at a min-*
22 *imum—*

23 (i) *a veteran—*

24 (I) *enrolled under section 1705 of*
25 *title 38, United States Code; and*

1 (ii) identified by a local veterans
2 service organization; and
3 (ii) a local elected official.

4 (2) TRANSMITTAL TO PRESIDENT.—

5 (A) IN GENERAL.—The Commission shall,
6 not later than January 31, 2023, transmit to the
7 President a report containing the Commission’s
8 findings and conclusions based on a review and
9 analysis of the recommendations made by the
10 Secretary, together with the Commission’s rec-
11 ommendations, for modernizations and realign-
12 ments of facilities of the Veterans Health Admin-
13 istration.

14 (B) AUTHORITY TO MAKE CHANGES TO REC-
15 COMMENDATIONS.—Subject to subparagraph (C),
16 in making its recommendations, the Commission
17 may change any recommendation made by the
18 Secretary if the Commission—

19 (i) determines that the Secretary devi-
20 ated substantially from the final criteria re-
21 ferred to in subsection (a)(2) in making
22 such recommendation;

23 (ii) determines that the change is con-
24 sistent with the final criteria referred to in
25 subsection (a)(2);

1 (iii) publishes a notice of the proposed
2 change in the *Federal Register* not less than
3 45 days before transmitting its rec-
4 ommendations to the President pursuant to
5 subparagraph (A); and

6 (iv) conducts public hearings on the
7 proposed change.

8 (3) *JUSTIFICATION FOR CHANGES.*—The Com-
9 mission shall explain and justify in its report sub-
10 mitted to the President pursuant to paragraph (2)
11 any recommendation made by the Commission that is
12 different from the recommendations made by the Sec-
13 retary pursuant to subsection (b). The Commission
14 shall transmit a copy of such report to the Commit-
15 tees on Veterans' Affairs of the Senate and the House
16 of Representatives on the same date on which it
17 transmits its recommendations to the President under
18 paragraph (2).

19 (4) *PROVISION OF INFORMATION TO CON-*
20 *GRESS.*—After January 31, 2023, the Commission
21 shall promptly provide, upon request, to any Member
22 of Congress information used by the Commission in
23 making its recommendations.

24 (d) *REVIEW BY THE PRESIDENT.*—

1 (1) *REPORT.*—*The President shall, not later*
2 *than February 15, 2023, transmit to the Commission*
3 *and to the Congress a report containing the Presi-*
4 *dent’s approval or disapproval of the Commission’s*
5 *recommendations.*

6 (2) *PRESIDENTIAL APPROVAL.*—*If the President*
7 *approves all the recommendations of the Commission,*
8 *the President shall transmit a copy of such rec-*
9 *ommendations to the Congress, together with a certifi-*
10 *cation of such approval.*

11 (3) *PRESIDENTIAL DISAPPROVAL.*—*If the Presi-*
12 *dent disapproves the recommendations of the Commis-*
13 *sion, in whole or in part, the President shall transmit*
14 *to the Commission and the Congress, not later than*
15 *March 1, 2023, the reasons for that disapproval. The*
16 *Commission shall then transmit to the President, not*
17 *later than March 15, 2023, a revised list of rec-*
18 *ommendations for closures, modernizations, and re-*
19 *alignments of facilities of the Veterans Health Admin-*
20 *istration.*

21 (4) *TRANSMITTAL OF RECOMMENDATIONS TO*
22 *CONGRESS.*—*If the President approves all of the re-*
23 *vised recommendations of the Commission trans-*
24 *mitted to the President under paragraph (3), the*
25 *President shall transmit a copy of such revised rec-*

1 ommendations to the Congress, together with a certifi-
 2 cation of such approval.

3 (5) *FAILURE TO TRANSMIT.*—If the President
 4 does not transmit to the Congress an approval and
 5 certification described in paragraph (2) or (4) by
 6 March 30, 2023, the process by which facilities of the
 7 Veterans Health Administration may be selected for
 8 modernization or realignment under this title shall be
 9 terminated.

10 **SEC. 104. ACTIONS REGARDING INFRASTRUCTURE AND FA-**
 11 **CILITIES OF THE VETERANS HEALTH ADMIN-**
 12 **ISTRATION.**

13 (a) *IN GENERAL.*—Subject to subsection (b), the Sec-
 14 retary shall begin to implement the recommended mod-
 15 ernizations and realignments in the report under section
 16 103(d) not later than three years after the date on which
 17 the President transmits such report to Congress. Such im-
 18 plementation includes the planning of modernizations and
 19 realignments of facilities of the Veterans Health Adminis-
 20 tration as recommended in such report.

21 (b) *CONGRESSIONAL DISAPPROVAL.*—

22 (1) *IN GENERAL.*—The Secretary may not carry
 23 out any modernization or realignment recommended
 24 by the Commission in a report transmitted from the
 25 President pursuant to section 103(d) if a joint resolu-

1 *tion is enacted, in accordance with the provisions of*
 2 *section 107, disapproving such recommendations of*
 3 *the Commission before the earlier of—*

4 *(A) the end of the 45-day period beginning*
 5 *on the date on which the President transmits*
 6 *such report; or*

7 *(B) the adjournment of Congress sine die*
 8 *for the session during which such report is trans-*
 9 *mitted.*

10 *(2) COMPUTATION OF PERIOD.—For purposes of*
 11 *paragraph (1) and subsections (a) and (c) of section*
 12 *107, the days on which either House of Congress is*
 13 *not in session because of an adjournment of more*
 14 *than three days to a day certain shall be excluded in*
 15 *the computation of a period.*

16 *(c) SPECIFIC AUTHORIZATION.—Any obligation or ex-*
 17 *penditure of funds for any major medical facility project*
 18 *or any major medical facility lease under subsection (a)*
 19 *shall be treated as if specifically authorized by law for pur-*
 20 *poses of section 8104 of title 38, United States Code, as*
 21 *amended by sections 201 and 202 of this Act.*

22 **SEC. 105. IMPLEMENTATION.**

23 *(a) IN GENERAL.—*

24 *(1) MODERNIZING AND REALIGNING FACILI-*
 25 *TIES.—In modernizing or realigning any facility of*

1 *the Veterans Health Administration under this title,*
2 *the Secretary may—*

3 *(A) take such actions as may be necessary*
4 *to modernize or realign any such facility, in-*
5 *cluding the alteration of such facilities, the ac-*
6 *quisition of such land, the leasing or construc-*
7 *tion of such replacement facilities, the disposi-*
8 *tion of such land or facilities, the performance of*
9 *such activities, and the conduct of such advance*
10 *planning and design as may be required to*
11 *transfer functions from a facility of the Veterans*
12 *Health Administration to another such facility,*
13 *and may use for such purpose funds in the Ac-*
14 *count or funds appropriated to the Department*
15 *of Veterans Affairs for such purposes;*

16 *(B) carry out activities for the purposes of*
17 *environmental mitigation, abatement, or restora-*
18 *tion at any such facility, and shall use for such*
19 *purposes funds in the Account;*

20 *(C) provide outplacement assistance to em-*
21 *ployees employed by the Department of Veterans*
22 *Affairs at facilities of the Veterans Health Ad-*
23 *ministration being closed or realigned, and may*
24 *use for such purpose funds in the Account or*
25 *funds appropriated to the Department of Vet-*

erans Affairs for outplacement assistance to employees;

(D) reimburse other Federal agencies for actions performed at the request of the Secretary with respect to any such closure or realignment, and may use for such purpose funds in the Account or funds appropriated to the Department of Veterans Affairs and available for such purpose; and

(E) exercise the authority of the Secretary under subchapter V of chapter 81 of title 38, United States Code.

(2) ENVIRONMENTAL RESTORATION; HISTORIC PRESERVATION.—In carrying out any closure or realignment under this title, the Secretary, with regards to any property made excess to the needs of the Department of Veterans Affairs as a result of such closure or realignment, shall carry out, as soon as possible with funds available for such purpose, any of the following for which the Secretary is responsible:

(A) Environmental mitigation.

(B) Environmental abatement.

(C) Environmental restoration.

(D) Compliance with historic preservation requirements.

1 (b) *MANAGEMENT AND DISPOSAL OF PROPERTY.*—

2 (1) *EXISTING DISPOSAL AUTHORITIES.*—*To*
3 *transfer or dispose of surplus real property or infra-*
4 *structure located at any facility of the Veterans*
5 *Health Administration that is modernized or re-*
6 *aligned under this Act, the Secretary may exercise the*
7 *authorities of the Secretary under subchapters I and*
8 *II of chapter 81 of title 38, United States Code, or*
9 *the authorities delegated to the Secretary by the Ad-*
10 *ministrator of General Services under subchapter III*
11 *of chapter 5 of title 40, United States Code.*

12 (2) *EFFECTS ON LOCAL COMMUNITIES.*—

13 (A) *CONSULTATION WITH STATE AND LOCAL*
14 *GOVERNMENT.*—*Before any action may be taken*
15 *with respect to the disposal of any surplus real*
16 *property or infrastructure located at any facility*
17 *of the Veterans Health Administration to be*
18 *closed or realigned under this title, the Secretary*
19 *of Veterans Affairs shall consult with the Gov-*
20 *ernor of the State and the heads of the local gov-*
21 *ernments concerned for the purpose of consid-*
22 *ering any plan for the use of such property by*
23 *the local community concerned.*

24 (B) *TREATMENT OF ROADS.*—*If infrastruc-*
25 *ture or a facility of the Veterans Health Admin-*

1 *istration to be closed or realigned under this title*
 2 *includes a road used for public access through,*
 3 *into, or around the facility, the Secretary—*

4 *(i) shall consult with the Government*
 5 *of the State and the heads of the local gov-*
 6 *ernments concerned for the purpose of con-*
 7 *sidering the continued availability of the*
 8 *road for public use after the recommended*
 9 *action is complete; and*

10 *(ii) may exercise the authority of the*
 11 *Secretary under section 8108 of title 38,*
 12 *United States Code.*

13 *(3) LEASES; CERCLA.—*

14 *(A) LEASE AUTHORITY.—*

15 *(i) TRANSFER TO REDEVELOPMENT AU-*
 16 *THORITY FOR LEASE.—The Secretary may*
 17 *transfer title to a facility of the Veterans*
 18 *Health Administration approved for closure*
 19 *or realignment under this title (including*
 20 *property at a facility of the Veterans Health*
 21 *Administration approved for realignment*
 22 *which will be retained by the Department of*
 23 *Veterans Affairs or another Federal agency*
 24 *after realignment) to the redevelopment au-*
 25 *thority for the facility if the redevelopment*

1 *authority agrees to lease, directly upon*
2 *transfer, one or more portions of the prop-*
3 *erty transferred under this subparagraph to*
4 *the Secretary or to the head of another de-*
5 *partment or agency of the Federal Govern-*
6 *ment.*

7 (ii) *TERM OF LEASE.—A lease under*
8 *clause (i) shall be for a term of not to exceed*
9 *50 years, but may provide for options for*
10 *renewal or extension of the term by the de-*
11 *partment or agency concerned.*

12 (iii) *LIMITATION.—A lease under*
13 *clause (i) may not require rental payments*
14 *by the United States.*

15 (iv) *TREATMENT OF REMAINDERED*
16 *LEASE TERMS.—A lease under clause (i)*
17 *shall include a provision specifying that if*
18 *the department or agency concerned ceases*
19 *requiring the use of the leased property be-*
20 *fore the expiration of the term of the lease,*
21 *the remainder of the lease term may be sat-*
22 *isfied by the same or another department or*
23 *agency of the Federal Government using the*
24 *property for a use similar to the use under*
25 *the lease. Exercise of the authority provided*

1 *by this clause shall be made in consultation*
2 *with the redevelopment authority concerned.*

3 (v) *FACILITY SERVICES.*—*Notwith-*
4 *standing clause (iii), if a lease under clause*
5 *(i) involves a substantial portion of the fa-*
6 *cility, the department or agency concerned*
7 *may obtain facility services for the leased*
8 *property and common area maintenance*
9 *from the redevelopment authority or the re-*
10 *development authority's assignee as a provi-*
11 *sion of the lease. The facility services and*
12 *common area maintenance shall be provided*
13 *at a rate no higher than the rate charged to*
14 *non-Federal tenants of the transferred prop-*
15 *erty. Facility services and common area*
16 *maintenance covered by the lease shall not*
17 *include—*

18 (I) *municipal services that a*
19 *State or local government is required*
20 *by law to provide to all landowners in*
21 *its jurisdiction without direct charge;*
22 *or*

23 (II) *firefighting or security-guard*
24 *functions.*

1 (B) *APPLICATION OF CERCLA.*—*The provi-*
 2 *sions of section 120(h) of the Comprehensive En-*
 3 *vironmental Response, Compensation, and Li-*
 4 *ability Act of 1980 (42 U.S.C. 9620(h)) shall*
 5 *apply to any transfer of real property under this*
 6 *paragraph.*

7 (C) *ADDITIONAL TERMS AND CONDITIONS.*—
 8 *The Secretary may require any additional terms*
 9 *and conditions in connection with a transfer*
 10 *under this paragraph as such Secretary con-*
 11 *siders appropriate to protect the interests of the*
 12 *United States.*

13 (4) *APPLICATION OF MCKINNEY-VENTO HOME-*
 14 *LESS ASSISTANCE ACT.*—*Nothing in this title shall*
 15 *limit or otherwise affect the application of the provi-*
 16 *sions of the McKinney-Vento Homeless Assistance Act*
 17 *(42 U.S.C. 11301 et seq.) to facilities of the Veterans*
 18 *Health Administration closed under this title.*

19 (c) *APPLICABILITY OF NATIONAL ENVIRONMENTAL*
 20 *POLICY ACT OF 1969.*—

21 (1) *IN GENERAL.*—*The provisions of the National*
 22 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*
 23 *seq.) shall not apply to the actions of the President,*
 24 *the Commission, and, except as provided in para-*

graph (2), the Department of Veterans Affairs in carrying out this title.

(2) *DEPARTMENT OF VETERANS AFFAIRS.*—

(A) *COVERED ACTIVITIES.*—The provisions of the National Environmental Policy Act of 1969 shall apply to actions of the Department of Veterans Affairs under this title—

(i) during the process of property disposal; and

(ii) during the process of relocating functions from a facility of the Veterans Health Administration being closed or realigned to another facility after the receiving facility has been selected but before the functions are relocated.

(B) *OTHER ACTIVITIES.*—In applying the provisions of the National Environmental Policy Act of 1969 to the processes referred to in subparagraph (A), the Secretary shall not have to consider—

(i) the need for closing or realigning the facility of the Veterans Health Administration as recommended by the Commission;

(ii) the need for transferring functions to any facility of the Veterans Health Ad-

1 *ministration which has been selected as the*
 2 *receiving facility; or*

3 *(iii) facilities of the Veterans Health*
 4 *Administration alternative to those rec-*
 5 *ommended or selected.*

6 *(d) WAIVER.—*

7 *(1) RESTRICTIONS ON USE OF FUNDS.—The Sec-*
 8 *retary may close or realign facilities of the Veterans*
 9 *Health Administration under this title without regard*
 10 *to any provision of law restricting the use of funds*
 11 *for closing or realigning facilities of the Veterans*
 12 *Health Administration included in any appropri-*
 13 *ation or authorization Act.*

14 *(2) RESTRICTIONS ON AUTHORITIES.—The Sec-*
 15 *retary may close or realign facilities of the Veterans*
 16 *Health Administration under this title without regard*
 17 *to the restrictions of section 8110 of title 38, United*
 18 *States Code.*

19 *(e) TRANSFER AUTHORITY IN CONNECTION WITH PAY-*
 20 *MENT OF ENVIRONMENTAL REMEDIATION COSTS.—*

21 *(1) IN GENERAL.—*

22 *(A) TRANSFER BY DEED.—Subject to para-*
 23 *graph (2) of this subsection and section 120(h)*
 24 *of the Comprehensive Environmental Response,*
 25 *Compensation, and Liability Act of 1980 (42*

1 U.S.C. 9620(h)), the Secretary may enter into
2 an agreement to transfer by deed a facility of the
3 Veterans Health Administration with any person
4 who agrees to perform all environmental restora-
5 tion, waste management, and environmental
6 compliance activities that are required for the
7 property or facilities under Federal and State
8 laws, administrative decisions, agreements (in-
9 cluding schedules and milestones), and concur-
10 rences.

11 (B) *ADDITIONAL TERMS OR CONDITIONS.*—

12 The Secretary may require any additional terms
13 and conditions in connection with an agreement
14 authorized by subparagraph (A) as the Secretary
15 considers appropriate to protect the interests of
16 the United States.

17 (2) *LIMITATION.*—A transfer of a facility of the
18 Veterans Health Administration may be made under
19 paragraph (1) only if the Secretary certifies to Con-
20 gress that—

21 (A) the costs of all environmental restora-
22 tion, waste management, and environmental
23 compliance activities otherwise to be paid by the
24 Secretary with respect to the facility of the Vet-
25 erans Health Administration are equal to or

1 *greater than the fair market value of the prop-*
2 *erty or facilities to be transferred, as determined*
3 *by the Secretary; or*

4 *(B) if such costs are lower than the fair*
5 *market value of the facility of the Veterans*
6 *Health Administration, the recipient of such*
7 *transfer agrees to pay the difference between the*
8 *fair market value and such costs.*

9 *(3) PAYMENT BY THE SECRETARY FOR CERTAIN*
10 *TRANSFERS.—In the case of a facility of the Veterans*
11 *Health Administration covered by a certification*
12 *under paragraph (2)(A), the Secretary may pay the*
13 *recipient of such facility an amount equal to the less-*
14 *er of—*

15 *(A) the amount by which the costs incurred*
16 *by the recipient of the facility of the Veterans*
17 *Health Administration for all environmental res-*
18 *toration, waste, management, and environmental*
19 *compliance activities with respect to such facility*
20 *exceed the fair market value of such property as*
21 *specified in such certification; or*

22 *(B) the amount by which the costs (as deter-*
23 *mined by the Secretary) that would otherwise*
24 *have been incurred by the Secretary for such res-*
25 *toration, management, and activities with re-*

1 *spect to such facility of the Veterans Health Ad-*
2 *ministration exceed the fair market value of*
3 *property as so specified.*

4 (4) *DISCLOSURE.—As part of an agreement*
5 *under paragraph (1), the Secretary shall disclose to*
6 *the person to whom the facility of the Veterans Health*
7 *Administration will be transferred any information*
8 *of the Secretary regarding the environmental restora-*
9 *tion, waste management, and environmental compli-*
10 *ance activities described in paragraph (1) that relate*
11 *to the facility of the Veterans Health Administration.*
12 *The Secretary shall provide such information before*
13 *entering into the agreement.*

14 (5) *APPLICABILITY OF CERTAIN ENVIRONMENTAL*
15 *LAWS.—Nothing in this subsection shall be construed*
16 *to modify, alter, or amend the Comprehensive Envi-*
17 *ronmental Response, Compensation, and Liability*
18 *Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid*
19 *Waste Disposal Act (42 U.S.C. 6901 et seq.).*

20 **SEC. 106. DEPARTMENT OF VETERANS AFFAIRS ASSET AND**
21 **INFRASTRUCTURE REVIEW ACCOUNT.**

22 (a) *ESTABLISHMENT.—There is hereby established in*
23 *the ledgers of the Treasury an account to be known as the*
24 *“Department of Veterans Affairs Asset and Infrastructure*

1 *Review Account” which shall be administered by the Sec-*
2 *retary as a single account.*

3 (b) *CREDITS TO ACCOUNT.—There shall be credited to*
4 *the Account the following:*

5 (1) *Funds authorized for and appropriated to*
6 *the Account.*

7 (2) *Proceeds received from the lease, transfer, or*
8 *disposal of any property at a facility of the Veterans*
9 *Health Administration closed or realigned under this*
10 *title.*

11 (c) *USE OF ACCOUNT.—The Secretary may use the*
12 *funds in the Account only for the following purposes:*

13 (1) *To carry out this title.*

14 (2) *To cover property management and disposal*
15 *costs incurred at facilities of the Veterans Health Ad-*
16 *ministration closed, modernized, or realigned under*
17 *this title.*

18 (3) *To cover costs associated with supervision,*
19 *inspection, overhead, engineering, and design of con-*
20 *struction projects undertaken under this title, and*
21 *subsequent claims, if any, related to such activities.*

22 (4) *Other purposes that the Secretary determines*
23 *support the mission and operations of the Department*
24 *of Veterans Affairs.*

1 (d) *CONSOLIDATED BUDGET JUSTIFICATION DISPLAY*
2 *FOR ACCOUNT.—*

3 (1) *CONSOLIDATED BUDGET INFORMATION RE-*
4 *QUIRED.—The Secretary shall establish a consolidated*
5 *budget justification display in support of the Account*
6 *that for each fiscal year—*

7 (A) *details the amount and nature of credits*
8 *to, and expenditures from, the Account during*
9 *the preceding fiscal year;*

10 (B) *separately details the environmental re-*
11 *mediation costs associated with facility of the*
12 *Veterans Health Administration for which a*
13 *budget request is made;*

14 (C) *specifies the transfers into the Account*
15 *and the purposes for which these transferred*
16 *funds will be further obligated, to include care-*
17 *taker and environment remediation costs associ-*
18 *ated with each facility of the Veterans Health*
19 *Administration; and*

20 (D) *details any intra-budget activity trans-*
21 *fers within the Account that exceeded \$1,000,000*
22 *during the preceding fiscal year or that are pro-*
23 *posed for the next fiscal year and will exceed*
24 *\$1,000,000.*

1 (2) *SUBMISSION.*—*The Secretary shall include*
 2 *the information required by paragraph (1) in the ma-*
 3 *terials that the Secretary submits to Congress in sup-*
 4 *port of the budget for a fiscal year submitted by the*
 5 *President pursuant to section 1105 of title 31, United*
 6 *States Code.*

7 (e) *CLOSURE OF ACCOUNT; TREATMENT OF REMAIN-*
 8 *ING FUNDS.*—

9 (1) *CLOSURE.*—*The Account shall be closed at*
 10 *the time and in the manner provided for appropria-*
 11 *tion accounts under section 1555 of title 31, United*
 12 *States Code, except that unobligated funds which re-*
 13 *main in the Account upon closure shall be held by the*
 14 *Secretary of the Treasury until transferred to the Sec-*
 15 *retary of Veterans Affairs by law after the Committees*
 16 *on Veterans' Affairs of the Senate and the House of*
 17 *Representatives receive the final report transmitted*
 18 *under paragraph (2).*

19 (2) *FINAL REPORT.*—*No later than 60 days after*
 20 *the closure of the Account under paragraph (1), the*
 21 *Secretary shall transmit to the Committees on Vet-*
 22 *erans' Affairs of the Senate and the House of Rep-*
 23 *resentatives and the Committees on Appropriations of*
 24 *the House of Representatives and the Senate a report*
 25 *containing an accounting of—*

1 (A) *all the funds credited to and expended*
 2 *from the Account or otherwise expended under*
 3 *this title; and*

4 (B) *any funds remaining in the Account.*

5 **SEC. 107. CONGRESSIONAL CONSIDERATION OF COMMIS-**
 6 **SION REPORT.**

7 (a) *DISAPPROVAL RESOLUTION.*—*For purposes of sec-*
 8 *tion 104(b), the term “joint resolution” means only a joint*
 9 *resolution which is introduced within the 5-day period be-*
 10 *ginning on the date on which the President transmits the*
 11 *report to the Congress under section 103(d), and—*

12 (1) *which does not have a preamble;*

13 (2) *the matter after the resolving clause of which*
 14 *is as follows: “that Congress disapproves the rec-*
 15 *ommendations of the VHA Asset and Infrastructure*
 16 *Review Commission as submitted by the President on*
 17 *_____”, the blank space being filled with the appro-*
 18 *priate date; and*

19 (3) *the title of which is as follows: “Joint resolu-*
 20 *tion disapproving the recommendations of the VHA*
 21 *Asset and Infrastructure Review Commission.”.*

22 (b) *CONSIDERATION IN THE HOUSE OF REPRESENTA-*
 23 *TIVES.—*

24 (1) *REPORTING AND DISCHARGE.*—*Any com-*
 25 *mittee of the House of Representatives to which a*

1 *joint resolution is referred shall report it to the House*
2 *without amendment not later than 15 legislative days*
3 *after the date of introduction thereof. If a committee*
4 *fails to report the joint resolution within that period,*
5 *the committee shall be discharged from further consid-*
6 *eration of the joint resolution.*

7 (2) *PROCEEDING TO CONSIDERATION.—It shall*
8 *be in order at any time after the third legislative day*
9 *after each committee authorized to consider a joint*
10 *resolution has reported or has been discharged from*
11 *consideration of a joint resolution, to move to proceed*
12 *to consider the joint resolution in the House. All*
13 *points of order against the motion are waived. Such*
14 *a motion shall not be in order after the House has*
15 *disposed of a motion to proceed on a joint resolution*
16 *addressing a particular submission. The previous*
17 *question shall be considered as ordered on the motion*
18 *to its adoption without intervening motion. The mo-*
19 *tion shall not be debatable. A motion to reconsider the*
20 *vote by which the motion is disposed of shall not be*
21 *in order.*

22 (3) *CONSIDERATION.—The joint resolution shall*
23 *be considered as read. All points of order against the*
24 *joint resolution and against its consideration are*
25 *waived. The previous question shall be considered as*

1 *ordered on the joint resolution to its passage without*
2 *intervening motion except two hours of debate equally*
3 *divided and controlled by the proponent and an oppo-*
4 *nent. A motion to reconsider the vote on passage of*
5 *the joint resolution shall not be in order.*

6 (c) *CONSIDERATION IN THE SENATE.—*

7 (1) *REFERRAL.—A joint resolution introduced in*
8 *the Senate shall be referred to the Committee on Vet-*
9 *erans' Affairs.*

10 (2) *REPORTING AND DISCHARGE.—Any com-*
11 *mittee of the Senate to which a joint resolution is re-*
12 *ferred shall report it to the Senate without amend-*
13 *ment not later than 15 session days after the date of*
14 *introduction of a joint resolution described in sub-*
15 *section (a). If a committee fails to report the joint res-*
16 *olution within that period, the committee shall be dis-*
17 *charged from further consideration of the joint resolu-*
18 *tion and the joint resolution shall be placed on the*
19 *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 has*
25 *reported or has been discharged from consider-*

1 *ation of a joint resolution described in subsection*
2 *(a) (even though a previous motion to the same*
3 *effect has been disagreed to) to move to proceed*
4 *to the consideration of the joint resolution, and*
5 *all points of order against the joint resolution*
6 *(and against consideration of the joint resolu-*
7 *tion) are waived. The motion to proceed is not*
8 *debatable. The motion is not subject to a motion*
9 *to postpone. A motion to reconsider the vote by*
10 *which the motion is agreed to or disagreed to*
11 *shall not be in order. If a motion to proceed to*
12 *the consideration of the resolution is agreed to,*
13 *the joint resolution shall remain the unfinished*
14 *business until disposed of.*

15 *(B) CONSIDERATION.—Consideration of the*
16 *joint resolution, and on all debatable motions*
17 *and appeals in connection therewith, shall be*
18 *limited to not more than 2 hours, which shall be*
19 *divided equally between the majority and minor-*
20 *ity leaders or their designees. A motion further*
21 *to limit debate is in order and not debatable. An*
22 *amendment to, or a motion to postpone, or a mo-*
23 *tion to proceed to the consideration of other busi-*
24 *ness, or a motion to recommit the joint resolu-*
25 *tion is not in order.*

1 (C) *VOTE ON PASSAGE.*—*If the Senate has*
 2 *voted to proceed to a joint resolution, the vote on*
 3 *passage of the joint resolution shall occur imme-*
 4 *diately following the conclusion of consideration*
 5 *of the joint resolution, and a single quorum call*
 6 *at the conclusion of the debate if requested in ac-*
 7 *cordance with the rules of the Senate.*

8 (D) *RULINGS OF THE CHAIR ON PROCE-*
 9 *DURE.*—*Appeals from the decisions of the Chair*
 10 *relating to the application of the rules of the*
 11 *Senate, as the case may be, to the procedure re-*
 12 *lating to a joint resolution shall be decided with-*
 13 *out debate.*

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

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

20 (1) *IN GENERAL.*—*If, before passing the joint*
 21 *resolution, one House receives from the other a joint*
 22 *resolution—*

23 (A) *the joint resolution of the other House*
 24 *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 vote*
 4 *on passage, when the joint resolution received*
 5 *from the other House shall supplant the joint res-*
 6 *olution 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 joint*
 10 *resolution of the House shall be entitled to expedited*
 11 *floor procedures under this section.*

12 (3) *TREATMENT OF COMPANION MEASURES.—If,*
 13 *following passage of the joint resolution in the Senate,*
 14 *the Senate then receives the companion measure from*
 15 *the House of Representatives, the companion measure*
 16 *shall not be debatable.*

17 (f) *RULES OF THE HOUSE OF REPRESENTATIVES AND*
 18 *SENATE.—This section is enacted by Congress—*

19 (1) *as an exercise of the rulemaking power of the*
 20 *Senate and House of Representatives, respectively,*
 21 *and as such it is deemed a part of the rules of each*
 22 *House, respectively, but applicable only with respect*
 23 *to the procedure to be followed in that House in the*
 24 *case of a joint resolution, and it supersedes other rules*

1 *only to the extent that it is inconsistent with such*
 2 *rules; and*

3 (2) *with full recognition of the constitutional*
 4 *right of either House to change the rules (so far as re-*
 5 *lating to the procedure of that House) at any time,*
 6 *in the same manner, and to the same extent as in the*
 7 *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 after*
 11 *the transmission or receipt of any communication*
 12 *under this title that is transmitted or received by a*
 13 *party specified in paragraph (2), the Secretary of*
 14 *Veterans Affairs shall publish such communication*
 15 *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, solely*
 25 *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; or*

5 (3) *budgetary processes for the Veterans Health*
 6 *Administration.*

7 (c) *RECOMMENDATIONS FOR FUTURE ASSET RE-*
 8 *VIEWS.—The Secretary of Veterans Affairs may, after con-*
 9 *sulting with veterans service organizations, include in*
 10 *budget submissions the Secretary submits after the termi-*
 11 *nation of the Commission recommendations for future such*
 12 *commissions or other capital asset realignment and man-*
 13 *agement processes.*

14 **SEC. 109. DEFINITIONS.**

15 *In this title:*

16 (1) *The term “Account” means the Department*
 17 *of Veterans Affairs Asset and Infrastructure Review*
 18 *Account established by section 106(a).*

19 (2) *The term “Commission” means the Commis-*
 20 *sion established by section 102.*

21 (3) *The term “date of approval”, with respect to*
 22 *a modernization or realignment of a facility of the*
 23 *Veterans Health Administration, means the date on*
 24 *which the authority of Congress to disapprove a rec-*

ommendation of modernization or realignment, as the case may be, of such facility under this title expires.

(4) The term “facility of the Veterans Health Administration”—

(A) means any land, building, structure, or infrastructure (including any medical center, nursing home, domiciliary facility, outpatient clinic, center that provides readjustment counseling, or leased facility) that is—

(i) under the jurisdiction of the Department of Veterans Affairs;

(ii) under the control of the Veterans Health Administration; and

(iii) not under the control of the General Services Administration; or

(B) with respect to a colocated facility of the Department of Veterans Affairs, includes any land, building, or structure—

(i) under the jurisdiction of the Department of Veterans Affairs;

(ii) under the control of another administration of the Department of Veterans Affairs; and

(iii) not under the control of the General Services Administration.

1 (5) *The term “infrastructure” means improve-*
2 *ments to land other than buildings or structures.*

3 (6) *The term “modernization” includes—*

4 (A) *any action, including closure, required*
5 *to align the form and function of a facility of the*
6 *Veterans Health Administration to the provision*
7 *of modern day health care, including utilities*
8 *and environmental control systems;*

9 (B) *the construction, purchase, lease, or*
10 *sharing of a facility of the Veterans Health Ad-*
11 *ministration; and*

12 (C) *realignments, disposals, exchanges, col-*
13 *laborations between the Department of Veterans*
14 *Affairs and other Federal entities, and strategic*
15 *collaborations between the Department and non-*
16 *Federal entities, including tribal organizations.*

17 (7) *The term “realignment”, with respect to a fa-*
18 *cility of the Veterans Health Administration, in-*
19 *cludes—*

20 (A) *any action that changes the numbers of*
21 *or relocates services, functions, and personnel po-*
22 *sitions;*

23 (B) *disposals or exchanges between the De-*
24 *partment of Veterans Affairs and other Federal*

1 *entities, including the Department of Defense;*
2 *and*

3 *(C) strategic collaborations between the De-*
4 *partment of Veterans Affairs and non-Federal*
5 *entities, including tribal organizations.*

6 *(8) The term “redevelopment authority”, in the*
7 *case of a facility of the Veterans Health Administra-*
8 *tion closed or modernized under this title, means any*
9 *entity (including an entity established by a State or*
10 *local government) recognized by the Secretary of Vet-*
11 *erans Affairs as the entity responsible for developing*
12 *the redevelopment plan with respect to the facility or*
13 *for directing the implementation of such plan.*

14 *(9) The term “redevelopment plan” in the case*
15 *of a facility of the Veterans Health Administration to*
16 *be closed or realigned under this title, means a plan*
17 *that—*

18 *(A) is agreed to by the local redevelopment*
19 *authority with respect to the facility; and*

20 *(B) provides for the reuse or redevelopment*
21 *of the real property and personal property of the*
22 *facility that is available for such reuse and rede-*
23 *velopment as a result of the closure or realign-*
24 *ment of the facility.*

1 (10) *The term “Secretary” means the Secretary*
 2 *of Veterans Affairs.*

3 (11) *The term “tribal organization” has the*
 4 *meaning given such term in section 3765 of title 38,*
 5 *United States Code.*

6 **TITLE II—IMPROVEMENTS TO**
 7 **CONSTRUCTION MANAGE-**
 8 **MENT AND LEASES**

9 **SEC. 201. MODIFICATION OF THRESHOLDS FOR MAJOR**
 10 **MEDICAL FACILITY PROJECTS AND MAJOR**
 11 **MEDICAL FACILITY LEASES.**

12 (a) *DEFINITIONS.—Paragraph (3) of section 8104(a)*
 13 *of title 38, United States Code, is amended to read as fol-*
 14 *lows:*

15 “(3) *In this subsection:*

16 “(A)(i) *The term ‘major medical facility project’*
 17 *means—*

18 “(I) *a project for the construction, alter-*
 19 *ation, or acquisition of a medical facility involv-*
 20 *ing a total expenditure of more than*
 21 *\$20,000,000; or*

22 “(II) *the construction, alteration, or acqui-*
 23 *sition of a shared medical facility (as defined in*
 24 *section 8111B(d) of this title) for which the esti-*
 25 *mated share of the Department of Veterans Af-*

1 *fairs for the costs of such construction, alter-*
 2 *ation, or acquisition exceeds \$20,000,000.*

3 “(ii) *Such term does not include—*

4 “(I) *an acquisition by exchange;*

5 “(II) *nonrecurring maintenance projects of*
 6 *the Department; or*

7 “(III) *the construction, alteration, or acqui-*
 8 *sition of a shared medical facility for which the*
 9 *estimated share of the Department of Veterans*
 10 *Affairs for the costs of such construction, alter-*
 11 *ation, or acquisition does not exceed \$20,000,000.*

12 “(B) *The term ‘major medical facility lease’*
 13 *means—*

14 “(i) *a lease for space for use as a new med-*
 15 *ical facility at an average annual rent that is*
 16 *equal to or exceeds the amount specified in sub-*
 17 *section (a)(2) of section 3307 of title 40; or*

18 “(ii) *a lease for space for use as a shared*
 19 *medical facility (as defined in section 8111B(d)*
 20 *of this title) for which the estimated share of the*
 21 *Department of Veterans Affairs for the costs of*
 22 *such lease is equal to or exceeds the amount spec-*
 23 *ified in subsection (a)(2) of section 3307 of title*
 24 *40.”.*

1 (b) *APPLICATION.*—*The amendment made by sub-*
 2 *section (a) shall apply with respect to major medical facil-*
 3 *ity projects and major medical facility leases authorized by*
 4 *law on or after the date of the enactment of this Act.*

5 **SEC. 202. SUBMISSION OF PROSPECTUSES OF PROPOSED**
 6 **MINOR MEDICAL FACILITY PROJECTS.**

7 Section 8104(b) of title 38, United States Code, is
 8 amended, in the matter preceding paragraph (1), by strik-
 9 ing “a major medical facility project (as defined in sub-
 10 section (a)(3)(A))” and inserting the following: “a major
 11 medical facility project (as defined in subsection (a)(3)(A)),
 12 a medical facility project that would be a major medical
 13 facility project but for the total expenditure (or, with respect
 14 to a shared medical facility, the estimated share of the De-
 15 partment of Veterans Affairs) being an amount that is more
 16 than \$10,000,000 and less than \$20,000,000.”.

17 **SEC. 203. IMPROVEMENT TO TRAINING OF CONSTRUCTION**
 18 **PERSONNEL.**

19 Subsection (g) of section 8103 of title 38, United States
 20 Code, is amended to read as follows:

21 “(g)(1)(A) Not later than September 30 of the fiscal
 22 year following the fiscal year during which this subsection
 23 is enacted, the Secretary shall implement the covered train-
 24 ing curriculum and the covered certification program.

1 “(B) *In designing and implementing the covered*
2 *training curriculum and the covered certification program*
3 *under paragraph (1), the Secretary shall use as models ex-*
4 *isting training curricula and certification programs that*
5 *have been established under chapter 87 of title 10, United*
6 *States Code, as determined relevant by the Secretary.*

7 “(2) *The Secretary may develop the training cur-*
8 *riculum under paragraph (1)(A) in a manner that provides*
9 *such training in any combination of—*

10 “(A) *training provided in person;*

11 “(B) *training provided over an internet website;*

12 *or*

13 “(C) *training provided by another department or*
14 *agency of the Federal Government.*

15 “(3) *The Secretary may develop the certification pro-*
16 *gram under paragraph (1)(A) in a manner that uses—*

17 “(A) *one level of certification; or*

18 “(B) *more than one level of certification, as de-*
19 *termined appropriate by the Secretary with respect to*
20 *the level of certification for different grades of the*
21 *General Schedule.*

22 “(4) *The Secretary may enter into a contract with an*
23 *appropriate entity to provide the covered training cur-*
24 *riculum and the covered certification program under para-*
25 *graph (1)(A).*

1 “(5)(A) Not later than September 30 of the second fis-
2 cal year following the fiscal year during which this Act is
3 enacted, the Secretary shall ensure that the majority of em-
4 ployees subject to the covered certification program achieve
5 the certification or the appropriate level of certification
6 pursuant to paragraph (3), as the case may be.

7 “(B) After carrying out subparagraph (A), the Sec-
8 retary shall ensure that each employee subject to the covered
9 certification program achieves the certification or the ap-
10 propriate level of certification pursuant to paragraph (3),
11 as the case may be, as quickly as practicable.

12 “(6) In this subsection:

13 “(A) The term ‘covered certification program’
14 means, with respect to employees of the Department
15 of Veterans Affairs who are members of occupational
16 series relating to construction or facilities manage-
17 ment, or employees of the Department who award or
18 administer contracts for major construction, minor
19 construction, or nonrecurring maintenance, including
20 as contract specialists or contracting officers’ rep-
21 resentatives, a program to certify knowledge and skills
22 relating to construction or facilities management and
23 to ensure that such employees maintain adequate ex-
24 pertise relating to industry standards and best prac-

1 *tices for the acquisition of design and construction*
 2 *services.*

3 “(B) *The term ‘covered training curriculum’*
 4 *means, with respect to employees specified in sub-*
 5 *paragraph (A), a training curriculum relating to*
 6 *construction or facilities management.”.*

7 **SEC. 204. AUTHORITY TO PLAN, DESIGN, CONSTRUCT, OR**
 8 **LEASE SHARED MEDICAL FACILITIES.**

9 (a) *AUTHORITY.—*

10 (1) *IN GENERAL.—Chapter 81 of title 38, United*
 11 *States Code, is amended by inserting after section*
 12 *8111A the following new section:*

13 **“§8111B. Authority to plan, design, construct or lease**
 14 ***a medical facility shared with other de-***
 15 ***partments or agencies***

16 “(a) *AUTHORITY.—Subject to sections 8103 and 8104*
 17 *of this title, the Secretary of Veterans Affairs may enter*
 18 *into agreements with the heads of other departments or*
 19 *agencies of the Federal Government for the planning, de-*
 20 *signing, constructing, or leasing of medical facilities to be*
 21 *shared by the Department of Veterans Affairs and that de-*
 22 *partment or agency to improve the access to, and quality*
 23 *and cost effectiveness of, the health care provided by the Vet-*
 24 *erans Health Administration and that department or agen-*
 25 *cy.*

1 “(b) *TRANSFERS OF AMOUNTS FROM DEPARTMENT OF*
2 *VETERANS AFFAIRS.*—(1) *With respect to a shared medical*
3 *facility construction project for which the estimated costs*
4 *to the Department of Veterans Affairs do not exceed the*
5 *amount specified in section 8104(a)(3)(A) of this title, the*
6 *Secretary of Veterans Affairs may transfer to the partner*
7 *agency amounts appropriated in the Construction, Minor*
8 *Projects account of the Department for use for the planning,*
9 *design, or construction of the shared medical facility.*

10 “(2) *With respect to a shared medical facility construc-*
11 *tion project for which the estimated costs to the Department*
12 *of Veterans Affairs exceed the amount specified in section*
13 *8104(a)(3)(A) of this title, the Secretary of Veterans Affairs*
14 *may transfer to the partner agency amounts appropriated*
15 *in the Construction, Major Projects account of the Depart-*
16 *ment for use for the planning, design, or construction of*
17 *the shared medical facility.*

18 “(3) *With respect to a shared medical facility lease*
19 *project for which the estimated costs of the lease to the De-*
20 *partment of Veterans Affairs do not exceed the amount spec-*
21 *ified in section 8104(a)(3)(B) of this title, the Secretary of*
22 *Veterans Affairs may transfer to the partner agency*
23 *amounts appropriated in the applicable medical appropria-*
24 *tion account of the Department for such lease.*

1 “(c) *TRANSFERS OF AMOUNTS TO DEPARTMENT OF*
2 *VETERANS AFFAIRS.*—(1) *With respect to a shared medical*
3 *facility construction project for which the estimated costs*
4 *to the Department of Veterans Affairs do not exceed the*
5 *amount specified in section 8104(a)(3)(A) of this title, any*
6 *amounts transferred by the partner agency to the Secretary*
7 *of Veterans Affairs may be deposited in the Construction,*
8 *Minor Projects account of the Department for use for the*
9 *planning, design, or construction of the shared medical fa-*
10 *cility. Amounts so deposited shall be merged with and avail-*
11 *able for the same purposes, and for the same period, as such*
12 *account.*

13 “(2) *With respect to a shared medical facility construc-*
14 *tion project for which the estimated costs to the Department*
15 *of Veterans Affairs exceed the amount specified in section*
16 *8104(a)(3)(A) of this title, any amounts transferred by the*
17 *partner agency to the Secretary of Veterans Affairs may*
18 *be deposited in the Construction, Major Projects account of*
19 *the Department for use for the planning, design, or con-*
20 *struction of the shared medical facility. Amounts so depos-*
21 *ited shall be merged with and available for the same pur-*
22 *poses, and for the same period, as such account.*

23 “(3) *With respect to a shared medical facility lease*
24 *project, any amounts transferred by the partner agency to*
25 *the Secretary of Veterans Affairs may be deposited in the*

1 *applicable medical appropriation account of the Depart-*
 2 *ment for such lease. Amounts so deposited shall be available*
 3 *without fiscal year limitation.*

4 “(d) *DEFINITIONS.—In this section:*

5 “(1) *The term ‘partner agency’ means a depart-*
 6 *ment or agency of the Federal Government that has*
 7 *entered into an agreement with the Secretary of Vet-*
 8 *erans Affairs under subsection (a).*

9 “(2) *The term ‘shared medical facility’ means a*
 10 *medical facility shared by the Department of Veterans*
 11 *Affairs and a partner agency pursuant to an agree-*
 12 *ment entered into under subsection (a).*

13 “(3) *The term ‘shared medical facility construc-*
 14 *tion project’ means the planning, designing, or con-*
 15 *structing of a shared medical facility pursuant to an*
 16 *agreement entered into under subsection (a).*

17 “(4) *The term ‘shared medical facility lease*
 18 *project’ means the leasing of a shared medical facility*
 19 *pursuant to an agreement entered into under sub-*
 20 *section (a).”.*

21 (2) *CLERICAL AMENDMENT.—The table of sec-*
 22 *tions at the beginning of such chapter is amended by*
 23 *inserting after the item relating to section 8111A the*
 24 *following new item:*

*“8111B. Authority to plan, design, construct, or lease a medical facility shared
 with other departments or agencies.”.*

1 (b) *DEFINITION OF MEDICAL FACILITY.*—Paragraph
 2 (3) of section 8101 of title 38, United States Code, is
 3 amended to read as follows:

4 “(3) The term ‘medical facility’ means any facility or
 5 part thereof which is, or will be, under the jurisdiction of
 6 the Secretary, including with respect to a shared medical
 7 facility (as defined in section 8111B(d) of this title), for
 8 the provision of health-care services (including hospital,
 9 outpatient clinic, extended care services, nursing home, or
 10 domiciliary care or medical services), including any nec-
 11 essary building and auxiliary structure, garage, parking fa-
 12 cility, mechanical equipment, trackage facilities leading
 13 thereto, abutting sidewalks, accommodations for attending
 14 personnel, and recreation facilities associated therewith.”.

15 **SEC. 205. ENHANCED USE LEASE AUTHORITY.**

16 (a) *IN GENERAL.*—Section 8162(a)(2) of title 38,
 17 United States Code, is amended—

18 (1) by striking “only”; and

19 (2) by inserting “, or if the lease will enhance
 20 the use of the property,” after “housing”.

21 (b) *APPLICATION.*—The amendments made by sub-
 22 section (a) shall apply with respect to enhanced-use leases
 23 entered into on or after the date of the enactment of this
 24 Act.

1 ***TITLE III—OTHER MATTERS***

2 ***SEC. 301. EXCEPTION ON LIMITATION ON AWARDS AND BO-***
3 ***NUSES FOR RECRUITMENT, RELOCATION,***
4 ***AND RETENTION.***

5 *Section 705(a) of the Veterans Access, Choice, and Ac-*
6 *countability Act of 2014 (Public Law 113–146; 38 U.S.C.*
7 *703 note) is amended, in the matter preceding paragraph*
8 *(1), by inserting “other than recruitment, relocation, or re-*
9 *tention incentives,” after “title 38, United States Code,”.*

10 ***SEC. 302. APPROPRIATION OF AMOUNTS.***

11 *(a) VETERANS CHOICE PROGRAM.—There is author-*
12 *ized to be appropriated, and is appropriated, to the Sec-*
13 *retary of Veterans Affairs, out of any funds in the Treasury*
14 *not otherwise appropriated, \$2,100,000,000 to be deposited*
15 *in the Veterans Choice Fund under section 802 of the Vet-*
16 *erans Access, Choice, and Accountability Act of 2014 (Pub-*
17 *lic Law 113–146; 38 U.S.C. 1701 note).*

18 *(b) MINOR CONSTRUCTION AND NONRECURRING MAIN-*
19 *TENANCE.—*

20 *(1) IN GENERAL.—There is authorized to be ap-*
21 *propriated, and is appropriated, to the Secretary of*
22 *Veterans Affairs, out of any funds in the Treasury*
23 *not otherwise appropriated, \$500,000,000 for “Med-*
24 *ical Facilities” for minor construction and non-*
25 *recurring maintenance projects, to be prioritized ac-*

1 *ording to their rankings in the strategic capital in-*
2 *vestment planning process.*

3 (2) *NOTIFICATION.*—*Not later than 30 days be-*
4 *fore obligating amounts appropriated under para-*
5 *graph (1), the Secretary shall notify the Committees*
6 *on Veterans' Affairs of the House of Representatives*
7 *and the Senate and the Committees on Appropria-*
8 *tions of the House of Representatives and the Senate*
9 *of the medical facilities and specifics of the projects*
10 *for which such amounts shall be obligated.*

11 (c) *AVAILABILITY OF AMOUNTS.*—*The amounts appro-*
12 *priated under subsections (a) and (b)(1) shall be available*
13 *for obligation or expenditure without fiscal year limitation.*

14 **SEC. 303. ASSESSMENT OF HEALTH CARE FURNISHED BY**
15 **THE DEPARTMENT TO VETERANS WHO LIVE**
16 **IN THE TERRITORIES.**

17 (a) *IN GENERAL.*—*Not later than 180 days after the*
18 *date of the enactment of this Act, the Secretary of Veterans*
19 *Affairs shall submit to the Committees on Veterans' Affairs*
20 *of the Senate and the House of Representatives a report re-*
21 *garding health care furnished by the Department of Vet-*
22 *erans Affairs to veterans who live in the territories.*

23 (b) *ELEMENTS.*—*The report under subsection (a) shall*
24 *include assessments of the following:*

1 (1) *The ability of the Department to furnish to*
2 *veterans who live in the territories the following:*

3 (A) *Hospital care.*

4 (B) *Medical services.*

5 (C) *Mental health services.*

6 (D) *Geriatric services.*

7 (2) *The feasibility of establishing a medical facil-*
8 *ity of the Department in any territory that does not*
9 *contain such a facility.*

10 (c) *DEFINITION.—In this section, the term “terri-*
11 *tries” means Puerto Rico, the Virgin Islands, American*
12 *Samoa, Guam, and the Northern Mariana Islands.*

Union Calendar No. 867

115TH CONGRESS
2D Session

H. R. 4243

[Report No. 115-1036, Part I]

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.

DECEMBER 28, 2018

Committees on Rules and Appropriations discharged;
committed to the Committee of the Whole House on
the State of the Union and ordered to be printed