

114TH CONGRESS
1ST SESSION

H. R. 3595

To extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 24, 2015

Mr. MILLER of Florida introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To extend the authorization to carry out the replacement of the existing medical center of the Department of Veterans Affairs in Denver, Colorado, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Increased Authoriza-
5 tions for the Denver VA Medical Center Construction
6 Project Act”.

1 **SEC. 2. INCREASE IN AUTHORIZATION FOR DEPARTMENT**
2 **OF VETERANS AFFAIRS MEDICAL FACILITY**
3 **PROJECT PREVIOUSLY AUTHORIZED.**

4 Section 2(a) of the Construction Authorization and
5 Choice Improvement Act (Public Law 114–19; 129 Stat.
6 215), as amended by section 1 of Public Law 114–25, is
7 further amended by striking “\$1,050,000,000” and insert-
8 ing “\$1,675,000,000”.

9 **SEC. 3. PROJECT MANAGEMENT OF SUPER CONSTRUCTION**
10 **PROJECTS.**

11 (a) IN GENERAL.—Section 8103 of title 38, United
12 States Code, is amended by adding at the end the fol-
13 lowing new subsection:

14 “(e)(1) In the case of any super construction project,
15 the Secretary shall enter into an agreement with an appro-
16 priate non-Department Federal entity to provide full
17 project management services for the super construction
18 project, including management over the project design, ac-
19 quisition, construction, and contract changes. Such agree-
20 ment shall provide that the Secretary shall reimburse such
21 Federal entity for all costs associated with the provision
22 of project management services under the agreement.

23 “(2) In this subsection, the term ‘super construction
24 project’ means a project for the construction, alteration,
25 or acquisition of a medical facility involving a total ex-
26 penditure of more than \$100,000,000.”.

1 (b) APPLICATION.—The amendment made by sub-
2 section (a) shall apply with respect to the following:

3 (1) The medical facility construction project in
4 Denver, Colorado, specified in section 2 of the Con-
5 struction Authorization and Choice Improvement Act
6 (Public Law 114–19; 129 Stat. 215).

7 (2) A super construction project (as defined in
8 section 8103(e)(2) of title 38, United States Code,
9 as added by such subsection (a)) that is authorized
10 on or after the date of the enactment of this Act.

11 **SEC. 4. MODIFICATION TO LIMITATION ON AWARDS AND**
12 **BONUSES.**

13 Section 705 of the Veterans Access, Choice, and Ac-
14 countability Act of 2014 (Public Law 113–146; 38 U.S.C.
15 703 note) is amended to read as follows:

16 **“SEC. 705. LIMITATION ON AWARDS AND BONUSES PAID TO**
17 **EMPLOYEES OF DEPARTMENT OF VETERANS**
18 **AFFAIRS.**

19 “The Secretary of Veterans Affairs shall ensure that
20 the aggregate amount of awards and bonuses paid by the
21 Secretary in a fiscal year under chapter 45 or 53 of title
22 5, United States Code, or any other awards or bonuses
23 authorized under such title or title 38, United States
24 Code, does not exceed the following amounts:

1 “(1) With respect to fiscal year 2016,
2 \$100,000,000.

3 “(2) With respect to each of fiscal years 2017
4 through 2024, \$360,000,000.”.

5 **SEC. 5. REDUCTION OF BENEFITS FOR MEMBERS OF THE**
6 **SENIOR EXECUTIVE SERVICE WITHIN THE**
7 **DEPARTMENT OF VETERANS AFFAIRS CON-**
8 **VICTED OF CERTAIN CRIMES.**

9 (a) REDUCTION OF BENEFITS.—

10 (1) IN GENERAL.—Chapter 7 of title 38, United
11 States Code, is amended by adding after section 713
12 the following new section:

13 **“§ 715. Senior executives: reduction of benefits of in-**
14 **dividuals convicted of certain crimes**

15 “(a) REDUCTION OF ANNUITY FOR REMOVED EM-
16 PLOYEE.—The Secretary shall order that the covered serv-
17 ice of an individual removed from a senior executive posi-
18 tion under section 713 of this title shall not be taken into
19 account for purposes of calculating an annuity with re-
20 spect to such individual under chapter 83 or chapter 84
21 of title 5, if—

22 “(1) the individual is convicted of a felony that
23 influenced the individual’s performance while em-
24 ployed in the senior executive position; and

1 “(2) before such order is made, the individual
2 is afforded notice and an opportunity for a hearing
3 conducted by another department or agency of the
4 Federal Government.

5 “(b) REDUCTION OF ANNUITY FOR RETIRED EM-
6 PLOYEE.—(1) The Secretary may order that the covered
7 service of an individual who is subject to a removal or
8 transfer action under section 713 of this title but who
9 leaves employment at the Department prior to the
10 issuance of a final decision with respect to such action
11 shall not be taken into account for purposes of calculating
12 an annuity with respect to such individual under chapter
13 83 or chapter 84 of title 5, if—

14 “(A) the individual is convicted of a felony that
15 influenced the individual’s performance while em-
16 ployed in the senior executive position; and

17 “(B) before such order is made, the individual
18 is afforded notice and an opportunity for a hearing
19 conducted by another department or agency of the
20 Federal Government.

21 “(2) The Secretary shall make such an order not
22 later than seven days after the date of the conclusion of
23 a hearing referred to in paragraph (1)(B) that determines
24 that such order is lawful.

1 “(c) ADMINISTRATIVE REQUIREMENTS.—(1) Not
2 later than 30 days after the Secretary issues an order
3 under subsection (a) or (b), the Director of the Office of
4 Personnel Management shall recalculate the annuity of the
5 individual.

6 “(2) A decision regarding whether the covered service
7 of an individual shall be taken into account for purposes
8 of calculating an annuity under subsection (a) or (b) is
9 final and may not be reviewed by any department or agen-
10 cy or any court.

11 “(d) LUMP-SUM ANNUITY CREDIT.—Any individual
12 with respect to whom an annuity is reduced under sub-
13 section (a) or (b) shall be entitled to be paid so much of
14 such individual’s lump-sum credit as is attributable to the
15 period of covered service.

16 “(e) DEFINITIONS.—In this section:

17 “(1) The term ‘covered service’ means, with re-
18 spect to an individual subject to a removal or trans-
19 fer action under section 713 of this title, the period
20 of service beginning on the date that the Secretary
21 determines under such section that such individual
22 engaged in activity that gave rise to such action and
23 ending on the date that such individual is removed
24 from the civil service or leaves employment at the

1 Department prior to the issuance of a final decision
 2 with respect to such action, as the case may be.

3 “(2) The term ‘lump-sum credit’ has the mean-
 4 ing given such term in section 8331(8) or section
 5 8401(19) of title 5, as the case may be.

6 “(3) The term ‘senior executive position’ has
 7 the meaning given such term in section 713(g)(3) of
 8 this title.

9 “(4) The term ‘service’ has the meaning given
 10 such term in section 8331(12) or section 8401(26)
 11 of title 5, as the case may be.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
 13 tions at the beginning of chapter 7 of such title is
 14 amended by inserting after the item relating to sec-
 15 tion 713 the following new item:

“715. Senior executives: reduction of benefits of individuals convicted of certain
 crimes.”.

16 (b) APPLICATION.—Section 715 of title 38, United
 17 States Code, as added by subsection (a)(1), shall apply
 18 to any action of removal or transfer under section 713
 19 of title 38, United States Code, commencing on or after
 20 the date of the enactment of this Act.

1 **SEC. 6. AUTHORITY TO RECOUP BONUSES OR AWARDS**
2 **PAID TO EMPLOYEES OF DEPARTMENT OF**
3 **VETERANS AFFAIRS.**

4 (a) IN GENERAL.—Chapter 7 of title 38, United
5 States Code, as amended by section 5, is amended by add-
6 ing at the end the following new section:

7 **“§ 717. Recoupment of bonuses or awards paid to em-**
8 **ployees of Department**

9 “(a) RECOUPMENT.—Notwithstanding any other pro-
10 vision of law, the Secretary may issue an order directing
11 an employee of the Department to repay the amount, or
12 a portion of the amount, of any award or bonus paid to
13 the employee under title 5, including under chapter 45 or
14 53 of such title, or this title if—

15 “(1) the Secretary determines such repayment
16 appropriate pursuant to regulations prescribed under
17 subsection (c); and

18 “(2) before such repayment, the employee is af-
19 farded notice and an opportunity for a hearing con-
20 ducted by another department or agency of the Fed-
21 eral Government.

22 “(b) REVIEW.—A decision regarding a repayment by
23 an employee pursuant to subsection (a)(2) is final and
24 may not be reviewed by any department or agency or any
25 court.

1 “(c) REGULATIONS.—The Secretary shall prescribe
2 regulations to carry out this section.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by inserting
5 after the item relating to section 715, as added by section
6 5(a)(2), the following new item:

“717. Recoupment of bonuses or awards paid to employees of Department.”.

7 (c) EFFECTIVE DATE.—Section 717 of title 38,
8 United States Code, as added by subsection (a), shall
9 apply with respect to an award or bonus paid by the Sec-
10 retary of Veterans Affairs to an employee of the Depart-
11 ment of Veterans Affairs on or after the date that is 180
12 days after the date of the enactment of this Act.

13 (d) CONSTRUCTION.—Nothing in this section or the
14 amendments made by this section may be construed to
15 modify the certification issued by the Office of Personnel
16 Management and the Office of Management and Budget
17 regarding the performance appraisal system of the Senior
18 Executive Service of the Department of Veterans Affairs.

