113TH CONGRESS 2D SESSION

# H.R.3593

## AN ACT

- To amend title 38, United States Code, to improve the construction of major 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,

### 1 SECTION 1. SHORT TITLE.

- This Act may be cited as the "VA Construction As-
- 3 sistance Act of 2014".

### 4 SEC. 2. FINDINGS: SENSE OF CONGRESS.

- 5 (a) FINDINGS.—Congress finds the following:
- 6 (1) According to testimony by the Director of 7 Physical Infrastructure of the General Account-8 ability Office before the Committee on Veterans' Af-9 fairs of the House of Representatives in May 2013, 10 schedule delays of major medical center construction 11 projects of the Department of Veterans Affairs have 12 averaged 35 months, with the delays ranging from 13 14 months to 74 months.
  - (2) The average cost increase attributed to such delays has been \$336,000,000 per project.
  - (3) Management of the major medical facility projects currently underway as of the date of the enactment of this Act in Denver, Colorado, Orlando, Florida, and New Orleans, Louisiana, should be subject to the oversight of a special project manager of the Army Corps of Engineers that is independent of the Department of Veterans Affairs because, according to the Comptroller General of the United States, such projects have experienced continuous delays and a total cost increase of nearly \$1,000,000,000.

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1	(b) Sense of Congress.—It is the sense of Con-
2	gress that—
3	(1) the management of the major medical cen-
4	ter construction projects of the Department of Vet-
5	erans Affairs has been an abysmal failure; and
6	(2) in order to minimize repeated delays and
7	cost increases to such projects, the Secretary of Vet-
8	erans Affairs should fully implement all rec-
9	ommendations made by the Comptroller General of
10	the United States in an April 2013 report to im-
11	prove construction procedures and practices of the
12	Department.
	CEC O IMPLEMENTATION OF MAJOR MERCIAL FACILITY
13	SEC. 3. IMPLEMENTATION OF MAJOR MEDICAL FACILITY
13 14	CONSTRUCTION REFORMS.
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14 15	CONSTRUCTION REFORMS.  Section 8104 of title 38, United States Code, is
14 15 16 17	Section 8104 of title 38, United States Code, is amended by adding at the end the following new sub-
14 15 16 17	Construction reforms.  Section 8104 of title 38, United States Code, is amended by adding at the end the following new subsection:
14 15 16 17	Construction reforms.  Section 8104 of title 38, United States Code, is amended by adding at the end the following new subsection:  "(i)(1) With respect to each project described in
114 115 116 117 118	Construction reforms.  Section 8104 of title 38, United States Code, is amended by adding at the end the following new subsection:  "(i)(1) With respect to each project described in paragraph (2), the Secretary shall—
14 15 16 17 18 19 20	Construction reforms.  Section 8104 of title 38, United States Code, is amended by adding at the end the following new subsection:  "(i)(1) With respect to each project described in paragraph (2), the Secretary shall—  "(A) use the services of a medical equipment
14 15 16 17 18 19 20 21	Section 8104 of title 38, United States Code, is amended by adding at the end the following new subsection:  "(i)(1) With respect to each project described in paragraph (2), the Secretary shall—  "(A) use the services of a medical equipment planner as part of the architectural and engineering
14 15 16 17 18 19 20 21	Section 8104 of title 38, United States Code, is amended by adding at the end the following new subsection:  "(i)(1) With respect to each project described in paragraph (2), the Secretary shall—  "(A) use the services of a medical equipment planner as part of the architectural and engineering firm for the project;

1	"(C) subject the project to construction peer ex-						
2	cellence review;						
3	"(D) develop—						
4	"(i) a metrics program to enable the mon						
5	toring of change-order processing time; and						
6	"(ii) goals for the change-order proce						
7	consistent with the best practices of other d						
8	partments and agencies of the Federal Govern-						
9	ment; and						
10	"(E) to the extent practicable, use design-build						
11	processes to minimize multiple change orders.						
12	"(2) A project described in this paragraph is a con-						
13	struction or alteration project that is a major medical fa-						
13	struction of arteration project that is a major medical ra-						
14	cility project.".						
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	cility project.".						
14 15 16	cility project.".  SEC. 4. SPECIAL PROJECT MANAGER FOR CERTAIN MED-						
14 15 16 17	cility project.".  SEC. 4. SPECIAL PROJECT MANAGER FOR CERTAIN MED- ICAL CENTER CONSTRUCTION PROJECTS.						
14 15 16 17	cility project.".  SEC. 4. SPECIAL PROJECT MANAGER FOR CERTAIN MED-  ICAL CENTER CONSTRUCTION PROJECTS.  (a) APPOINTMENT OF SPECIAL PROJECT MAN-						
14 15 16 17	cility project.".  SEC. 4. SPECIAL PROJECT MANAGER FOR CERTAIN MED-  ICAL CENTER CONSTRUCTION PROJECTS.  (a) APPOINTMENT OF SPECIAL PROJECT MAN- AGER.—Not later than 180 days after the date of the en-						
114 115 116 117 118	cility project.".  SEC. 4. SPECIAL PROJECT MANAGER FOR CERTAIN MED-  ICAL CENTER CONSTRUCTION PROJECTS.  (a) APPOINTMENT OF SPECIAL PROJECT MAN-  AGER.—Not later than 180 days after the date of the en-  actment of this Act, the Secretary of Veterans Affairs						
14 15 16 17 18 19 20	cility project.".  SEC. 4. SPECIAL PROJECT MANAGER FOR CERTAIN MED-  ICAL CENTER CONSTRUCTION PROJECTS.  (a) APPOINTMENT OF SPECIAL PROJECT MAN- AGER.—Not later than 180 days after the date of the en- actment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the Army Corps of En-						
14 15 16 17 18 19 20 21	cility project.".  SEC. 4. SPECIAL PROJECT MANAGER FOR CERTAIN MEDICAL CENTER CONSTRUCTION PROJECTS.  (a) APPOINTMENT OF SPECIAL PROJECT MANAGER.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the Army Corps of Engineers to procure, on a reimbursable basis, the services						

I	\$60,000,000 to oversee covered projects until the date on					
2	which the project is completed.					
3	(b) Duties.—A special project manager appointed					
4	under subsection (a) to oversee a covered project shall-					
5	(1) conduct oversight of all construction-relat					
6	operations at the project, including with respect to					
7	(A) the performance of the Department of					
8	Veterans Affairs involving the prime contrac-					
9	tors; and					
10	(B) the compliance of the Department with					
11	the Federal Acquisition Regulation, including					
12	the VA Acquisition Regulation;					
13	(2) advise and assist the Department in any					
14	construction-related activity at the project, including					
15	the approval of change-order requests for the pur-					
16	pose of achieving a timely completion of the project;					
17	and					
18	(3) conduct independent technical reviews and					
19	recommend to the Department best construction					
20	practices to improve operations for the project.					
21	(e) Plans and Report.—					
22	(1) Completion plans.—Not later than 90					
23	days after being appointed under subsection (a), a					
24	special project manager shall submit to the Commit-					
25	tees on Veterans' Affairs of the House of Represent-					

atives and the Senate detailed plans of the covered project for which the special project manager is so appointed.

- (2) Progress reports.—Not later than 180 days after being appointed under subsection (a), and each 180-day period thereafter until the date on which the covered project is completed, a special project manager shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report detailing the progress of the covered project for which the special project manager is so appointed. Each report shall include—
  - (A) an analysis of all advice and assistanceprovided to the Department under subsection(b);
  - (B) an analysis of all changes ordered by the Department with respect to the project, or claimed to have been made by contract between the Department and the prime contractor, including the extent to which such changes comply with the Federal Acquisition Regulation, including the VA Acquisition Regulation;
  - (C) an analysis of the communication and working relationship between the Department and the prime contractor, including any rec-

- 1 ommendations made by the prime contractor to 2 aid in the completion of the project; and 3 (D) identification of opportunities and rec-4 ommendations with respect to improving the operation of any construction-related activity to 6 reduce costs or complete the project in a more 7 timely manner. 8 (d) Cooperation.— 9 (1) Information.—The Secretary of Veterans 10 Affairs shall provide a special project manager ap-11 pointed under subsection (a) with any necessary doc-12 uments or information necessary for the special 13 project manager to carry out subsections (b) and (c). 14 (2) Assistance.—Upon request by the special 15 project manager, the Secretary shall provide to the 16 special project manager administrative assistance 17 necessary for the special project manager to carry 18 out subsections (b) and (c). 19 (e) Covered Projects Defined.—In this section, the term "covered projects" means each construction 21 project that is a major medical facility project (as defined in section 8104(a)(3)(A) of title 38, United States Code) 23 that—
- 24 (1) was the subject of a report by the Comp-25 troller General of the United States titled "Addi-

- 1 tional Actions Needed to Decrease Delays and
- 2 Lower Costs of Major Medical-Facility Projects",
- 3 numbered GAO-13-302, and published in April
- 4 2013; and
- 5 (2) has not been activated to accept patients as
- of the date of the enactment of this Act.

### 7 SEC. 5. PROHIBITION ON NEW APPROPRIATIONS.

- 8 No additional funds are authorized to be appro-
- 9 priated to carry out this Act and the amendments made
- 10 by this Act, and this Act and such amendments shall be
- 11 carried out using amounts otherwise made available for
- 12 such purposes.

Passed the House of Representatives September 16, 2014.

Attest:

Clerk.

# 113TH CONGRESS H. R. 3593

# AN ACT

To amend title 38, United States Code, to improve the construction of major medical facilities, and for other purposes.