

Department of Veterans Affairs and strategically examine how best to organize the Veterans Health Administration, local health care resources, and deliver health care to veterans over the next 20 years.

The Commission has contacted us to explain that they will not be able to meet the statutory deadline of presenting their report to us in time, and would like an extension until June of 2016.

I feel this is a very important report, and I am willing to extend the authorization for the Commission on Care in order to receive this information.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I urge all Members to support H.R. 4437.

I yield back the balance of my time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 4437.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONSTRUCTION REFORM ACT OF 2016

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3106) to authorize Department major medical facility construction projects for fiscal year 2015, to amend title 38, United States Code, to make certain improvements in the administration of Department medical facility construction projects, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3106

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Construction Reform Act of 2016".

SEC. 2. DEPARTMENT OF VETERANS AFFAIRS CONSTRUCTION REFORMS.

(a) APPLICATION OF INDUSTRY STANDARDS; ASSISTANCE.—Section 8103 of title 38, United States Code, is amended by adding at the end the following new subsections:

"(f) To the maximum extent practicable, the Secretary shall use industry standards, standard designs, and best practices in carrying out the construction of medical facilities.

"(g)(1) The Secretary shall provide to a non-Department Federal entity with which the Secretary has entered into an agreement under subsection (e)—

"(A) design, planning, and construction assistance before the entity issues a request for proposals for the design or construction of the super construction project covered by the agreement;

"(B) any documents or information needed for the entity to carry out the responsibilities

of the entity with respect to the super construction project; and

"(C) upon the request of the entity, any other assistance that the entity determines necessary to carry out such responsibilities.

"(2) Any assistance provided under paragraph (1) shall be provided to the non-Department Federal entity on a non-reimbursable basis.

"(h)(1) With respect to a proposed change to a contract entered into by a non-Department Federal entity with which the Secretary has entered into an agreement under subsection (e) that is estimated at a value of less than \$250,000, the non-Department Federal entity shall issue a final decision regarding such change not later than 30 days after the date on which the change is proposed.

"(2) With respect to a proposed change to such a contract that is estimated at a value of \$250,000 or more—

"(A) the Secretary may provide to the entity the recommendations of the Secretary regarding such change;

"(B) during the 30-day period beginning on the date on which the entity furnishes to the Secretary information regarding such change, the Secretary may issue the final decision regarding such change; and

"(C) if the Secretary does not issue a final decision under subparagraph (B), during the 30-day period following the period described in such paragraph, the entity shall issue a final decision regarding such a change no later than 90 days from when the entity furnished information regarding such a change to the Secretary.

"(i) The Secretary shall ensure that each employee of the Department with responsibilities relating to the construction or alteration of medical facilities, including such construction or alteration carried out pursuant to contracts or agreements, undergoes a program of ongoing professional training and development. Such program shall be designed to ensure that employees maintain adequate expertise relating to industry standards and best practices for the acquisition of design and construction services. The Secretary may provide the program under this subsection through a contract or agreement with a non-Federal entity or with a non-Department Federal entity."

(b) LIMITATION ON PLANNING AND DESIGN FOR SUPER CONSTRUCTION PROJECTS.—

(1) IN GENERAL.—Section 8104(a) of title 38, United States Code, is amended—

(A) by redesignating paragraph (3) as paragraph (4);

(B) by inserting after paragraph (2) the following new paragraph (3):

"(3) The Secretary may not obligate or expend funds for advance planning or design for any super construction project, until the date that is 60 days after the date on which the Secretary submits to the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives notice of such obligation or expenditure."; and

(C) in paragraph (4), as redesignated by paragraph (1) of this subsection, by adding at the end the following new subparagraph:

"(C) The term 'super construction project' means a project for the construction, alteration, or acquisition of a medical facility involving a total expenditure of more than \$100,000,000, but such term does not include an acquisition by exchange."

(2) APPLICABILITY.—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act and shall apply with respect to a construction project that is initiated on or after that date.

(c) CONGRESSIONAL APPROVAL OF CERTAIN PROJECTS.—

(1) PROJECTS THAT EXCEED SPECIFIED AMOUNT.—Subsection (c) of section 8104 of title 38, United States Code, is amended to read as follows:

"(c)(1) The Secretary may not obligate funds for a major medical facility project or a super construction project approved by a law described in subsection (a)(2) in an amount that would cause the total amount obligated for that project to exceed the amount specified in the law for that project (or would add to total obligations exceeding such specified amount) by more than 10 percent unless the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives each approve in writing the obligation of those funds.

"(2) The Secretary shall—

"(A) enter into a contract with an appropriate non-department Federal entity with the ability to conduct forensic audits on medical facility projects for the conduct of an external forensic audit of the expenditures relating to any major medical facility or super construction project for which the total expenditures exceed the amount specified in the law for the project by more than 25 percent; and

"(B) enter into a contract with an appropriate non-department Federal entity with the ability to conduct forensic audits on medical facility projects for the conduct of an external audit of the medical center construction project in Aurora, Colorado."

(2) USE OF EXTRA AMOUNTS.—Subsection (d) of such section is amended—

(A) in paragraph (2)(B), in the matter preceding clause (i), by striking "Whenever" and inserting "Before"; and

(B) by adding at the end the following new paragraph:

"(3) The Secretary may not obligate any funds described in paragraph (1) or amounts described in paragraph (2) before the date that is 30 days after the notification submitted under paragraph (1) or paragraph (2)(B), as the case may be, unless the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives each approve in writing the obligation of those funds or amounts."

(3) NOTIFICATION REQUIREMENTS.—

(A) COMMITTEES REQUIRED.—Subsection (d)(1) of such section is amended by striking "each committee" and inserting "the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate and the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives".

(B) USE OF AMOUNTS FROM BID SAVINGS.—Subsection (d)(2)(B) of such section is amended by adding at the end the following new clause:

"(iv) With respect to the major construction project that is the source of the bid savings—

"(I) the amounts already obligated or available in the project reserve for such project;

"(II) the percentage of such project that has been completed; and

"(III) the amount of such bid savings that is already obligated or otherwise being used for a purpose other than such project."

(d) QUARTERLY REPORT ON SUPER CONSTRUCTION PROJECTS.—

(1) IN GENERAL.—At the end of subchapter I of chapter 81 of title 38, United States Code, add the following new section:

“§ 8120. Quarterly report on super construction projects

“(a) QUARTERLY REPORTS REQUIRED.—Not later than 30 days after the last day of each fiscal quarter the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives on the super construction projects carried out by the Secretary during such quarter. Each such report shall include, for each such project—

“(1) the budgetary and scheduling status of the project, as of the last day of the quarter covered by the report; and

“(2) the actual cost and schedule variances of the project, as of such day, compared to the planned cost and schedules for the project.

“(b) SUPER CONSTRUCTION PROJECT DEFINED.—In this section, the term ‘super construction project’ has the meaning given such term in section 8104(a)(4)(C) of this title.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter is amended by adding at the end of the items relating to such subchapter the following new item:

“8120. Quarterly report on super construction projects.”

(e) ACCELERATED MASTER PLANNING FOR EACH MEDICAL FACILITY OF THE DEPARTMENT OF VETERANS AFFAIRS.—

(1) EXISTING FACILITIES.—Not later than December 31, 2016, the Secretary of Veterans Affairs shall complete a master plan described in paragraph (3) for each medical facility of the Department of Veterans Affairs.

(2) NEW FACILITIES.—For each medical facility of the Department for which construction is completed after the date of the enactment of this Act, the Secretary shall complete a master plan described in paragraph (3) for the facility by not later than the earlier of the following dates:

(A) The date on which activation is completed.

(B) The date of the formal dedication of the facility.

(3) MASTER PLAN DESCRIBED.—A master plan described in this paragraph is, with respect to a medical facility of the Department, a plan to inform investment decisions and funding requests over a 10-year period for construction projects at such medical facility—

(A) to meet the health care needs of a changing veteran population through a combination of health care from the Department and other community resources; and

(B) to maximize the best use of the land and structures comprising such medical facility.

SEC. 3. ASSISTANT INSPECTOR GENERAL FOR CONSTRUCTION.

(a) IN GENERAL.—Chapter 3 of title 38, United States Code, is amended by inserting after section 312 the following new section:

“§ 312A. Assistant Inspector General for Construction

“(a) IN GENERAL.—There is in the Office of Inspector General an Assistant Inspector General for Construction. The Assistant Inspector General for Construction is responsible for conducting, supervising, and coordinating audits, evaluations, and investigations of the planning, design, contracting, execution, and construction of facilities and infrastructure of the Department, including major and minor construction projects and leases.

“(b) QUALIFICATIONS.—Each individual appointed as Assistant Inspector General for Construction shall be an individual who has expertise in construction and facilities management.

“(c) REPORTS.—(1) Not later than 60 days after the appointment of an individual as the Assistant Inspector General for Construc-

tion, and every calendar quarter thereafter, the Assistant Inspector General for Construction shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report summarizing the activities of the Assistant Inspector General for Construction during the 120-day period ending on the date of such report.

“(2) In addition to the report required in paragraph (1), and the requirements contained in section 5 of the Inspector General Act of 1978 (5 U.S.C. App.), the Assistant Inspector General for Construction shall promptly provide to the Committees on Veterans’ Affairs of the Senate and House of Representatives the findings of any investigation undertaken by the Assistant Inspector General for Construction, and shall notify the Committees promptly if the Assistant Inspector General for Construction identifies any serious or flagrant problem or deficiency relating to the administration or operation of any construction program of the Department, if, during the course of any investigation, the Assistant Inspector General for Construction determines that Congress should take immediate action.

“(3) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

“(A) specifically prohibited from disclosure by any other provision of law;

“(B) specifically required by Executive Order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

“(C) a part of an ongoing criminal investigation.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 312 the following new item:

“312A. Assistant Inspector General for Construction.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on H.R. 3106, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do rise in support of H.R. 3106, as amended, the Construction Reform Act of 2016. This bill would strengthen the Department of Veterans Affairs’ major construction program by making a number of needed improvements to VA’s construction management processes.

As the owner and operator of one of the Federal Government’s largest real property portfolios, VA manages a complex and costly major medical facility construction program.

In recent years, that program has been fraught with failures and mismanagement that has led to millions of dollars of cost increases and years of schedule delays on all of VA’s major medical facility construction projects.

The most glaring example of these failings can be seen in the construction

of the replacement VA medical center in Denver, Colorado.

The discussion surrounding that facility—if my colleagues will recall—began more than 16 years ago, in 1999. Construction is now expected to conclude in 2018. Upon completion, that project will be more than \$1 billion over budget and many, many years behind schedule. That is assuming, of course, that the project does not experience any further delays.

To prevent any further construction calamities like the ongoing one in Denver, this bill would require VA to use industry standards, standard designs, and best practices for all medical facility construction projects; to complete a master plan for each VA medical facility; and to provide regular reports on super construction projects.

To further strengthen oversight of VA’s construction projects, the bill would also create an assistant inspector general for construction within the VA Office of Inspector General.

These are commonsense reforms that will lead, ultimately, to better facilities for our veterans and better use of our taxpayers’ hard-earned dollars. I urge all my colleagues to support this legislation.

I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the chairman for his fair and even leadership on this committee. While we don’t agree on all issues, I feel he has made an effort to allow all voices to be heard, and for that I want to thank him. I thank the chairman for bringing this important legislation to our attention.

As we have seen by recent events, the VA has been challenged with major construction projects. Before they undertook the most recent medical center construction projects, it had been at least 15 years since a new medical center had been built.

This lack of experience showed and continues to show today. Not one of the major hospitals is on its original timeline. However, the VA has demonstrated they are able to do small, less complicated projects on time and under budget.

The bill also references “a non-department Federal entity to provide full project management services for the super construction project, including management over the project design, acquisition, construction, and contract changes.”

We all know from experience that there is only one Federal entity that fits that description, and that is the U.S. Army Corps of Engineers.

For those projects that have not broken ground yet, the VA and the Corps of Engineers are already working on plans to include the Corps in the planning and construction of major projects over \$100 million.

I continue to believe that the threshold for a super construction project should be at least \$250 million. As a member of the Committee on Transportation and Infrastructure, I know how busy the Army Corps is in responding to the projects that the committee requires them to complete. It is important that they do not get bogged down with projects of insufficient complexity. I will continue to watch the construction process and follow the complexity issue to determine if the threshold needs to be increased in the future.

I am pleased this legislation also includes an assistant inspector general for construction. Oversight of the projects needs a person who has the expertise to evaluate the complexity of VA's ongoing construction projects.

I urge my colleagues to join me in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. COFFMAN), my good friend, a member of the Committee on Veterans' Affairs, and somebody who has been on this from the very, very beginning.

Mr. COFFMAN. Mr. Speaker, I rise in support of the Construction Reform Act of 2016, an important piece of legislation that will further reform VA's severely troubled major construction program.

For decades, the Government Accountability Office has documented hundreds of millions of dollars in cost overruns on mismanaged VA major construction projects. GAO reports from 1981, 1993, 2009, and 2013 all reflect a stunning degree of bureaucratic incompetence in VA's construction management. In my own district, a single VA hospital project is over \$1 billion over budget, and years behind schedule.

VA's construction failures represent billions of wasted tax dollars that should have gone towards VA's core mission: taking care of our Nation's veterans.

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Since 2012, the House Veterans' Affairs Committee has conducted at least six separate hearings exploring the VA's construction failures, and this bill's reforms incorporate many of the committee's findings.

First, it forces the VA to leave hospital construction to the experts—to Federal construction managers like the Army Corps of Engineers. In fact, the contractor on the troubled Aurora, Colorado, project demanded that the Army Corps of Engineers take over the project from the VA before they returned to work on the project.

Previously, in 2014, the House unanimously passed my legislation, which required the Army Corps to take over the VA's most troubled projects, including the project in Aurora. I am pleased that my colleagues in both the House and the Senate are now fully

supportive of this transfer of authority.

Second, this bill introduces a much-needed improvement over the contract change order process. The GAO and the Veterans' Affairs Committee identified the VA's inept change order management as a major driver of both cost increases and project delays.

Third, the bill creates a new, independent assistant inspector general for construction who would be required to report directly to Congress when significant construction problems have been discovered.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MILLER of Florida. I yield the gentleman an additional 1 minute.

Mr. COFFMAN. As we learned with the project in Aurora, the VA went to great lengths to hide the significant problems with the project from the American people, insisting in congressional hearing after hearing that the project was on time and on budget. It was not until the project's contractor sued the VA—and won on every count in December of 2014—that the VA finally admitted it had significant problems with the Aurora project.

I urge all of my colleagues to support this measure and continue with the long-needed construction reforms in the VA.

Ms. BROWN of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I encourage all Members to support H.R. 3106, as amended.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 3106, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to make certain improvements in the administration of Department medical facility construction projects."

A motion to reconsider was laid on the table.

VETERANS EMPLOYMENT, EDUCATION, AND HEALTHCARE IMPROVEMENT ACT

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3016) to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3016

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans Employment, Education, and Healthcare Improvement Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VETERANS HEALTH CARE

- Sec. 101. Role of podiatrists in Department of Veterans Affairs.
- Sec. 102. Priority of medal of honor recipients in health care system of Department of Veterans Affairs.
- Sec. 103. Improvement of care provided to newborn children.
- Sec. 104. Comptroller General audit of budget of Veterans Health Administration.
- Sec. 105. Outreach to veterans regarding effect of certain delayed payments by Department of Veterans Affairs Chief Business Office.
- Sec. 106. Department of Veterans Affairs pilot program on dog training therapy.

TITLE II—VETERANS ECONOMIC OPPORTUNITY AND TRANSITION ADMINISTRATION

- Sec. 201. Establishment of Veterans Economic Opportunity and Transition Administration.
- Sec. 202. Under Secretary for Veterans Economic Opportunity and Transition.

TITLE III—EDUCATION ASSISTANCE AND VOCATIONAL REHABILITATION

- Sec. 301. Modification and improvement of transfer of unused education benefits to family members under Department of Veterans Affairs Post-9/11 Educational Assistance Program.
- Sec. 302. Clarification of eligibility for Marine Gunnery Sergeant John David Fry Scholarship.
- Sec. 303. Approval of courses of education and training for purposes of the vocational rehabilitation program of the Department of Veterans Affairs.
- Sec. 304. Authority to prioritize vocational rehabilitation services based on need.
- Sec. 305. Recodification and improvement of election process for Post-9/11 Educational Assistance Program.
- Sec. 306. Clarification of assistance provided for certain flight training and other programs of education.
- Sec. 307. Consideration of certain time spent receiving medical care from Secretary of Defense as active duty for purposes of eligibility for post-9/11 educational assistance.
- Sec. 308. Work-study allowance.
- Sec. 309. Vocational rehabilitation and education action plan.
- Sec. 310. Reduction in redundancy and inefficiencies in vocational rehabilitation claims processing.

TITLE IV—ADMINISTRATION OF EDUCATIONAL ASSISTANCE

- Sec. 401. Centralized reporting of veteran enrollment by certain groups, districts, and consortiums of educational institutions.
- Sec. 402. Provision of information regarding veteran entitlement to educational assistance.
- Sec. 403. Role of State approving agencies.
- Sec. 404. Criteria used to approve courses.
- Sec. 405. Compliance surveys.