

116TH CONGRESS  
1ST SESSION

# S. 2328

To amend title 10, United States Code, to provide the Secretary of Defense and the Secretary of Veterans Affairs authority to enter into agreements for the planning, design, and construction, or leasing, of facilities to be operated as shared medical facilities, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 30, 2019

Mr. SULLIVAN introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 10, United States Code, to provide the Secretary of Defense and the Secretary of Veterans Affairs authority to enter into agreements for the planning, design, and construction, or leasing, of facilities to be operated as shared medical facilities, 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 “VA-DoD Shared Med-  
5 ical Facilities Act of 2019”.

1 **SEC. 2. AUTHORITY TO PLAN, DESIGN, AND CONSTRUCT, OR**  
2 **LEASE, SHARED MEDICAL FACILITIES.**

3 (a) IN GENERAL.—Chapter 55 of title 10, United  
4 States Code, is amended by inserting after section 1104  
5 the following new section:

6 **“§ 1104a. Shared medical facilities with the Depart-**  
7 **ment of Veterans Affairs**

8 “(a) AGREEMENTS.—The Secretary of Defense and  
9 the Secretary of Veterans Affairs may enter into agree-  
10 ments with each other for the planning, design, and con-  
11 struction, or leasing, of facilities to be operated as shared  
12 medical facilities.

13 “(b) TRANSFER OF AMOUNTS BY SECRETARY OF DE-  
14 FENSE.—(1) The Secretary of Defense may transfer to  
15 the Secretary of Veterans Affairs amounts as follows:

16 “(A) Amounts, not in excess of the amount au-  
17 thorized by law for an unspecified minor military  
18 construction project, for the construction of a shared  
19 medical facility if—

20 “(i) the amount of the share of the De-  
21 partment of Defense for the estimated cost of  
22 the project does not exceed the amount speci-  
23 fied in subsection (a)(2) of section 2805 of this  
24 title; and

1           “(ii) the other requirements of such section  
2           have been met with respect to amounts identi-  
3           fied for transfer.

4           “(B) Amounts appropriated for the Defense  
5           Health Program for the purpose of the planning, de-  
6           sign, and construction, or the leasing of space, for  
7           a shared medical facility.

8           “(2) The authority to transfer amounts under this  
9           section is in addition to any other authority to transfer  
10          amounts available to the Secretary of Defense.

11          “(3) Section 2215 of this title does not apply to a  
12          transfer of funds under this subsection.

13          “(c) TRANSFER OF AMOUNTS BY SECRETARY OF  
14          VETERANS AFFAIRS.—The Secretary of Veterans Affairs  
15          may transfer to the Secretary of Defense amounts as fol-  
16          lows:

17                 “(1) Amounts appropriated to the Secretary of  
18                 Veterans Affairs for ‘Construction, minor projects’  
19                 for use for the planning, design, or construction of  
20                 a shared medical facility if the amount of the share  
21                 of the Department of Veterans Affairs for the esti-  
22                 mated cost of the project does not exceed the  
23                 amount specified in section 8104(a)(3)(A) of title  
24                 38.

1           “(2) Amounts appropriated to the Secretary of  
2 Veterans Affairs for ‘Construction, major projects’  
3 for use for the planning, design, or construction of  
4 a shared medical facility if—

5           “(A) the amount of the share of the De-  
6 partment of Veterans Affairs for the estimated  
7 cost of the project exceeds the amount specified  
8 in subsection (a)(3) of section 8104 of title 38;  
9 and

10           “(B) the other requirements of such sec-  
11 tion have been met with respect to amounts  
12 identified for transfer.

13           “(3) Amounts appropriated to the applicable  
14 appropriation account of the Department of Vet-  
15 erans Affairs for the purpose of leasing space for a  
16 shared medical facility if the amount of the share of  
17 the Department of Veterans Affairs for the esti-  
18 mated cost of the project does not exceed the  
19 amount specified in section 8104(a)(3)(B) of title  
20 38.

21           “(d) RECEIPT OF AMOUNTS BY SECRETARY OF DE-  
22 FENSE.—(1) Any amount transferred to the Secretary of  
23 Defense by the Secretary of Veterans Affairs for necessary  
24 expenses for the planning, design, and construction of a  
25 shared medical facility, if the amount of the share of the

1 Department of Defense for the cost of such project does  
2 not exceed the amount specified in section 2805(a)(2) of  
3 this title, may be credited to accounts of the Department  
4 of Defense available for the construction of a shared med-  
5 ical facility.

6       “(2) Any amount transferred to the Secretary of De-  
7 fense by the Secretary of Veterans Affairs for the purpose  
8 of the planning and design, or the leasing of space, for  
9 a shared medical facility may be credited to accounts of  
10 the Department of Defense available for such purposes,  
11 and may be used for such purposes.

12       “(3) Using accounts credited with transfers from the  
13 Secretary of Veterans Affairs under paragraph (1), the  
14 Secretary of Defense may carry out unspecified minor  
15 military construction projects, if the share of the Depart-  
16 ment of Defense for the cost of such project does not ex-  
17 ceed the amount specified in section 2805(a)(2) of this  
18 title.

19       “(e) RECEIPT OF AMOUNTS BY SECRETARY OF VET-  
20 ERANS AFFAIRS.—(1) Any amount transferred to the Sec-  
21 retary of Veterans Affairs by the Secretary of Defense for  
22 necessary expenses for the planning, design, and construc-  
23 tion of a shared medical facility, if the amount of the share  
24 of the Department of Veterans Affairs for the cost of such  
25 project does not exceed the amount specified in section

1 8104(a)(3)(A) of title 38, may be credited to the ‘Con-  
2 struction, minor projects’ account of the Department of  
3 Veterans Affairs and used for the necessary expenses of  
4 constructing such shared medical facility.

5 “(2) Any amount transferred to the Secretary of Vet-  
6 erans Affairs by the Secretary of Defense for necessary  
7 expenses for the planning, design, and construction of a  
8 shared medical facility, if the amount of the share of the  
9 Department of Veterans Affairs for the cost of such  
10 project exceeds the amount specified in subsection  
11 (a)(3)(A) of section 8104 of title 38, may be credited to  
12 the ‘Construction, major projects’ account of the Depart-  
13 ment of Veterans Affairs and used for the necessary ex-  
14 penses of constructing such shared medical facility if the  
15 other requirements of such section have been met with re-  
16 spect to amounts identified for transfer.

17 “(3) Any amount transferred to the Secretary of Vet-  
18 erans Affairs by the Secretary of Defense for the purpose  
19 of leasing space for a shared medical facility may be cred-  
20 ited to accounts of the Department of Veterans Affairs  
21 available for such purposes, and may be used for such pur-  
22 poses.

23 “(f) MERGER OF AMOUNTS TRANSFERRED.—Any  
24 amount transferred under this section shall be merged  
25 with, and be available for the same purposes and the same

1 time period as, the appropriation or fund to which trans-  
2 ferred.

3       “(g) SHARED MEDICAL FACILITY DEFINED.—(1) In  
4 this section, the term ‘shared medical facility’ means a  
5 building or buildings, or a campus, intended to be used  
6 by both the Department of Defense and the Department  
7 of Veterans Affairs for the provision of health care serv-  
8 ices, whether under the jurisdiction of the Secretary of De-  
9 fense or the Secretary of Veterans Affairs, and whether  
10 or not located on a military installation or on real property  
11 under the jurisdiction of the Secretary of Veterans Affairs.

12       “(2) Such term includes any necessary building and  
13 auxiliary structure, garage, parking facility, mechanical  
14 equipment, abutting sidewalks, and accommodations for  
15 attending personnel.”.

16       (b) CLERICAL AMENDMENT.—The table of sections  
17 at the beginning of chapter 55 of such title is amended  
18 by inserting after the item relating to section 1104 the  
19 following new item:

“1104a. Shared medical facilities with the Department of Veterans Affairs.”.

20       (c) TECHNICAL CORRECTION.—Paragraph (3) of sec-  
21 tion 8104(a) of title 38, United States Code, is amended  
22 to read as follows:

23       “(3) For purposes of this subsection:

24               “(A) The term ‘major medical facility project’  
25 means a project for the construction, alteration, or

1 acquisition of a medical facility involving a total ex-  
2 penditure of more than \$20,000,000, but such term  
3 does not include an acquisition by exchange, non-  
4 recurring maintenance projects of the Department,  
5 or the construction, alteration, or acquisition of a  
6 shared Federal medical facility for which the De-  
7 partment's estimated share of the project costs does  
8 not exceed \$20,000,000.

9           “(B) The term ‘major medical facility lease’  
10 means a lease for space for use as a new medical fa-  
11 cility at an average annual rent of more than  
12 \$1,000,000.”.

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