

NOVEMBER 8, 2017

**RULES COMMITTEE PRINT 115–38**  
**TEXT OF H.R. 4243, VA ASSET AND**  
**INFRASTRUCTURE REVIEW ACT OF 2017**

**[Showing the text of H.R. 4243 as ordered reported by the  
Committee on Veterans' Affairs]**

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1                   **TITLE I—ASSET AND**  
2                   **INFRASTRUCTURE REVIEW**

3   **SEC. 101. SHORT TITLE.**

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

6   **SEC. 102. THE COMMISSION.**

7           (a) **ESTABLISHMENT.**—There is established an inde-  
8 pendent commission to be known as the “Asset and Infra-  
9 structure Review Commission” (in this title referred to as  
10 the “Commission”).

11          (b) **DUTIES.**—The Commission shall carry out the  
12 duties specified for it in this title.

13          (c) **APPOINTMENT.**—

14               (1) **IN GENERAL.**—

15                       (A) **APPOINTMENT.**—The Commission  
16 shall be composed of 9 members appointed by  
17 the President, by and with the advice and con-  
18 sent of the Senate.

19                       (B) **TRANSMISSION OF NOMINATIONS.**—

20                       The President shall transmit to the Senate the  
21 nominations for appointment to the Commission  
22 not later than May 31, 2021.

23                       (2) **CONSULTATION IN SELECTION PROCESS.**—

24                       In selecting individuals for nominations for appoint-

1           ments to the Commission, the President shall con-  
2           sult with—

3                   (A) the Speaker of the House of Rep-  
4                   representatives;

5                   (B) the majority leader of the Senate;

6                   (C) the minority leader of the House of  
7                   Representatives;

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

9                   (E) congressionally chartered, membership  
10                  based veterans service organizations concerning  
11                  the appointment of three members.

12               (3) DESIGNATION OF CHAIR.—At the time the  
13               President nominates individuals for appointment to  
14               the Commission under paragraph (1)(B), the Presi-  
15               dent shall designate one such individual who shall  
16               serve as Chair of the Commission and one such indi-  
17               vidual who shall serve as Vice Chair of the Commis-  
18               sion.

19               (4) MEMBER REPRESENTATION.—In nomi-  
20               nating individuals under this subsection, the Presi-  
21               dent shall ensure that—

22                   (A) veterans, reflecting current demo-  
23                   graphics of veterans enrolled in the system of  
24                   annual patient enrollment under section 1705  
25                   of title 38, United States Code, are adequately

1 represented in the membership of the Commis-  
2 sion;

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

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

13 (D) at least one member—

14 (i) has experience with capital asset  
15 management for the Federal Government;

16 and

17 (ii) is familiar with trades related to  
18 building and real property, including con-  
19 struction, engineering, architecture, leas-  
20 ing, and strategic partnerships; and

21 (E) at least three members represent con-  
22 gressionally chartered, membership-based, vet-  
23 erans service organizations.

24 (d) MEETINGS.—

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

3           (2) PUBLIC NATURE OF MEETINGS AND PRO-  
4 CEEDINGS.—

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

7           (B) OPEN PARTICIPATION.—All the pro-  
8 ceedings, information, and deliberations of the  
9 Commission shall be available for review by the  
10 public.

11          (e) VACANCIES.—A vacancy in the Commission shall  
12 be filled in the same manner as the original appointment,  
13 but the individual appointed to fill the vacancy shall serve  
14 only for the unexpired portion of the term for which the  
15 individual's predecessor was appointed.

16          (f) PAY.—

17           (1) IN GENERAL.—Members of the Commission  
18 shall serve without pay.

19           (2) OFFICERS OR EMPLOYEES OF THE UNITED  
20 STATES.—Each member of the Commission who is  
21 an officer or employee of the United States shall  
22 serve without compensation in addition to that re-  
23 ceived for service as an officer or employee of the  
24 United States.

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

5           (g) DIRECTOR OF STAFF.—

6           (1) APPOINTMENT.—The Commission shall ap-  
7           point a Director who—

8                   (A) has not served as an employee of the  
9                   Department of Veterans Affairs during the one-  
10                  year period preceding the date of such appoint-  
11                  ment; and

12                   (B) is not otherwise barred or prohibited  
13                  from serving as Director under Federal ethics  
14                  laws and regulations, by reason of post-employ-  
15                  ment conflict of interest.

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

20           (h) STAFF.—

21           (1) PAY OF PERSONNEL.—Subject to para-  
22           graphs (2) and (3), the Director, with the approval  
23           of the Commission, may appoint and fix the pay of  
24           additional personnel.

1           (2) EXEMPTION FROM CERTAIN REQUIRE-  
2           MENTS.—The Director may make such appoint-  
3           ments without regard to the provisions of title 5,  
4           United States Code, governing appointments in the  
5           competitive service, and any personnel so appointed  
6           may be paid without regard to the provisions of  
7           chapter 51 and subchapter III of chapter 53 of that  
8           title relating to classification and General Schedule  
9           pay rates, except that an individual so appointed  
10          may not receive pay in excess of the annual rate of  
11          basic pay payable for GS-15 of the General Sched-  
12          ule.

13          (3) DETAILEES.—

14                (A) LIMITATION ON NUMBER.—Not more  
15                than two-thirds of the personnel employed by or  
16                detailed to the Commission may be on detail  
17                from the Department of Veterans Affairs.

18                (B) PROFESSIONAL ANALYSTS.—Not more  
19                than half of the professional analysts of the  
20                Commission staff may be persons detailed from  
21                the Department of Veterans Affairs to the  
22                Commission.

23                (C) PROHIBITION ON DETAIL OF CERTAIN  
24                PERSONNEL.—A person may not be detailed  
25                from the Department of Veterans Affairs to the

1 Commission if, within 6 months before the de-  
2 tail is to begin, that person participated person-  
3 ally and substantially in any matter within the  
4 Department of Veterans Affairs concerning the  
5 preparation of recommendations regarding fa-  
6 cilities of the Veterans Health Administration.

7 (4) AUTHORITY TO REQUEST DETAILED PER-  
8 SONNEL.—Subject to paragraph (3), the head of any  
9 Federal department or agency, upon the request of  
10 the Director, may detail any of the personnel of that  
11 department or agency to the Commission to assist  
12 the Commission in carrying out its duties under this  
13 title.

14 (5) INFORMATION FROM FEDERAL AGENCIES.—  
15 The Commission may secure directly from any Fed-  
16 eral agency such information the Commission con-  
17 siders necessary to carry out this title. Upon request  
18 of the Chair, the head of such agency shall furnish  
19 such information to the Commission.

20 (i) OTHER AUTHORITY.—

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



1           (2) LEASING AND ACQUISITION OF PROP-  
2           ERTY.—To the extent funds are available, the Com-  
3           mission may lease real property and acquire personal  
4           property either of its own accord or in consultation  
5           with the General Services Administration.

6           (j) TERMINATION.—The Commission shall terminate  
7           on December 31, 2023.

8           (k) PROHIBITION AGAINST RESTRICTING COMMU-  
9           NICATIONS.—

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

14           (2) UNLAWFUL COMMUNICATIONS.—Paragraph  
15           (1) does not apply to a communication that is un-  
16           lawful.

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

18           (a) SELECTION CRITERIA.—

19           (1) PUBLICATION.—The Secretary shall, not  
20           later than February 1, 2021, and after consulting  
21           with veterans service organizations, publish in the  
22           Federal Register and transmit to the Committees on  
23           Veterans' Affairs of the Senate and the House of  
24           Representatives the criteria proposed to be used by  
25           the Department of Veterans Affairs in assessing and

1 making recommendations regarding the moderniza-  
2 tion or realignment of facilities of the Veterans  
3 Health Administration under this title. Such criteria  
4 shall include the preferences of veterans regarding  
5 health care furnished by the Department.

6 (2) PUBLIC COMMENT.—The Secretary shall  
7 provide an opportunity for public comment on the  
8 proposed criteria under paragraph (1) for a period  
9 of at least 90 days and shall include notice of that  
10 opportunity in the publication required under such  
11 paragraph.

12 (3) PUBLICATION OF FINAL CRITERIA.—The  
13 Secretary shall, not later than May 31, 2021, pub-  
14 lish in the Federal Register and transmit to the  
15 Committees on Veterans' Affairs of the Senate and  
16 the House of Representatives the final criteria to be  
17 used in making recommendations regarding the clo-  
18 sure, modernization, or realignment of facilities of  
19 the Veterans Health Administration under this title.

20 (b) RECOMMENDATIONS OF THE SECRETARY.—

21 (1) PUBLICATION IN FEDERAL REGISTER.—The  
22 Secretary shall, not later than January 31, 2022,  
23 and after consulting with veterans service organiza-  
24 tions, publish in the Federal Register and transmit  
25 to the Committees on Veterans' Affairs of the Sen-

1       ate and the House of Representatives and to the  
2       Commission a report detailing the recommendations  
3       regarding the modernization or realignment of facili-  
4       ties of the Veterans Health Administration on the  
5       basis of the final criteria referred to in subsection  
6       (a)(2) that are applicable.

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

10               (A) The degree to which any health care  
11               delivery or other site for providing services to  
12               veterans reflect the metrics of the Department  
13               of Veterans Affairs regarding market area  
14               health system planning.

15               (B) The provision of effective and efficient  
16               access to high-quality health care and services  
17               for veterans.

18               (C) The extent to which the real property  
19               that no longer meets the needs of the Federal  
20               Government could be reconfigured, repurposed,  
21               consolidated, realigned, exchanged, outleased,  
22               repurposed, replaced, sold, or disposed.

23               (D) The need of the Veterans Health Ad-  
24               ministration to acquire infrastructure or facili-

1 ties that will be used for the provision of health  
2 care and services to veterans.

3 (E) The extent to which the operating and  
4 maintenance costs are reduced through consoli-  
5 dating, collocating, and reconfiguring space, and  
6 through realizing other operational efficiencies.

7 (F) The extent and timing of potential  
8 costs and savings, including the number of  
9 years such costs or savings will be incurred, be-  
10 ginning with the date of completion of the pro-  
11 posed recommendation.

12 (G) The extent to which the real property  
13 aligns with the mission of the Department of  
14 Veterans Affairs.

15 (H) The extent to which any action would  
16 impact other missions of the Department (in-  
17 cluding education, research, or emergency pre-  
18 paredness).

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

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

22 (K) Any other such factors the Secretary  
23 determines appropriate.

24 (3) CAPACITY AND COMMERCIAL MARKET AS-  
25 SESSMENTS.—

1           (A) ASSESSMENTS.—The Secretary shall  
2           assess the capacity of each Veterans Integrated  
3           Service Network and medical facility of the De-  
4           partment to furnish hospital care or medical  
5           services to veterans under chapter 17 of title  
6           38, United States Code. Each such assessment  
7           shall—

8                   (i) identify gaps in furnishing such  
9                   care or services at such Veterans Inte-  
10                  grated Service Network or medical facility;

11                   (ii) identify how such gaps can be  
12                  filled by—

13                           (I) entering into contracts or  
14                           agreements with network providers  
15                           under this section or with entities  
16                           under other provisions of law;

17                           (II) making changes in the way  
18                           such care and services are furnished  
19                           at such Veterans Integrated Service  
20                           Network or medical facility, includ-  
21                           ing—

22                                   (aa) extending hours of op-  
23                                   eration;

24                                   (bb) adding personnel; or

1 (cc) expanding space  
2 through the construction, leasing,  
3 or sharing of health care facili-  
4 ties;

5 (III) the building or realignment  
6 of Department resources or personnel;

7 (iii) forecast, based on future projec-  
8 tions and historical trends, both the short-  
9 and long-term demand in furnishing care  
10 or services at such Veterans Integrated  
11 Service Network or medical facility and as-  
12 sess how such demand affects the needs to  
13 use such network providers;

14 (iv) include a commercial health care  
15 market assessment of designated  
16 catchment areas in the United States con-  
17 ducted by a non-governmental entity; and

18 (v) consider the unique ability of the  
19 Federal Government to retain a presence  
20 in an area otherwise devoid of commercial  
21 health care providers or from which such  
22 providers are at risk of leaving.

23 (B) CONSULTATION.—In carrying out the  
24 assessments under subparagraph (A), the Sec-  
25 retary shall consult with veterans service orga-

1           nizations and veterans served by each such Vet-  
2           erans Integrated Service Network and medical  
3           facility.

4           (C) SUBMITTAL.—The Secretary shall sub-  
5           mit such assessments to the Committees on  
6           Veterans' Affairs of the House of Representa-  
7           tives and the Senate with the recommendations  
8           of the Secretary under this subsection and  
9           make the assessments publicly available.

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

23          (5) TREATMENT OF FACILITIES.—In assessing  
24          facilities of the Veterans Health Administration, the  
25          Secretary shall consider all such facilities equally

1 without regard to whether the facility has been pre-  
2 viously considered or proposed for reuse, closure,  
3 modernization, or realignment by the Department of  
4 Veterans Affairs.

5 (6) AVAILABILITY OF INFORMATION TO CON-  
6 GRESS.—In addition to making all information used  
7 by the Secretary to prepare the recommendations  
8 under this subsection available to Congress (includ-  
9 ing any committee or Member of Congress), the Sec-  
10 retary shall also make such information available to  
11 the Commission and the Comptroller General of the  
12 United States.

13 (7) CERTIFICATION OF ACCURACY.—

14 (A) IN GENERAL.—Each person referred to  
15 in subparagraph (B), when submitting informa-  
16 tion to the Secretary or the Commission con-  
17 cerning the modernization or realignment of a  
18 facility of the Veterans Health Administration,  
19 shall certify that such information is accurate  
20 and complete to the best of that person's knowl-  
21 edge and belief.

22 (B) COVERED PERSONS.—Subparagraph  
23 (A) applies to the following persons:

24 (i) Each Under Secretary of the De-  
25 partment of Veterans Affairs.



1 (ii) Each director of a Veterans Inte-  
2 grated Service Network.

3 (iii) Each director of a medical center  
4 of the Department of Veterans Affairs.

5 (iv) Each director of a program office  
6 of the Department of Veterans Affairs.

7 (v) Each person who is in a position  
8 the duties of which include personal and  
9 substantial involvement in the preparation  
10 and submission of information and rec-  
11 ommendations concerning the moderniza-  
12 tion or realignment of facilities of the Vet-  
13 erans Health Administration.

14 (c) REVIEW AND RECOMMENDATIONS BY THE COM-  
15 MISSION.—

16 (1) PUBLIC HEARINGS.—

17 (A) IN GENERAL.—After receiving the rec-  
18 ommendations from the Secretary pursuant to  
19 subsection (b), the Commission shall conduct  
20 public hearings on the recommendations.

21 (B) LOCATIONS.—The Commission shall  
22 conduct public hearings in regions affected by a  
23 recommendation of the Secretary to close a fa-  
24 cility of the Veterans Health Administration.  
25 To the greatest extent practicable, the Commis-

1           sion shall conduct public hearings in regions af-  
2           fected by a recommendation of the Secretary to  
3           modernize or realign such a facility.

4           (C) REQUIRED WITNESSES.—Witnesses at  
5           each public hearing shall include at a min-  
6           imum—

7                   (i) a veteran—

8                           (I) enrolled under section 1705  
9                           of title 38, United States Code; and

10                          (II) identified by a local veterans  
11                          service organization; and

12                          (ii) a local elected official.

13           (2) TRANSMITTAL TO PRESIDENT.—

14                   (A) IN GENERAL.—The Commission shall,  
15                   not later than January 31, 2023, transmit to  
16                   the President a report containing the Commis-  
17                   sion’s findings and conclusions based on a re-  
18                   view and analysis of the recommendations made  
19                   by the Secretary, together with the Commis-  
20                   sion’s recommendations, for modernizations and  
21                   realignments of facilities of the Veterans Health  
22                   Administration.

23                   (B) AUTHORITY TO MAKE CHANGES TO  
24                   RECOMMENDATIONS.—Subject to subparagraph  
25                   (C), in making its recommendations, the Com-

1 mission may change any recommendation made  
2 by the Secretary if the Commission—

3 (i) determines that the Secretary devi-  
4 ated substantially from the final criteria  
5 referred to in subsection (a)(2) in making  
6 such recommendation;

7 (ii) determines that the change is con-  
8 sistent with the final criteria referred to in  
9 subsection (a)(2);

10 (iii) publishes a notice of the proposed  
11 change in the Federal Register not less  
12 than 45 days before transmitting its rec-  
13 ommendations to the President pursuant  
14 to subparagraph (A); and

15 (iv) conducts public hearings on the  
16 proposed change.

17 (3) JUSTIFICATION FOR CHANGES.—The Com-  
18 mission shall explain and justify in its report sub-  
19 mitted to the President pursuant to paragraph (2)  
20 any recommendation made by the Commission that  
21 is different from the recommendations made by the  
22 Secretary pursuant to subsection (b). The Commis-  
23 sion shall transmit a copy of such report to the  
24 Committees on Veterans' Affairs of the Senate and  
25 the House of Representatives on the same date on

1       which it transmits its recommendations to the Presi-  
2       dent under paragraph (2).

3               (4) PROVISION OF INFORMATION TO CON-  
4       GRESS.—After January 31, 2023, the Commission  
5       shall promptly provide, upon request, to any Member  
6       of Congress information used by the Commission in  
7       making its recommendations.

8       (d) REVIEW BY THE PRESIDENT.—

9               (1) REPORT.—The President shall, not later  
10       than February 15, 2023, transmit to the Commis-  
11       sion and to the Congress a report containing the  
12       President’s approval or disapproval of the Commis-  
13       sion’s recommendations.

14              (2) PRESIDENTIAL APPROVAL.—If the Presi-  
15       dent approves all the recommendations of the Com-  
16       mission, the President shall transmit a copy of such  
17       recommendations to the Congress, together with a  
18       certification of such approval.

19              (3) PRESIDENTIAL DISAPPROVAL.—If the  
20       President disapproves the recommendations of the  
21       Commission, in whole or in part, the President shall  
22       transmit to the Commission and the Congress, not  
23       later than March 1, 2023, the reasons for that dis-  
24       approval. The Commission shall then transmit to the  
25       President, not later than March 15, 2023, a revised

1 list of recommendations for closures, modernizations,  
2 and realignments of facilities of the Veterans Health  
3 Administration.

4 (4) TRANSMITTAL OF RECOMMENDATIONS TO  
5 CONGRESS.—If the President approves all of the re-  
6 vised recommendations of the Commission trans-  
7 mitted to the President under paragraph (3), the  
8 President shall transmit a copy of such revised rec-  
9 ommendations to the Congress, together with a cer-  
10 tification of such approval.

11 (5) FAILURE TO TRANSMIT.—If the President  
12 does not transmit to the Congress an approval and  
13 certification described in paragraph (2) or (4) by  
14 March 30, 2023, the process by which facilities of  
15 the Veterans Health Administration may be selected  
16 for modernization or realignment under this title  
17 shall be terminated.

18 **SEC. 104. ACTIONS REGARDING INFRASTRUCTURE AND FA-**  
19 **CILITIES OF THE VETERANS HEALTH ADMIN-**  
20 **ISTRATION.**

21 (a) IN GENERAL.—Subject to subsection (b), the Sec-  
22 retary shall begin to implement the recommended mod-  
23 ernizations and realignments in the report under section  
24 103(d) not later than three years after the date on which  
25 the President transmits such report to Congress. Such im-

1 plementation includes the planning of modernizations and  
2 realignments of facilities of the Veterans Health Adminis-  
3 tration as recommended in such report.

4 (b) CONGRESSIONAL DISAPPROVAL.—

5 (1) IN GENERAL.—The Secretary may not carry  
6 out any modernization or realignment recommended  
7 by the Commission in a report transmitted from the  
8 President pursuant to section 103(d) if a joint reso-  
9 lution is enacted, in accordance with the provisions  
10 of section 107, disapproving such recommendations  
11 of the Commission before the earlier of—

12 (A) the end of the 45-day period beginning  
13 on the date on which the President transmits  
14 such report; or

15 (B) the adjournment of Congress sine die  
16 for the session during which such report is  
17 transmitted.

18 (2) COMPUTATION OF PERIOD.—For purposes  
19 of paragraph (1) and subsections (a) and (c) of sec-  
20 tion 107, the days on which either House of Con-  
21 gress is not in session because of an adjournment of  
22 more than three days to a day certain shall be ex-  
23 cluded in the computation of a period.

24 (c) SPECIFIC AUTHORIZATION.—Any obligation or  
25 expenditure of funds for any major medical facility project

1 or any major medical facility lease under subsection (a)  
2 shall be treated as if specifically authorized by law for pur-  
3 poses of section 8104 of title 38, United States Code, as  
4 amended by sections 201 and 202 of this Act.

5 **SEC. 105. IMPLEMENTATION.**

6 (a) IN GENERAL.—

7 (1) MODERNIZING AND REALIGNING FACILI-  
8 TIES.—In modernizing or realigning any facility of  
9 the Veterans Health Administration under this title,  
10 the Secretary may—

11 (A) take such actions as may be necessary  
12 to modernize or realign any such facility, in-  
13 cluding the alteration of such facilities, the ac-  
14 quisition of such land, the leasing or construc-  
15 tion of such replacement facilities, the disposi-  
16 tion of such land or facilities, the performance  
17 of such activities, and the conduct of such ad-  
18 vance planning and design as may be required  
19 to transfer functions from a facility of the Vet-  
20 erans Health Administration to another such  
21 facility, and may use for such purpose funds in  
22 the Account or funds appropriated to the De-  
23 partment of Veterans Affairs for such purposes;

24 (B) carry out activities for the purposes of  
25 environmental mitigation, abatement, or res-

1           toration at any such facility, and shall use for  
2           such purposes funds in the Account;

3           (C) provide outplacement assistance to em-  
4           ployees employed by the Department of Vet-  
5           erans Affairs at facilities of the Veterans  
6           Health Administration being closed or re-  
7           aligned, and may use for such purpose funds in  
8           the Account or funds appropriated to the De-  
9           partment of Veterans Affairs for outplacement  
10          assistance to employees;

11          (D) reimburse other Federal agencies for  
12          actions performed at the request of the Sec-  
13          retary with respect to any such closure or re-  
14          alignment, and may use for such purpose funds  
15          in the Account or funds appropriated to the De-  
16          partment of Veterans Affairs and available for  
17          such purpose; and

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

21          (2) ENVIRONMENTAL RESTORATION; HISTORIC  
22          PRESERVATION.—In carrying out any closure or re-  
23          alignment under this title, the Secretary, with re-  
24          gards to any property made excess to the needs of  
25          the Department of Veterans Affairs as a result of



1 such closure or realignment, shall carry out, as soon  
2 as possible with funds available for such purpose,  
3 any of the following for which the Secretary is re-  
4 sponsible:

5 (A) Environmental mitigation.

6 (B) Environmental abatement.

7 (C) Environmental restoration.

8 (D) Compliance with historic preservation  
9 requirements.

10 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

11 (1) EXISTING DISPOSAL AUTHORITIES.—To  
12 transfer or dispose of surplus real property or infra-  
13 structure located at any facility of the Veterans  
14 Health Administration that is modernized or re-  
15 aligned under this Act, the Secretary may exercise  
16 the authorities of the Secretary under subchapters I  
17 and II of chapter 81 of title 38, United States Code,  
18 or the authorities delegated to the Secretary by the  
19 Administrator of General Services under subchapter  
20 III of chapter 5 of title 40, United States Code.

21 (2) EFFECTS ON LOCAL COMMUNITIES.—

22 (A) CONSULTATION WITH STATE AND  
23 LOCAL GOVERNMENT.—Before any action may  
24 be taken with respect to the disposal of any  
25 surplus real property or infrastructure located

1 at any facility of the Veterans Health Adminis-  
2 tration to be closed or realigned under this title,  
3 the Secretary of Veterans Affairs shall consult  
4 with the Governor of the State and the heads  
5 of the local governments concerned for the pur-  
6 pose of considering any plan for the use of such  
7 property by the local community concerned.

8 (B) TREATMENT OF ROADS.—If infra-  
9 structure or a facility of the Veterans Health  
10 Administration to be closed or realigned under  
11 this title includes a road used for public access  
12 through, into, or around the facility, the Sec-  
13 retary—

14 (i) shall consult with the Government  
15 of the State and the heads of the local gov-  
16 ernments concerned for the purpose of con-  
17 sidering the continued availability of the  
18 road for public use after the recommended  
19 action is complete; and

20 (ii) may exercise the authority of the  
21 Secretary under section 8108 of title 38,  
22 United States Code.

23 (3) LEASES; CERCLA.—

24 (A) LEASE AUTHORITY.—

1 (i) TRANSFER TO REDEVELOPMENT  
2 AUTHORITY FOR LEASE.—The Secretary  
3 may transfer title to a facility of the Vet-  
4 erans Health Administration approved for  
5 closure or realignment under this title (in-  
6 cluding property at a facility of the Vet-  
7 erans Health Administration approved for  
8 realignment which will be retained by the  
9 Department of Veterans Affairs or another  
10 Federal agency after realignment) to the  
11 redevelopment authority for the facility if  
12 the redevelopment authority agrees to  
13 lease, directly upon transfer, one or more  
14 portions of the property transferred under  
15 this subparagraph to the Secretary or to  
16 the head of another department or agency  
17 of the Federal Government.

18 (ii) TERM OF LEASE.—A lease under  
19 clause (i) shall be for a term of not to ex-  
20 ceed 50 years, but may provide for options  
21 for renewal or extension of the term by the  
22 department or agency concerned.

23 (iii) LIMITATION.—A lease under  
24 clause (i) may not require rental payments  
25 by the United States.

1 (iv) TREATMENT OF REMAINDERED  
2 LEASE TERMS.—A lease under clause (i)  
3 shall include a provision specifying that if  
4 the department or agency concerned ceases  
5 requiring the use of the leased property be-  
6 fore the expiration of the term of the lease,  
7 the remainder of the lease term may be  
8 satisfied by the same or another depart-  
9 ment or agency of the Federal Government  
10 using the property for a use similar to the  
11 use under the lease. Exercise of the au-  
12 thority provided by this clause shall be  
13 made in consultation with the redevelop-  
14 ment authority concerned.

15 (v) FACILITY SERVICES.—Notwith-  
16 standing clause (iii), if a lease under clause  
17 (i) involves a substantial portion of the fa-  
18 cility, the department or agency concerned  
19 may obtain facility services for the leased  
20 property and common area maintenance  
21 from the redevelopment authority or the  
22 redevelopment authority's assignee as a  
23 provision of the lease. The facility services  
24 and common area maintenance shall be  
25 provided at a rate no higher than the rate

1 charged to non-Federal tenants of the  
2 transferred property. Facility services and  
3 common area maintenance covered by the  
4 lease shall not include—

5 (I) municipal services that a  
6 State or local government is required  
7 by law to provide to all landowners in  
8 its jurisdiction without direct charge;  
9 or

10 (II) firefighting or security-guard  
11 functions.

12 (B) APPLICATION OF CERCLA.—The provi-  
13 sions of section 120(h) of the Comprehensive  
14 Environmental Response, Compensation, and  
15 Liability Act of 1980 (42 U.S.C. 9620(h)) shall  
16 apply to any transfer of real property under  
17 this paragraph.

18 (C) ADDITIONAL TERMS AND CONDI-  
19 TIONS.—The Secretary may require any addi-  
20 tional terms and conditions in connection with  
21 a transfer under this paragraph as such Sec-  
22 retary considers appropriate to protect the in-  
23 terests of the United States.

24 (4) APPLICATION OF MCKINNEY-VENTO HOME-  
25 LESS ASSISTANCE ACT.—Nothing in this title shall

1 limit or otherwise affect the application of the provi-  
2 sions of the McKinney-Vento Homeless Assistance  
3 Act (42 U.S.C. 11301 et seq.) to facilities of the  
4 Veterans Health Administration closed under this  
5 title.

6 (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL  
7 POLICY ACT OF 1969.—

8 (1) IN GENERAL.—The provisions of the Na-  
9 tional Environmental Policy Act of 1969 (42 U.S.C.  
10 4321 et seq.) shall not apply to the actions of the  
11 President, the Commission, and, except as provided  
12 in paragraph (2), the Department of Veterans Af-  
13 fairs in carrying out this title.

14 (2) DEPARTMENT OF VETERANS AFFAIRS.—

15 (A) COVERED ACTIVITIES.—The provisions  
16 of the National Environmental Policy Act of  
17 1969 shall apply to actions of the Department  
18 of Veterans Affairs under this title—

19 (i) during the process of property dis-  
20 posal; and

21 (ii) during the process of relocating  
22 functions from a facility of the Veterans  
23 Health Administration being closed or re-  
24 aligned to another facility after the receiv-

1           ing facility has been selected but before the  
2           functions are relocated.

3           (B) OTHER ACTIVITIES.—In applying the  
4           provisions of the National Environmental Policy  
5           Act of 1969 to the processes referred to in sub-  
6           paragraph (A), the Secretary shall not have to  
7           consider—

8                   (i) the need for closing or realigning  
9                   the facility of the Veterans Health Admin-  
10                  istration as recommended by the Commis-  
11                  sion;

12                  (ii) the need for transferring functions  
13                  to any facility of the Veterans Health Ad-  
14                  ministration which has been selected as the  
15                  receiving facility; or

16                  (iii) facilities of the Veterans Health  
17                  Administration alternative to those rec-  
18                  ommended or selected.

19       (d) WAIVER.—

20           (1) RESTRICTIONS ON USE OF FUNDS.—The  
21           Secretary may close or realign facilities of the Vet-  
22           erans Health Administration under this title without  
23           regard to any provision of law restricting the use of  
24           funds for closing or realigning facilities of the Vet-

1       erans Health Administration included in any appro-  
2       priation or authorization Act.

3           (2) RESTRICTIONS ON AUTHORITIES.—The Sec-  
4       retary may close or realign facilities of the Veterans  
5       Health Administration under this title without re-  
6       gard to the restrictions of section 8110 of title 38,  
7       United States Code.

8       (e) TRANSFER AUTHORITY IN CONNECTION WITH  
9       PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

10       (1) IN GENERAL.—

11           (A) TRANSFER BY DEED.—Subject to  
12       paragraph (2) of this subsection and section  
13       120(h) of the Comprehensive Environmental  
14       Response, Compensation, and Liability Act of  
15       1980 (42 U.S.C. 9620(h)), the Secretary may  
16       enter into an agreement to transfer by deed a  
17       facility of the Veterans Health Administration  
18       with any person who agrees to perform all envi-  
19       ronmental restoration, waste management, and  
20       environmental compliance activities that are re-  
21       quired for the property or facilities under Fed-  
22       eral and State laws, administrative decisions,  
23       agreements (including schedules and mile-  
24       stones), and concurrences.



1 (B) ADDITIONAL TERMS OR CONDI-  
2 TIONS.—The Secretary may require any addi-  
3 tional terms and conditions in connection with  
4 an agreement authorized by subparagraph (A)  
5 as the Secretary considers appropriate to pro-  
6 tect the interests of the United States.

7 (2) LIMITATION.—A transfer of a facility of the  
8 Veterans Health Administration may be made under  
9 paragraph (1) only if the Secretary certifies to Con-  
10 gress that—

11 (A) the costs of all environmental restora-  
12 tion, waste management, and environmental  
13 compliance activities otherwise to be paid by the  
14 Secretary with respect to the facility of the Vet-  
15 erans Health Administration are equal to or  
16 greater than the fair market value of the prop-  
17 erty or facilities to be transferred, as deter-  
18 mined by the Secretary; or

19 (B) if such costs are lower than the fair  
20 market value of the facility of the Veterans  
21 Health Administration, the recipient of such  
22 transfer agrees to pay the difference between  
23 the fair market value and such costs.

24 (3) PAYMENT BY THE SECRETARY FOR CER-  
25 TAIN TRANSFERS.—In the case of a facility of the

1 Veterans Health Administration covered by a certifi-  
2 cation under paragraph (2)(A), the Secretary may  
3 pay the recipient of such facility an amount equal to  
4 the lesser of—

5 (A) the amount by which the costs in-  
6 curred by the recipient of the facility of the  
7 Veterans Health Administration for all environ-  
8 mental restoration, waste, management, and en-  
9 vironmental compliance activities with respect  
10 to such facility exceed the fair market value of  
11 such property as specified in such certification;  
12 or

13 (B) the amount by which the costs (as de-  
14 termined by the Secretary) that would other-  
15 wise have been incurred by the Secretary for  
16 such restoration, management, and activities  
17 with respect to such facility of the Veterans  
18 Health Administration exceed the fair market  
19 value of property as so specified.

20 (4) DISCLOSURE.—As part of an agreement  
21 under paragraph (1), the Secretary shall disclose to  
22 the person to whom the facility of the Veterans  
23 Health Administration will be transferred any infor-  
24 mation of the Secretary regarding the environmental  
25 restoration, waste management, and environmental

1 compliance activities described in paragraph (1) that  
2 relate to the facility of the Veterans Health Admin-  
3 istration. The Secretary shall provide such informa-  
4 tion before entering into the agreement.

5 (5) APPLICABILITY OF CERTAIN ENVIRON-  
6 MENTAL LAWS.—Nothing in this subsection shall be  
7 construed to modify, alter, or amend the Com-  
8 prehensive Environmental Response, Compensation,  
9 and Liability Act of 1980 (42 U.S.C. 9601 et seq.)  
10 or the Solid Waste Disposal Act (42 U.S.C. 6901 et  
11 seq.).

12 **SEC. 106. DEPARTMENT OF VETERANS AFFAIRS ASSET AND**  
13 **INFRASTRUCTURE REVIEW ACCOUNT.**

14 (a) ESTABLISHMENT.—There is hereby established in  
15 the ledgers of the Treasury an account to be known as  
16 the “Department of Veterans Affairs Asset and Infra-  
17 structure Review Account” which shall be administered by  
18 the Secretary as a single account.

19 (b) CREDITS TO ACCOUNT.—There shall be credited  
20 to the Account the following:

21 (1) Funds authorized for and appropriated to  
22 the Account.

23 (2) Proceeds received from the lease, transfer,  
24 or disposal of any property at a facility of the Vet-

1       erans Health Administration closed or realigned  
2       under this title.

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

5           (1) To carry out this title.

6           (2) To cover property management and disposal  
7 costs incurred at facilities of the Veterans Health  
8 Administration closed, modernized, or realigned  
9 under this title.

10          (3) To cover costs associated with supervision,  
11 inspection, overhead, engineering, and design of con-  
12 struction projects undertaken under this title, and  
13 subsequent claims, if any, related to such activities.

14          (4) Other purposes that the Secretary deter-  
15 mines support the mission and operations of the De-  
16 partment of Veterans Affairs.

17       (d) CONSOLIDATED BUDGET JUSTIFICATION DIS-  
18 PLAY FOR ACCOUNT.—

19           (1) CONSOLIDATED BUDGET INFORMATION RE-  
20 QUIRED.—The Secretary shall establish a consoli-  
21 dated budget justification display in support of the  
22 Account that for each fiscal year—

23           (A) details the amount and nature of cred-  
24 its to, and expenditures from, the Account dur-  
25 ing the preceding fiscal year;

1 (B) separately details the environmental  
2 remediation costs associated with facility of the  
3 Veterans Health Administration for which a  
4 budget request is made;

5 (C) specifies the transfers into the Account  
6 and the purposes for which these transferred  
7 funds will be further obligated, to include care-  
8 taker and environment remediation costs associ-  
9 ated with each facility of the Veterans Health  
10 Administration; and

11 (D) details any intra-budget activity trans-  
12 fers within the Account that exceeded  
13 \$1,000,000 during the preceding fiscal year or  
14 that are proposed for the next fiscal year and  
15 will exceed \$1,000,000.

16 (2) SUBMISSION.—The Secretary shall include  
17 the information required by paragraph (1) in the  
18 materials that the Secretary submits to Congress in  
19 support of the budget for a fiscal year submitted by  
20 the President pursuant to section 1105 of title 31,  
21 United States Code.

22 (e) CLOSURE OF ACCOUNT; TREATMENT OF REMAIN-  
23 ING FUNDS.—

24 (1) CLOSURE.—The Account shall be closed at  
25 the time and in the manner provided for appropria-

1       tion accounts under section 1555 of title 31, United  
2       States Code, except that unobligated funds which re-  
3       main in the Account upon closure shall be held by  
4       the Secretary of the Treasury until transferred to  
5       the Secretary of Veterans Affairs by law after the  
6       Committees on Veterans' Affairs of the Senate and  
7       the House of Representatives receive the final report  
8       transmitted under paragraph (2).

9               (2) FINAL REPORT.—No later than 60 days  
10       after the closure of the Account under paragraph  
11       (1), the Secretary shall transmit to the Committees  
12       on Veterans' Affairs of the Senate and the House of  
13       Representatives and the Committees on Appropria-  
14       tions of the House of Representatives and the Sen-  
15       ate a report containing an accounting of—

16               (A) all the funds credited to and expended  
17       from the Account or otherwise expended under  
18       this title; and

19               (B) any funds remaining in the Account.

20       **SEC. 107. CONGRESSIONAL CONSIDERATION OF COMMIS-**  
21       **SION REPORT.**

22       (a) DISAPPROVAL RESOLUTION.—For purposes of  
23       section 104(b), the term “joint resolution” means only a  
24       joint resolution which is introduced within the 5-day pe-  
25       riod beginning on the date on which the President trans-

1 mits the report to the Congress under section 103(d),  
2 and—

3 (1) which does not have a preamble;

4 (2) the matter after the resolving clause of  
5 which is as follows: “that Congress disapproves the  
6 recommendations of the VHA Asset and Infrastruc-  
7 ture Review Commission as submitted by the Presi-  
8 dent on \_\_\_\_\_”, the blank space being filled with  
9 the appropriate date; and

10 (3) the title of which is as follows: “Joint reso-  
11 lution disapproving the recommendations of the  
12 VHA Asset and Infrastructure Review Commis-  
13 sion.”.

14 (b) CONSIDERATION IN THE HOUSE OF REPRESENT-  
15 ATIVES.—

16 (1) REPORTING AND DISCHARGE.—Any com-  
17 mittee of the House of Representatives to which a  
18 joint resolution is referred shall report it to the  
19 House without amendment not later than 15 legisla-  
20 tive days after the date of introduction thereof. If a  
21 committee fails to report the joint resolution within  
22 that period, the committee shall be discharged from  
23 further consideration of the joint resolution.

24 (2) PROCEEDING TO CONSIDERATION.—It shall  
25 be in order at any time after the third legislative day

1 after each committee authorized to consider a joint  
2 resolution has reported or has been discharged from  
3 consideration of a joint resolution, to move to pro-  
4 ceed to consider the joint resolution in the House.  
5 All points of order against the motion are waived.  
6 Such a motion shall not be in order after the House  
7 has disposed of a motion to proceed on a joint reso-  
8 lution addressing a particular submission. The pre-  
9 vious question shall be considered as ordered on the  
10 motion to its adoption without intervening motion.  
11 The motion shall not be debatable. A motion to re-  
12 consider the vote by which the motion is disposed of  
13 shall not be in order.

14 (3) CONSIDERATION.—The joint resolution  
15 shall be considered as read. All points of order  
16 against the joint resolution and against its consider-  
17 ation are waived. The previous question shall be con-  
18 sidered as ordered on the joint resolution to its pas-  
19 sage without intervening motion except two hours of  
20 debate equally divided and controlled by the pro-  
21 ponent and an opponent. A motion to reconsider the  
22 vote on passage of the joint resolution shall not be  
23 in order.

24 (c) CONSIDERATION IN THE SENATE.—



1           (1) REFERRAL.—A joint resolution introduced  
2           in the Senate shall be referred to the Committee on  
3           Veterans' Affairs.

4           (2) REPORTING AND DISCHARGE.—Any com-  
5           mittee of the Senate to which a joint resolution is  
6           referred shall report it to the Senate without amend-  
7           ment not later than 15 session days after the date  
8           of introduction of a joint resolution described in sub-  
9           section (a). If a committee fails to report the joint  
10          resolution within that period, the committee shall be  
11          discharged from further consideration of the joint  
12          resolution and the joint resolution shall be placed on  
13          the calendar.

14          (3) FLOOR CONSIDERATION.—

15           (A) IN GENERAL.—Notwithstanding Rule  
16           XXII of the Standing Rules of the Senate, it is  
17           in order at any time after the third session day  
18           on which the Committee on Veterans' Affairs  
19           has reported or has been discharged from con-  
20           sideration of a joint resolution described in sub-  
21           section (a) (even though a previous motion to  
22           the same effect has been disagreed to) to move  
23           to proceed to the consideration of the joint reso-  
24           lution, and all points of order against the joint  
25           resolution (and against consideration of the

1 joint resolution) are waived. The motion to pro-  
2 ceed is not debatable. The motion is not subject  
3 to a motion to postpone. A motion to reconsider  
4 the vote by which the motion is agreed to or  
5 disagreed to shall not be in order. If a motion  
6 to proceed to the consideration of the resolution  
7 is agreed to, the joint resolution shall remain  
8 the unfinished business until disposed of.

9 (B) CONSIDERATION.—Consideration of  
10 the joint resolution, and on all debatable mo-  
11 tions and appeals in connection therewith, shall  
12 be limited to not more than 2 hours, which  
13 shall be divided equally between the majority  
14 and minority leaders or their designees. A mo-  
15 tion further to limit debate is in order and not  
16 debatable. An amendment to, or a motion to  
17 postpone, or a motion to proceed to the consid-  
18 eration of other business, or a motion to recom-  
19 mit the joint resolution is not in order.

20 (C) VOTE ON PASSAGE.—If the Senate has  
21 voted to proceed to a joint resolution, the vote  
22 on passage of the joint resolution shall occur  
23 immediately following the conclusion of consid-  
24 eration of the joint resolution, and a single  
25 quorum call at the conclusion of the debate if

1 requested in accordance with the rules of the  
2 Senate.

3 (D) RULINGS OF THE CHAIR ON PROCE-  
4 DURE.—Appeals from the decisions of the Chair  
5 relating to the application of the rules of the  
6 Senate, as the case may be, to the procedure re-  
7 lating to a joint resolution shall be decided  
8 without debate.

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

13 (e) COORDINATION WITH ACTION BY OTHER  
14 HOUSE.—

15 (1) IN GENERAL.—If, before passing the joint  
16 resolution, one House receives from the other a joint  
17 resolution—

18 (A) the joint resolution of the other House  
19 shall not be referred to a committee; and

20 (B) the procedure in the receiving House  
21 shall be the same as if no joint resolution had  
22 been received from the other House until the  
23 vote on passage, when the joint resolution re-  
24 ceived from the other House shall supplant the  
25 joint resolution of the receiving House.

1           (2) TREATMENT OF JOINT RESOLUTION OF  
2 OTHER HOUSE.—If the Senate fails to introduce or  
3 consider a joint resolution under this section, the  
4 joint resolution of the House shall be entitled to ex-  
5 pedited floor procedures under this section.

6           (3) TREATMENT OF COMPANION MEASURES.—  
7 If, following passage of the joint resolution in the  
8 Senate, the Senate then receives the companion  
9 measure from the House of Representatives, the  
10 companion measure shall not be debatable.

11          (f) RULES OF THE HOUSE OF REPRESENTATIVES  
12 AND SENATE.—This section is enacted by Congress—

13           (1) as an exercise of the rulemaking power of  
14 the Senate and House of Representatives, respec-  
15 tively, and as such it is deemed a part of the rules  
16 of each House, respectively, but applicable only with  
17 respect to the procedure to be followed in that  
18 House in the case of a joint resolution, and it super-  
19 sedes other rules only to the extent that it is incon-  
20 sistent with such rules; and

21           (2) with full recognition of the constitutional  
22 right of either House to change the rules (so far as  
23 relating to the procedure of that House) at any time,  
24 in the same manner, and to the same extent as in  
25 the case of any other rule of that House.

1 **SEC. 108. OTHER MATTERS.**

2 (a) **ONLINE PUBLICATION OF COMMUNICATIONS.—**

3 (1) **IN GENERAL.—**Not later than 24 hours  
4 after the transmission or receipt of any communica-  
5 tion under this title that is transmitted or received  
6 by a party specified in paragraph (2), the Secretary  
7 of Veterans Affairs shall publish such communica-  
8 tion online.

9 (2) **PARTIES SPECIFIED.—**The parties specified  
10 under this paragraph are the following:

11 (A) The Secretary of Veterans Affairs.

12 (B) The Commission.

13 (C) The President.

14 (b) **CONTINUATION OF EXISTING CONSTRUCTION**  
15 **PROJECTS AND PLANNING.—**During activities that the  
16 Commission, President, or Congress carry out under this  
17 title, the Secretary of Veterans Affairs may not stop, sole-  
18 ly because of such activities—

19 (1) a construction or leasing project of the Vet-  
20 erans Health Administration;

21 (2) long term planning regarding infrastructure  
22 and assets of the Veterans Health Administration;  
23 or

24 (3) budgetary processes for the Veterans  
25 Health Administration.

1 (c) RECOMMENDATIONS FOR FUTURE ASSET RE-  
2 VIEWS.—The Secretary of Veterans Affairs may, after  
3 consulting with veterans service organizations, include in  
4 budget submissions the Secretary submits after the termi-  
5 nation of the Commission recommendations for future  
6 such commissions or other capital asset realignment and  
7 management processes.

8 **SEC. 109. DEFINITIONS.**

9 In this title:

10 (1) The term “Account” means the Department  
11 of Veterans Affairs Asset and Infrastructure Review  
12 Account established by section 106(a).

13 (2) The term “Commission” means the Com-  
14 mission established by section 102.

15 (3) The term “date of approval”, with respect  
16 to a modernization or realignment of a facility of the  
17 Veterans Health Administration, means the date on  
18 which the authority of Congress to disapprove a rec-  
19 ommendation of modernization or realignment, as  
20 the case may be, of such facility under this title ex-  
21 pires.

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

24 (A) means any land, building, structure, or  
25 infrastructure (including any medical center,

1 nursing home, domiciliary facility, outpatient  
2 clinic, center that provides readjustment coun-  
3 seling, or leased facility) that is—

4 (i) under the jurisdiction of the De-  
5 partment of Veterans Affairs;

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

8 (iii) not under the control of the Gen-  
9 eral Services Administration; or

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

13 (i) under the jurisdiction of the De-  
14 partment of Veterans Affairs;

15 (ii) under the control of another ad-  
16 ministration of the Department of Vet-  
17 erans Affairs; and

18 (iii) not under the control of the Gen-  
19 eral Services Administration.

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

22 (6) The term “modernization” includes—

23 (A) any action, including closure, required  
24 to align the form and function of a facility of  
25 the Veterans Health Administration to the pro-

1 vision of modern day health care, including util-  
2 ities and environmental control systems;

3 (B) the construction, purchase, lease, or  
4 sharing of a facility of the Veterans Health Ad-  
5 ministration; and

6 (C) realignments, disposals, exchanges, col-  
7 laborations between the Department of Vet-  
8 erans Affairs and other Federal entities, and  
9 strategic collaborations between the Depart-  
10 ment and non-Federal entities, including tribal  
11 organizations.

12 (7) The term “realignment”, with respect to a  
13 facility of the Veterans Health Administration, in-  
14 cludes—

15 (A) any action that changes the numbers  
16 of or relocates services, functions, and per-  
17 sonnel positions;

18 (B) disposals or exchanges between the  
19 Department of Veterans Affairs and other Fed-  
20 eral entities, including the Department of De-  
21 fense; and

22 (C) strategic collaborations between the  
23 Department of Veterans Affairs and non-Fed-  
24 eral entities, including tribal organizations.



1           (8) The term “redevelopment authority”, in the  
2 case of a facility of the Veterans Health Administra-  
3 tion closed or modernized under this title, means  
4 any entity (including an entity established by a  
5 State or local government) recognized by the Sec-  
6 retary of Veterans Affairs as the entity responsible  
7 for developing the redevelopment plan with respect  
8 to the facility or for directing the implementation of  
9 such plan.

10           (9) The term “redevelopment plan” in the case  
11 of a facility of the Veterans Health Administration  
12 to be closed or realigned under this title, means a  
13 plan that—

14           (A) is agreed to by the local redevelopment  
15 authority with respect to the facility; and

16           (B) provides for the reuse or redevelop-  
17 ment of the real property and personal property  
18 of the facility that is available for such reuse  
19 and redevelopment as a result of the closure or  
20 realignment of the facility.

21           (10) The term “Secretary” means the Secretary  
22 of Veterans Affairs.

23           (11) The term “tribal organization” has the  
24 meaning given such term in section 3765 of title 38,  
25 United States Code.

1 **TITLE II—IMPROVEMENTS TO**  
2 **CONSTRUCTION MANAGEMENT AND LEASES**  
3 **MANAGEMENT AND LEASES**

4 **SEC. 201. MODIFICATION OF THRESHOLDS FOR MAJOR**  
5 **MEDICAL FACILITY PROJECTS AND MAJOR**  
6 **MEDICAL FACILITY LEASES.**

7 (a) DEFINITIONS.—Paragraph (3) of section 8104(a)  
8 of title 38, United States Code, is amended to read as  
9 follows:

10 “(3) In this subsection:

11 “(A)(i) The term ‘major medical facility project’  
12 means—

13 “(I) a project for the construction, alter-  
14 ation, or acquisition of a medical facility involv-  
15 ing a total expenditure of more than  
16 \$20,000,000; or

17 “(II) the construction, alteration, or acqui-  
18 sition of a shared medical facility (as defined in  
19 section 8111B(d) of this title) for which the es-  
20 timated share of the Department of Veterans  
21 Affairs for the costs of such construction, alter-  
22 ation, or acquisition exceeds \$20,000,000.

23 “(ii) Such term does not include—

24 “(I) an acquisition by exchange;

1           “(II) nonrecurring maintenance projects of  
2           the Department; or

3           “(III) the construction, alteration, or ac-  
4           quisition of a shared medical facility for which  
5           the estimated share of the Department of Vet-  
6           erans Affairs for the costs of such construction,  
7           alteration, or acquisition does not exceed  
8           \$20,000,000.

9           “(B) The term ‘major medical facility lease’  
10          means—

11           “(i) a lease for space for use as a new  
12           medical facility at an average annual rent that  
13           is equal to or exceeds the amount specified in  
14           subsection (a)(2) of section 3307 of title 40; or

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

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

1 **SEC. 202. SUBMISSION OF PROSPECTUSES OF PROPOSED**  
2 **MINOR MEDICAL FACILITY PROJECTS.**

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

14 **SEC. 203. IMPROVEMENT TO TRAINING OF CONSTRUCTION**  
15 **PERSONNEL.**

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

18 “(g)(1)(A) Not later than September 30 of the fiscal  
19 year following the fiscal year during which this subsection  
20 is enacted, the Secretary shall implement the covered  
21 training curriculum and the covered certification program.

22 “(B) In designing and implementing the covered  
23 training curriculum and the covered certification program  
24 under paragraph (1), the Secretary shall use as models  
25 existing training curricula and certification programs that

1 have been established under chapter 87 of title 10, United  
2 States Code, as determined relevant by the Secretary.

3 “(2) The Secretary may develop the training cur-  
4 rriculum under paragraph (1)(A) in a manner that provides  
5 such training in any combination of—

6 “(A) training provided in person;

7 “(B) training provided over an internet website;

8 or

9 “(C) training provided by another department  
10 or agency of the Federal Government.

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

13 “(A) one level of certification; or

14 “(B) more than one level of certification, as de-  
15 termined appropriate by the Secretary with respect  
16 to the level of certification for different grades of the  
17 General Schedule.

18 “(4) The Secretary may enter into a contract with  
19 an appropriate entity to provide the covered training cur-  
20 rriculum and the covered certification program under para-  
21 graph (1)(A).

22 “(5)(A) Not later than September 30 of the second  
23 fiscal year following the fiscal year during which this Act  
24 is enacted, the Secretary shall ensure that the majority  
25 of employees subject to the covered certification program

1 achieve the certification or the appropriate level of certifi-  
2 cation pursuant to paragraph (3), as the case may be.

3 “(B) After carrying out subparagraph (A), the Sec-  
4 retary shall ensure that each employee subject to the cov-  
5 ered certification program achieves the certification or the  
6 appropriate level of certification pursuant to paragraph  
7 (3), as the case may be, as quickly as practicable.

8 “(6) In this subsection:

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

23 “(B) The term ‘covered training curriculum’  
24 means, with respect to employees specified in sub-

1 paragraph (A), a training curriculum relating to  
2 construction or facilities management.”.

3 **SEC. 204. AUTHORITY TO PLAN, DESIGN, CONSTRUCT, OR**  
4 **LEASE SHARED MEDICAL FACILITIES.**

5 (a) AUTHORITY.—

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

9 **“§ 8111B. Authority to plan, design, construct or lease**  
10 **a medical facility shared with other de-**  
11 **partments or agencies**

12 “(a) AUTHORITY.—Subject to sections 8103 and  
13 8104 of this title, the Secretary of Veterans Affairs may  
14 enter into agreements with the heads of other departments  
15 or agencies of the Federal Government for the planning,  
16 designing, constructing, or leasing of medical facilities to  
17 be shared by the Department of Veterans Affairs and that  
18 department or agency to improve the access to, and qual-  
19 ity and cost effectiveness of, the health care provided by  
20 the Veterans Health Administration and that department  
21 or agency.

22 “(b) TRANSFERS OF AMOUNTS FROM DEPARTMENT  
23 OF VETERANS AFFAIRS.—(1) With respect to a shared  
24 medical facility construction project for which the esti-  
25 mated costs to the Department of Veterans Affairs do not

1 exceed the amount specified in section 8104(a)(3)(A) of  
2 this title, the Secretary of Veterans Affairs may transfer  
3 to the partner agency amounts appropriated in the Con-  
4 struction, Minor Projects account of the Department for  
5 use for the planning, design, or construction of the shared  
6 medical facility.

7 “(2) With respect to a shared medical facility con-  
8 struction project for which the estimated costs to the De-  
9 partment of Veterans Affairs exceed the amount specified  
10 in section 8104(a)(3)(A) of this title, the Secretary of Vet-  
11 erans Affairs may transfer to the partner agency amounts  
12 appropriated in the Construction, Major Projects account  
13 of the Department for use for the planning, design, or con-  
14 struction of the shared medical facility.

15 “(3) With respect to a shared medical facility lease  
16 project for which the estimated costs of the lease to the  
17 Department of Veterans Affairs do not exceed the amount  
18 specified in section 8104(a)(3)(B) of this title, the Sec-  
19 retary of Veterans Affairs may transfer to the partner  
20 agency amounts appropriated in the applicable medical ap-  
21 propriation account of the Department for such lease.

22 “(c) TRANSFERS OF AMOUNTS TO DEPARTMENT OF  
23 VETERANS AFFAIRS.—(1) With respect to a shared med-  
24 ical facility construction project for which the estimated  
25 costs to the Department of Veterans Affairs do not exceed



1 the amount specified in section 8104(a)(3)(A) of this title,  
2 any amounts transferred by the partner agency to the Sec-  
3 retary of Veterans Affairs may be deposited in the Con-  
4 struction, Minor Projects account of the Department for  
5 use for the planning, design, or construction of the shared  
6 medical facility. Amounts so deposited shall be merged  
7 with and available for the same purposes, and for the same  
8 period, as such account.

9 “(2) With respect to a shared medical facility con-  
10 struction project for which the estimated costs to the De-  
11 partment of Veterans Affairs exceed the amount specified  
12 in section 8104(a)(3)(A) of this title, any amounts trans-  
13 ferred by the partner agency to the Secretary of Veterans  
14 Affairs may be deposited in the Construction, Major  
15 Projects account of the Department for use for the plan-  
16 ning, design, or construction of the shared medical facility.  
17 Amounts so deposited shall be merged with and available  
18 for the same purposes, and for the same period, as such  
19 account.

20 “(3) With respect to a shared medical facility lease  
21 project, any amounts transferred by the partner agency  
22 to the Secretary of Veterans Affairs may be deposited in  
23 the applicable medical appropriation account of the De-  
24 partment for such lease. Amounts so deposited shall be  
25 available without fiscal year limitation.

1 “(d) DEFINITIONS.—In this section:

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

6 “(2) The term ‘shared medical facility’ means a  
7 medical facility shared by the Department of Vet-  
8 erans Affairs and a partner agency pursuant to an  
9 agreement entered into under subsection (a).

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

14 “(4) The term ‘shared medical facility lease  
15 project’ means the leasing of a shared medical facil-  
16 ity pursuant to an agreement entered into under  
17 subsection (a).”.

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

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

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

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

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

14           (a) IN GENERAL.—Section 8162(a)(2) of title 38,  
15 United States Code, is amended—

16                 (1) by striking “only”; and

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

19           (b) APPLICATION.—The amendments made by sub-  
20 section (a) shall apply with respect to enhanced-use leases  
21 entered into on or after the date of the enactment of this  
22 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  
6 Accountability Act of 2014 (Public Law 113–146; 38  
7 U.S.C. 703 note) is amended, in the matter preceding  
8 paragraph (1), by inserting “other than recruitment, relo-  
9 cation, or retention incentives,” after “title 38, United  
10 States Code,”.

11 **SEC. 302. APPROPRIATION OF AMOUNTS.**

12           (a) VETERANS CHOICE PROGRAM.—There is author-  
13 ized to be appropriated, and is appropriated, to the Sec-  
14 retary of Veterans Affairs, out of any funds in the Treas-  
15 ury not otherwise appropriated, \$2,100,000,000 to be de-  
16 posited in the Veterans Choice Fund under section 802  
17 of the Veterans Access, Choice, and Accountability Act of  
18 2014 (Public Law 113–146; 38 U.S.C. 1701 note).

19           (b) MINOR CONSTRUCTION AND NONRECURRING  
20 MAINTENANCE.—

21           (1) IN GENERAL.—There is authorized to be  
22 appropriated, and is appropriated, to the Secretary  
23 of Veterans Affairs, out of any funds in the Treas-  
24 ury not otherwise appropriated, \$500,000,000 for  
25 “Medical Facilities” for minor construction and non-

1 recurring maintenance projects, to be prioritized ac-  
2 cording to their rankings in the strategic capital in-  
3 vestment planning process.

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

12 (c) AVAILABILITY OF AMOUNTS.—The amounts ap-  
13 propriated under subsections (a) and (b)(1) shall be avail-  
14 able for obligation or expenditure without fiscal year limi-  
15 tation.

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

19 (a) IN GENERAL.—Not later than 180 days after the  
20 date of the enactment of this Act, the Secretary of Vet-  
21 erans Affairs shall submit to the Committees on Veterans'  
22 Affairs of the Senate and the House of Representatives  
23 a report regarding health care furnished by the Depart-  
24 ment of Veterans Affairs to veterans who live in the terri-  
25 tories.

1 (b) ELEMENTS.—The report under subsection (a)  
2 shall include assessments of the following:

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

5 (A) Hospital care.

6 (B) Medical services.

7 (C) Mental health services.

8 (D) Geriatric services.

9 (2) The feasibility of establishing a medical fa-  
10 cility of the Department in any territory that does  
11 not contain such a facility.

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

