



THE DEPUTY SECRETARY OF VETERANS AFFAIRS
WASHINGTON

APR 14 2015

The Honorable Joseph R. Biden, Jr.
President of the Senate
Washington, DC 20510

Dear Mr. President:

I am pleased to submit the enclosed draft bill to authorize \$997,600,000 for major medical facility construction projects for fiscal year (FY) 2015, as well as to amend the Department of Veterans Affairs' (VA) Enhanced-Use Lease (EUL) authority. I respectfully request its introduction and enactment.

Title 38, United States Code (U.S.C.) § 8104(a)(2) requires statutory authorization for all VA major medical facility construction projects prior to the appropriation of funds. In accordance with title 38, Section 1 of the draft bill would authorize three major medical facility construction projects.

The three major medical facility construction projects are located in Canandaigua, New York; Long Beach, California; and West Los Angeles, California.

The proposed construction projects are as follows:

- In Canandaigua, for construction of a Community Living Center, Outpatient Clinic, renovated Domiciliary, and renovation of existing buildings;
- In Long Beach, for seismic corrections to the Mental Health and Community Living Center; and
- In West Los Angeles, for Seismic correction of 12 buildings.

Section 2 of our draft bill would authorize, to be appropriated to the Secretary of Veterans Affairs for FY 2015, \$997,600,000 from the Construction, Major Projects account for the construction projects authorized in Section 1.

Section 3 of our draft bill would extend the authorization for the replacement of the existing VA Medical Center in Denver, Colorado for FY 2015, in an amount not to exceed \$1,730,000,000. This section also amends the authorization to include the construction of a Psychiatric Residential Rehabilitation Treatment Program (PRRTP) to be included as a part of the previously authorized replacement of the existing Medical Center in Denver, Colorado.

Page 2.

The Honorable Joseph R. Biden, Jr.

Section 4 of our draft bill would authorize, to be appropriated to the Secretary of Veterans Affairs for FY 2015 or the year in which the funds are appropriated, \$1,730,000,000, for the Construction, Major Projects account, for the major medical facility project in Denver, Colorado.

Section 5 of our draft bill would make certain amendments to Section 224 of Public Law 110-161(a) to authorize the Secretary to enter into EULs at the West Los Angeles Medical Center, in Los Angeles, California for the purpose of providing supportive housing, and amend 38 U.S.C. § 8162(c) to authorize the Secretary to enter into EULs permitted under the proposed revised Section 224(a) of Public Law 110-161.

Section 6 of our draft bill would modify the authorization of an FY 2008 major medical facility project in Tampa, Florida, to include constructing a new bed tower in lieu of bed tower upgrades.

Section 7 of our draft bill would authorize, to be appropriated to the Secretary of Veterans Affairs for FY 2015 or the year in which the funds are appropriated, \$231,500,000, for the Construction, Major Projects account, for the major medical facility project in Tampa, Florida.

Section 8 of our draft bill would allow unobligated balances of the funds appropriated by section 801 of Veterans Access, Choice, and Accountability Act of 2014 (Public Law 114-146) to be used to fund completion of the construction of the VA medical facility in Denver Colorado, as well as augment funding for VA's Office of Inspector General.

Sincerely,



Sloan D. Gibson

Enclosures

A BILL

To authorize major medical facility projects for the Department of Veterans Affairs for fiscal year 2015, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

**SEC. 1. AUTHORIZATION OF FISCAL YEAR 2015 MAJOR MEDICAL
FACILITY PROJECTS.**

The Secretary of Veterans Affairs may carry out the following fiscal year 2015 major medical facility projects in fiscal year 2015, with each project to be carried out in the amount specified for each project:

- (1) Construction of a Community Living Center, Outpatient Clinic, renovated Domiciliary, and renovation of existing buildings in Canandaigua, New York, in an amount not to exceed \$309,500,000.
- (2) Seismic Corrections to the Mental Health and Community Living Center in Long Beach, California, in an amount not to exceed \$317,300,000.

- (3) Seismic correction of 12 buildings in West Los Angeles, California, in an amount not to exceed \$370,800,000.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2015 or the year in which funds are appropriated for the Construction, Major Projects account \$997,600,000 for the projects authorized in Section 1.

(b) LIMITATION.—The projects authorized in section 1, section 3, and section 6 may only be carried out using —

- (1) funds appropriated for fiscal year 2015 pursuant to the authorization of appropriations in subsection (a) of this section;
- (2) funds available for Construction, Major Projects, for a fiscal year before fiscal year 2015 that remain available for obligation;
- (3) funds available for Construction, Major Projects, for a fiscal year after fiscal year 2015 that remain available for obligation;
- (4) funds appropriated for Construction, Major Projects, for fiscal year 2015 for a category of activity not specific to a project;
- (5) funds appropriated for Construction, Major Projects, for a fiscal year before 2015 for a category of activity not specific to a project; and
- (6) funds appropriated for Construction, Major Projects, for a fiscal year after 2015 for a category of activity not specific to a project.

SEC. 3. EXTENSION OF AUTHORIZATION FOR MAJOR MEDICAL FACILITY CONSTRUCTION PROJECTS PREVIOUSLY AUTHORIZED.

The Secretary of Veterans Affairs may carry out the following major medical facility project in fiscal year 2015, in the amount specified for such project:

- (1) Replacement of the existing Department of Veterans Affairs Medical Center in Denver, Colorado, in an amount not to exceed \$1,730,000,000.
- (2) Construction of a Psychiatric Residential Rehabilitation Treatment Program (PR RTP), to be included as a part of the previously authorized replacement of the existing Medical Center in Denver, Colorado.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2015 or the year in which funds are appropriated, \$1,730,000,000, for the Construction, Major Projects account for the project authorized in section 3.

SEC. 5. AUTHORITY TO ENTER INTO ENHANCED-USE LEASES AT THE WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA.

(a) AUTHORITY.-- Clause (a) of Section 224 of Public Law 110-161 is hereby amended in its entirety to read as follows:

“(a) The Secretary of Veterans Affairs may not declare as excess to the needs of the Department of Veterans Affairs, or otherwise take any action to exchange, trade, auction, transfer, or otherwise dispose of, or reduce the acreage of, Federal land and improvements at the Department of Veterans Affairs West Los Angeles Medical Center, California, encompassing approximately

388 acres on the north and south sides of Wilshire Boulevard and west of the 405 Freeway; *except that, the Secretary shall be permitted to enter into enhanced-use leases involving real property located at the West Los Angeles Medical Center, pursuant to VA's authority codified in sections 8161-8169 of title 38, United States Code, for the purpose of having one or more lessees provide "supportive housing," as that term is defined at section 8161(3) of title 38, United States Code.*

(b) ENHANCED-USE LEASE DISPOSALS AT WEST LOS ANGELES PROHIBITED.-- When exercising the authority provided in Section 1 above, the Secretary of Veterans Affairs shall not be permitted to dispose of any land or improvements made subject to any enhanced-use lease entered involving real property located at the West Los Angeles Medical Center, including under the authority contained in section 8164 of title 38, United States Code."

(c) CONFORMING AMENDMENT.-- Section 8162(c) of title 38, United States Code is hereby modified in its entirety to read as follows:

"(c) Except as expressly permitted under section 224(a) of Public Law 110-161 or otherwise specifically authorized by law, the entering into an enhanced-use lease covering any land or improvement described in section 421(b)(2) of the Veterans' Benefits and Services Act of 1988 (Public Law 100-322; 102 Stat. 553) or section 224(a) of the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2008, shall be prohibited."

(d) EFFECTIVE DATE.—This Section, including the amendments made by this Section, shall be effective upon enactment of this bill.

SEC. 6. MODIFICATION OF AUTHORIZATION OF FISCAL YEAR 2008 MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN TAMPA, FLORIDA.

MODIFICATION OF AUTHORIZATION OF FISCAL YEAR 2008 MAJOR MEDICAL FACILITY PROJECT AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER IN TAMPA, FLORIDA.— Chapter 3—MILITARY CONSTRUCTION AND VETERANS AFFAIRS, DEPARTMENT OF VETERANS AFFAIRS, CONSTRUCTION, MAJOR PROJECTS of the Supplemental Appropriations Act, 2008 (Public Law 110-252) is amended by inserting after the words “Five Year Capital Plan:” “and constructing a New Bed Tower at the Veterans Affairs Medical Center in Tampa, Florida in lieu of Bed Tower upgrades.”

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2015 or the year in which funds are appropriated, \$231,500,000, for the Construction, Major Projects account for the project authorized in section 6.

SEC. 8. AMENDMENT TO SECTION 801 OF THE VETERANS ACCESS, CHOICE, AND ACCOUNTABILITY ACT OF 2014

Section 801(b) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 128 Stat. 1801) is amended—

(1) by adding at the end of subsection (b)(2) the following new subparagraph:

“(E) To carry out the construction of the new medical facility in Denver, Colorado.”; and

(2) by adding at the end the following new paragraph:

“(3) To allow the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.).”.

Section-By-Section Analysis

Section 1 authorizes the Secretary of the Department of Veterans Affairs (VA) to carry out major medical facility construction for a Community Living Center, Outpatient Clinic, renovated Domiciliary, and renovation of existing buildings in Canandaigua, New York, in an amount not to exceed \$309,500,000; Seismic Corrections to the Mental Health and Community Living Center in Long Beach, California, in an amount not to exceed \$317,300,000; and Seismic correction of 12 buildings in West Los Angeles, California, in an amount not to exceed \$370,800,000.

Section 2 authorizes for appropriation for fiscal year 2015, \$997,600,000 from the Construction, Major Projects account for the construction projects authorized in Section 1.

Section 3 extends the authorization for the replacement of the existing VA Medical Center in Denver, Colorado for fiscal year 2015, in an amount not to exceed \$1,730,000,000.

Section 4 authorizes to be appropriated to the Secretary of VA for fiscal year 2015, or the year in which the funds are appropriated, \$1,730,000,000, for the Construction, Major Projects account, for the major medical facility project in Denver, Colorado. This section also amends the authorization to include the construction of a Psychiatric Residential Rehabilitation Treatment Program (PR RTP) to be included as a part of the previously authorized replacement of the existing Medical Center in Denver, Colorado.

Section 5 makes amendments to Section 224 of Public Law 110-161(a) to authorize the Secretary to enter into Enhanced-Use Leases at the West Los Angeles Medical Center, in Los Angeles, California for the purpose of providing "supportive housing," as that term is defined at section 8161(3) of title 38, United States Code (U.S.C.).

Section 5 would prohibit the Secretary from disposing of any land or improvements made subject to any enhanced-use lease entered involving any land at the West Los Angeles Medical Center.

Section 5 also amends 38 U.S.C. § 8162(c) to authorize the Secretary to enter into Enhanced-Use Leases permitted under Section 224(a) of Public Law 110-161.

Section 6 modifies the authorization of a fiscal year 2008 major medical facility project in Tampa, Florida, to include constructing a new bed tower in lieu of bed tower upgrades.

Section 7 authorizes to be appropriated to the Secretary of VA for fiscal year 2015 or the year in which the funds are appropriated, \$231,500,000, for the Construction, Major Projects account, for the major medical facility project in Tampa, Florida.

Section 8 allows VA to use funds provided by section 801 of the Veterans Access, Choice, and Accountability Act of 2014 to complete the construction of the medical facility in Denver, Colorado. It also would allow the funds to be used by the VA Office of Inspector General to carry out the responsibilities of the Inspector General Act.