

114TH CONGRESS  
1ST SESSION

# H. R. 1681

To extend the authorization for the major medical facility project to replace the Department of Veterans Affairs Medical Center in Denver, Colorado, to direct the Secretary of Veterans Affairs to enter into an agreement with the Army Corps of Engineers to manage the construction of such project, to transfer the authority to carry out future major medical facility projects of the Department from the Secretary to the Army Corps of Engineers, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2015

Mr. COFFMAN introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To extend the authorization for the major medical facility project to replace the Department of Veterans Affairs Medical Center in Denver, Colorado, to direct the Secretary of Veterans Affairs to enter into an agreement with the Army Corps of Engineers to manage the construction of such project, to transfer the authority to carry out future major medical facility projects of the Department from the Secretary to the Army Corps of Engineers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “VA Construction, Ac-  
3 countability, and Reform Act”.

4 **SEC. 2. EXTENSION OF AUTHORIZATION OF MAJOR MED-**  
5 **ICAL FACILITY PROJECT TO REPLACE DE-**  
6 **PARTMENT OF VETERANS AFFAIRS MEDICAL**  
7 **CENTER IN DENVER, COLORADO.**

8 The Secretary of Veterans Affairs may carry out the  
9 major medical facility project to replace the Department  
10 of Veterans Affairs Medical Center in Denver, Colorado,  
11 in an amount not to exceed a total of \$1,730,000,000.

12 **SEC. 3. PROHIBITION ON BONUSES UNTIL MAJOR MEDICAL**  
13 **FACILITY PROJECT TO REPLACE DEPART-**  
14 **MENT OF VETERANS AFFAIRS MEDICAL CEN-**  
15 **TER IN DENVER, COLORADO, IS OPER-**  
16 **ATIONAL.**

17 (a) PROHIBITION ON BONUSES DURING FISCAL  
18 YEARS 2015 AND 2016.—During fiscal years 2015 and  
19 2016, the Secretary of Veterans Affairs may not pay any  
20 bonus.

21 (b) PROHIBITION ON BONUSES UNTIL OPERATION  
22 OF MEDICAL CENTER.—If the major medical facility  
23 project to replace the Department of Veterans Affairs  
24 Medical Center in Denver, Colorado, is not completed by  
25 September 30, 2016, the Secretary may not pay any bonus  
26 until the date on which the Secretary certifies to the Com-

1 mittees on Veterans' Affairs of the House of Representa-  
2 tives and the Senate that the major medical facility project  
3 specified in section 2 to replace the Department of Vet-  
4 erans Affairs Medical Center in Denver, Colorado, is fully  
5 operational.

6 (c) LIMITATION ON BONUSES.—During the fiscal  
7 year in which the Secretary may begin to pay a bonus  
8 pursuant to subsection (b), and each fiscal year thereafter  
9 through fiscal year 2024, the Secretary shall ensure that  
10 the aggregate amount of bonuses paid by the Secretary  
11 during each such fiscal year does not exceed  
12 \$360,000,000.

13 (d) BONUS DEFINED.—In this subsection, the term  
14 “bonus” means any bonus or award under chapter 45 or  
15 53 of title 5, United States Code, or any other bonus or  
16 award authorized under such title or title 38, United  
17 States Code.

18 (e) CONFORMING REPEAL.—Section 705 of the Vet-  
19 erans Access, Choice, and Accountability Act of 2014  
20 (Public Law 113–146; 38 U.S.C. 703 note) is repealed.

21 **SEC. 4. MANAGEMENT OF DEPARTMENT OF VETERANS AF-**  
22 **FAIRS MEDICAL CENTER IN AURORA, COLO-**  
23 **RADO.**

24 (a) TRANSFER OF CONSTRUCTION AGENT RESPON-  
25 SIBILITIES.—Not later than 90 days after the date of the

1 enactment of this Act, the Secretary of Veterans Affairs  
2 shall enter into an agreement with the Secretary of the  
3 Army, acting through the Chief of Engineers, for the  
4 Army Corps of Engineers to carry out, on a reimbursable  
5 basis, design, contract, construction management, and  
6 similar services for the Aurora medical facility project.  
7 Such agreement shall be subject to subsections (b)  
8 through (e) of section 1535 of title 31, United States  
9 Code.

10 (b) DUTIES.—

11 (1) RESPONSIBILITIES.—Under the agreement  
12 entered into under subsection (a), the Army Corps  
13 of Engineers shall have the authority to perform the  
14 project, design, contract, and construction manage-  
15 ment necessary to complete the remaining work at  
16 the Aurora medical facility project. Such authority  
17 shall include entering into new contracts in accord-  
18 ance with the Federal Acquisition Regulation to ful-  
19 fill construction agent responsibilities associated  
20 with such project. A determination will be made if  
21 entering into a new contract agreement with the cur-  
22 rent prime contractor is consistent with the Federal  
23 Acquisition Regulation and in the best interests of  
24 the Government.

1           (2) INFORMATION REQUIRED.—In accordance  
2 with subsection (d)(1), the Secretary of Veterans Af-  
3 fairs shall provide the Army Corps of Engineers with  
4 the information needed to ensure that the Army  
5 Corps of Engineers understands the requirements  
6 for the successful operation of the Aurora medical  
7 facility project.

8           (c) PLANS AND REPORTS.—

9           (1) COMPLETION PLANS.—Not later than 60  
10 days after entering into the agreement under sub-  
11 section (a), the Secretary of Veterans Affairs, based  
12 upon the advice of the Army Corps of Engineers  
13 provided under the agreement entered into under  
14 subsection (a), shall submit to the Committees on  
15 Veterans' Affairs of the House of Representatives  
16 and the Senate detailed plans, including estimated  
17 costs, to complete construction of the Aurora med-  
18 ical facility project.

19           (2) PROGRESS REPORTS.—Not later than 180  
20 days after entering into the agreement under sub-  
21 section (a), and each 180-day period thereafter until  
22 the date on which the Aurora medical facility project  
23 is completed, the Secretary of Veterans Affairs,  
24 based on the advice of the Army Corps of Engineers  
25 provided under the agreement entered into under

1 subsection (a), shall submit to the Committees on  
2 Veterans' Affairs of the House of Representatives  
3 and Senate a report detailing the progress on the  
4 Aurora medical facility project.

5 (d) COOPERATION.—

6 (1) INFORMATION.—The Secretary of Veterans  
7 Affairs shall provide the Army Corps of Engineers  
8 with any documents or information which the Army  
9 Corps of Engineers determines necessary to carry  
10 out subsections (a) and (b).

11 (2) ASSISTANCE.—Upon request by the Army  
12 Corps of Engineers, the Secretary of Veterans Af-  
13 fairs shall provide to the Army Corps of Engineers  
14 any assistance that the Army Corps of Engineers de-  
15 termines necessary to carry out subsections (a) and  
16 (b). Such assistance shall be provided at no cost to  
17 the Army Corps of Engineers.

18 (e) AURORA MEDICAL FACILITY PROJECT DE-  
19 FINED.—In this section, the term “Aurora medical facility  
20 project” means the major medical facility project specified  
21 in section 2 to replace the Department of Veterans Affairs  
22 Medical Center in Denver, Colorado.

1 **SEC. 5. PROHIBITION ON SECRETARY OF VETERANS AF-**  
2 **FAIRS CARRYING OUT MAJOR MEDICAL FA-**  
3 **CILITY PROJECTS.**

4 (a) ARMY CORPS OF ENGINEERS.—Chapter 81 of  
5 title 38, United States Code, is amended by inserting after  
6 section 8103 the following new section:

7 **“§ 8103A. Authority of Army Corps of Engineers to**  
8 **carry out major medical facility projects**

9 “(a) PROHIBITION.—Notwithstanding any other pro-  
10 vision of law, the Secretary may not carry out any major  
11 medical facility project (as defined in section  
12 8104(a)(3)(A) of this title).

13 “(b) ARMY CORPS OF ENGINEERS.—Notwith-  
14 standing any other provision of law, the Secretary of the  
15 Army, acting through the Chief of Engineers, shall carry  
16 out all major medical facility projects for the Department  
17 of Veterans Affairs.

18 “(c) AGREEMENTS.—The Chief of Engineers shall  
19 enter into an agreement with the Secretary of Veterans  
20 Affairs to carry out, on a reimbursable basis, design, con-  
21 tract, construction management, and similar services for  
22 major medical facility projects pursuant to subsection (b).  
23 Each such agreement shall be subject to subsections (b)  
24 through (e) of section 1535 of title 31.

25 “(d) DUTIES.—(1) Under an agreement entered into  
26 under subsection (c), the Army Corps of Engineers shall

1 have the authority to perform the project, design, contract,  
2 and construction management necessary to complete the  
3 major medical facility project covered by the agreement.  
4 Such authority shall include entering into new contracts  
5 in accordance with the Federal Acquisition Regulation to  
6 fulfill construction agent responsibilities associated with  
7 such project.

8       “(2) The Secretary of Veterans Affairs shall provide  
9 the Army Corps of Engineers with any documents or in-  
10 formation needed for the Army Corps of Engineers to  
11 carry out major medical facility projects pursuant to sub-  
12 section (b).

13       “(3) Upon request by the Army Corps of Engineers,  
14 the Secretary of Veterans Affairs shall provide to the  
15 Army Corps of Engineers any assistance that the Army  
16 Corps of Engineers determines necessary to carry out  
17 major medical facility projects pursuant to subsection (b).  
18 Such assistance shall be provided at no cost to the Army  
19 Corps of Engineers.

20       “(e) APPLICABILITY.—This section shall apply with  
21 respect to a major medical facility project that begins after  
22 the date of the enactment of this section.”.

23       (b) CLERICAL AMENDMENT.—The table of sections  
24 at the beginning of such chapter is amended by inserting

1 after the item relating to section 8103 the following new  
2 item:

“8103A. Authority of Army Corps of Engineers to carry out major medical  
facility projects.”.

3 (c) CONFORMING AMENDMENTS.—Title 38, United  
4 States Code, is further amended—

5 (1) in section 312A(c)—

6 (A) in paragraph (1), by striking “The Di-  
7 rector of” and inserting “Except as provided by  
8 section 8103A of this title, the Director of”;  
9 and

10 (B) in paragraph (2), by striking “In car-  
11 rying out” and inserting “Except as provided  
12 by section 8103A of this title, in carrying out”

13 (2) in section 8103(a), by striking “section  
14 8104” and inserting “sections 8103A and 8104”;

15 (3) in section 8104, by adding at the end the  
16 following new subsection:

17 “(i) The Secretary shall carry out this section in ac-  
18 cordance with section 8103A of this title, including with  
19 respect to obligating or expending funds described in this  
20 section.”; and

21 (4) in section 8106—

22 (A) in subsection (a), by striking “The  
23 Secretary may” and inserting “Subject to sec-  
24 tion 8103A of this title, the Secretary may”;

1 (B) in subsection (b)(1), by striking “The  
2 Secretary may” and inserting “Subject to sec-  
3 tion 8103A of this title, the Secretary may”;  
4 and

5 (C) in subsection (e), by inserting “(except  
6 under section 8103A)” after “this subchapter”.

7 **SEC. 6. COMPTROLLER GENERAL REPORT ON MANAGE-**  
8 **MENT OF DEPARTMENT OF VETERANS AF-**  
9 **FAIRS MEDICAL CENTER IN AURORA, COLO-**  
10 **RADO.**

11 (a) REVIEW.—The Comptroller General of the United  
12 States shall review the management by the Secretary of  
13 Veterans Affairs of the Aurora medical facility project (as  
14 defined in section 4(e)), including with respect to the thor-  
15 oughness and accuracy of the investigation into mis-  
16 management conducted by the Administrative Investiga-  
17 tion Board established by the Secretary. The review shall  
18 include a review of the following:

19 (1) Any potential misconduct or criminal activ-  
20 ity committed by employees of the Department of  
21 Veterans Affairs that may have contributed to the  
22 significant cost overruns of the Aurora medical facil-  
23 ity project.

1           (2) When senior officials of the Department  
2           knew, or should have known, that such project was  
3           likely to incur such significant cost overruns.

4           (3) The justification of the Secretary for with-  
5           holding from Congress any information relating to  
6           such significant cost overruns.

7           (b) REPORT.—Not later than 180 days after the date  
8           on which the Secretary of Veterans Affairs concludes the  
9           Administrative Investigation Board described in sub-  
10          section (a), the Comptroller General shall submit to the  
11          Committees on Veterans’ Affairs of the House of Rep-  
12          resentatives and the Senate a report containing the review  
13          under such subsection.

14   **SEC. 7. NOTIFICATION TO CONGRESS FOR USE OF FUNDS**  
15                   **FOR MAJOR MEDICAL FACILITY PROJECTS**  
16                   **THAT EXCEED AUTHORIZED AMOUNTS.**

17          Section 8104(c) of title 38, United States Code, is  
18          amended by striking “30 days” and inserting “120 days”.

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