

116TH CONGRESS  
2D SESSION

# S. 4856

To authorize the construction of a major medical facility for the Department of Veterans Affairs in Colorado Springs, Colorado, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 23 (legislative day, OCTOBER 19), 2020

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

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## A BILL

To authorize the construction of a major medical facility for the Department of Veterans Affairs in Colorado Springs, 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. AUTHORIZATION OF MAJOR MEDICAL FACILITY**

4 **FOR THE DEPARTMENT OF VETERANS AF-**  
5 **FAIRS, COLORADO SPRINGS, COLORADO.**

6 (a) AUTHORIZATION.—The Secretary of Veterans Af-  
7 fairs may carry out a major medical facility project in fis-  
8 cal year 2021 and subsequent fiscal years for the construc-  
9 tion of a Department of Veterans Affairs medical center

1 in Colorado Springs, Colorado, designed to serve El Paso  
2 County, Colorado, and surrounding areas.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to the Secretary of Veterans  
5 Affairs for fiscal year 2021 and subsequent fiscal years  
6 for the Construction, Major Projects, account, such sums  
7 as may be necessary to carry out the major medical facility  
8 project authorized by subsection (a).

9 (c) REPORT ON JOINT VA-DoD USE.—

10 (1) REPORT REQUIRED.—Not later than 180  
11 days after the date of the enactment of this Act, the  
12 Secretary of Veterans Affairs and the Secretary of  
13 Defense shall jointly submit to the appropriate com-  
14 mittees of Congress a report setting forth a joint as-  
15 sessment by the Secretaries of the feasibility and ad-  
16 visability of the use of the medical center authorized  
17 by subsection (a) for the provision of health care  
18 services to both veterans and members of the Armed  
19 Forces on active duty.

20 (2) ELEMENTS.—The report required by para-  
21 graph (1) shall include the following:

22 (A) The assessment described in paragraph  
23 (1).

24 (B) An assessment of the feasibility and  
25 advisability of locating the medical center au-

1           thorized by subsection (a) on real property  
2           under the jurisdiction of the Secretary of De-  
3           fense.

4           (C) If the assessment described in para-  
5           graph (1) is that the use as described in that  
6           paragraph is feasible and advisable, the fol-  
7           lowing:

8                   (i) A description of the use, as so de-  
9                   scribed, during the 10-year period begin-  
10                  ning on the date of completion of the  
11                  major medical facility project.

12                  (ii) The strategic capital investment  
13                  plan for the medical facility project, jointly  
14                  conducted by the Secretaries.

15                  (iii) A unified budget for the use dur-  
16                  ing such period, allocating costs appro-  
17                  priately among the Department of Vet-  
18                  erans Affairs and the Department of De-  
19                  fense.

20           (D) Such other matters as the Secretary of  
21           Veterans Affairs and the Secretary of Defense  
22           jointly consider appropriate.

23           (3) APPROPRIATE COMMITTEES OF CONGRESS  
24           DEFINED.—In this subsection, the term “appro-  
25           priate committees of Congress” means—

1 (A) the Committee on Veterans' Affairs  
2 and the Committee on Armed Services of the  
3 Senate; and

4 (B) the Committee on Veterans' Affairs  
5 and the Committee on Armed Services of the  
6 House of Representatives.

7 (d) CONSTRUCTION AGENT AUTHORITY.—

8 (1) CONSTRUCTION AGENT AUTHORITY.—

9 (A) IN GENERAL.—Not later than 30 days  
10 after the date of the enactment of the Act first  
11 appropriating funds to carry out the major  
12 medical facility project authorized by subsection  
13 (a), the Secretary of Veterans Affairs shall  
14 enter into an agreement with the Chief of Engi-  
15 neers to procure the services of the Chief of En-  
16 gineers as the construction agent with respect  
17 to carrying out the major medical facility  
18 project until the date on which the major med-  
19 ical facility project is completed.

20 (B) REIMBURSEMENT.—The Secretary  
21 shall reimburse the Chief of Engineers for serv-  
22 ices procured under subparagraph (A) in ac-  
23 cordance with section 1535 of title 31, United  
24 States Code (commonly referred to as the  
25 “Economy Act”), except that amounts required

1 to carry out the major medical facility project  
2 shall be obligated by the Secretary at the time  
3 a reimbursable order is accepted by the Chief of  
4 Engineers.

5 (2) DUTIES.—

6 (A) IN GENERAL.—Pursuant to the agree-  
7 ment entered into under paragraph (1), the  
8 Chief of Engineers shall, as the construction  
9 agent with respect to the major medical facility  
10 project authorized by subsection (a), be given  
11 the authority to perform the project, design,  
12 contract, and construction management nec-  
13 essary to complete the major medical facility  
14 project.

15 (B) NEW CONTRACTS.—The authority  
16 under subparagraph (A) shall include the au-  
17 thority to enter into new contracts in compli-  
18 ance with the Federal Acquisition Regulation.

19 (3) PLANS AND REPORTS.—

20 (A) COMPLETION PLAN.—Not later than  
21 90 days after entering into the agreement  
22 under paragraph (1), the Secretary shall, in  
23 consultation with the Chief of Engineers, sub-  
24 mit to the appropriate committees of Congress  
25 a detailed plan, including estimated costs, to

1 complete the construction of the major medical  
2 facility project authorized by subsection (a).

3 (B) PROGRESS REPORTS.—Not later than  
4 180 days after entering into the agreement  
5 under paragraph (1), and not less frequently  
6 than once during each 180-day period there-  
7 after until the date on which the major medical  
8 facility project is completed, the Secretary shall,  
9 in consultation with the Chief of Engineers,  
10 submit to the appropriate committees of Con-  
11 gress a report detailing the progress of the  
12 major medical facility project.

13 (4) COOPERATION.—

14 (A) INFORMATION.—The Secretary shall  
15 provide to the Chief of Engineers any docu-  
16 ments or information that the Chief of Engi-  
17 neers considers necessary to carry out this sub-  
18 section, including information relating to the  
19 successful operation of a medical facility.

20 (B) ASSISTANCE.—Upon request by the  
21 Chief of Engineers, the Secretary shall provide  
22 to the Chief of Engineers, at no cost to the  
23 Chief of Engineers, any assistance that the  
24 Chief of Engineers considers necessary to carry  
25 out this subsection.

1           (5) APPROPRIATE COMMITTEES OF CONGRESS  
2       DEFINED.—In this subsection, the term “appro-  
3       priate committees of Congress” means—

4                   (A) the Committee on Veterans’ Affairs of  
5       the Senate; and

6                   (B) the Committee on Veterans’ Affairs of  
7       the House of Representatives.

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