

117TH CONGRESS
1ST SESSION

S. 2526

To authorize the Secretary of Defense and the Secretary of Veterans Affairs to enter into agreements for the planning, design, and construction of facilities to be operated as shared medical facilities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2021

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

A BILL

To authorize the Secretary of Defense and the Secretary of Veterans Affairs to enter into agreements for the planning, design, and construction 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,*

1 **SECTION 1. AUTHORITY OF SECRETARY OF DEFENSE AND**
2 **SECRETARY OF VETERANS AFFAIRS TO**
3 **ENTER INTO AGREEMENTS FOR PLANNING,**
4 **DESIGN, AND CONSTRUCTION OF FACILITIES**
5 **TO BE OPERATED AS SHARED MEDICAL FA-**
6 **CILITIES.**

7 (a) AUTHORITY OF SECRETARY OF DEFENSE.—

8 (1) IN GENERAL.—Chapter 55 of title 10,
9 United States Code, is amended by inserting after
10 section 1104 the following new section:

11 **“§ 1104a. Shared medical facilities with Department**
12 **of Veterans Affairs**

13 “(a) AGREEMENTS.—The Secretary of Defense may
14 enter into agreements with the Secretary of Veterans Af-
15 fairs for the planning, design, and construction of facilities
16 to be operated as shared medical facilities.

17 “(b) TRANSFER OF FUNDS BY SECRETARY OF DE-
18 FENSE.—(1) The Secretary of Defense may transfer to
19 the Secretary of Veterans Affairs amounts as follows:

20 “(A) For the construction of a shared medical
21 facility, amounts not in excess of the amount author-
22 ized under subsection (a)(2) of section 2805 of this
23 title, if—

24 “(i) the amount of the share of the De-
25 partment of Defense for the estimated cost of

1 the project does not exceed the amount author-
2 ized under such subsection; and

3 “(ii) the other requirements of such section
4 have been met with respect to funds identified
5 for transfer.

6 “(B) For the planning, design, and construction
7 of space for a shared medical facility, amounts ap-
8 propriated for the Defense Health Program.

9 “(2) The authority to transfer funds under this sec-
10 tion is in addition to any other authority to transfer funds
11 available to the Secretary of Defense.

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

14 “(c) TRANSFER OF FUNDS TO SECRETARY OF DE-
15 FENSE.—(1) Any amount transferred to the Secretary of
16 Defense by the Secretary of Veterans Affairs for necessary
17 expenses for the planning, design, and construction of a
18 shared medical facility, if the amount of the share of the
19 Department of Defense for the cost of such project does
20 not exceed the amount specified in section 2805(a)(2) of
21 this title, may be credited to accounts of the Department
22 of Defense available for the construction of a shared med-
23 ical facility.

24 “(2) Any amount transferred to the Secretary of De-
25 fense by the Secretary of Veterans Affairs for the purpose

1 of the planning and design of space for a shared medical
 2 facility may be credited to accounts of the Department of
 3 Defense available for such purposes, and may be used for
 4 such purposes.

5 “(3) Using accounts credited with transfers from the
 6 Secretary of Veterans Affairs under paragraph (1), the
 7 Secretary of Defense may carry out unspecified minor
 8 military construction projects, if the share of the Depart-
 9 ment of Defense for the cost of such project does not ex-
 10 ceed the amount specified in section 2805(a)(2) of this
 11 title.

12 “(d) MERGER OF AMOUNTS TRANSFERRED.—Any
 13 amount transferred to the Secretary of Veterans Affairs
 14 under subsection (b) and any amount transferred to the
 15 Secretary of Defense under subsection (c) shall be merged
 16 with and available for the same purposes and the same
 17 period as the appropriation or fund to which transferred.

18 “(e) APPROPRIATION IN ADVANCE.—Amounts may
 19 be transferred pursuant to the authority under this section
 20 only to the extent and in the amounts provided in advance
 21 in appropriations Acts.

22 “(f) SHARED MEDICAL FACILITY DEFINED.—In this
 23 section, the term ‘shared medical facility’—

24 “(1) means a building or buildings, or a cam-
 25 pus, intended to be used by both the Department of

1 Veterans Affairs and the Department of Defense for
 2 the provision of health care services, whether under
 3 the jurisdiction of the Secretary of Veterans Affairs
 4 or the Secretary of Defense, and whether or not lo-
 5 cated on a military installation or on real property
 6 under the jurisdiction of the Secretary of Veterans
 7 Affairs; and

8 “(2) includes any necessary building and auxil-
 9 iary structure, garage, parking facility, mechanical
 10 equipment, abutting and covered sidewalks, and ac-
 11 commodations for attending personnel.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
 13 tions at the beginning of chapter 55 of such title is
 14 amended by inserting after the item relating to sec-
 15 tion 1104 the following new item:

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

16 (b) AUTHORITY OF SECRETARY OF VETERANS AF-
 17 FAIRS.—

18 (1) IN GENERAL.—Chapter 81 of title 38,
 19 United States Code, is amended by inserting after
 20 section 8111A the following new section:

21 **“§ 8111B. Shared medical facilities with Department**
 22 **of Defense**

23 “(a) AGREEMENTS.—The Secretary of Veterans Af-
 24 fairs may enter into agreements with the Secretary of De-

1 fense for the planning, design, and construction of facili-
 2 ties to be operated as shared medical facilities.

3 “(b) TRANSFER OF FUNDS BY SECRETARY OF VET-
 4 ERANS AFFAIRS.—(1) The Secretary of Veterans Affairs
 5 may transfer to the Department of Defense amounts ap-
 6 propriated to the Department of Veterans Affairs for
 7 ‘Construction, minor projects’ for use for the planning, de-
 8 sign, or construction of a shared medical facility if the
 9 estimated share of the project costs of the Department
 10 of Veterans Affairs does not exceed the amount specified
 11 in section 8104(a)(3)(A) of this title.

12 “(2) The Secretary of Veterans Affairs may transfer
 13 to the Department of Defense amounts appropriated to
 14 the Department of Veterans Affairs for ‘Construction,
 15 major projects’ for use for the planning, design, or con-
 16 struction of a shared medical facility if—

17 “(A) the estimated share of the project costs of
 18 the Department of Veterans Affairs exceeds the
 19 amount specified in section 8104(a)(3)(A) of this
 20 title; and

21 “(B) the other requirements of section 8104 of
 22 this title have been met with respect to amounts
 23 identified for transfer.

24 “(c) TRANSFER OF FUNDS TO SECRETARY OF VET-
 25 ERANS AFFAIRS.—(1) Any amount transferred to the Sec-

1 retary of Veterans Affairs by the Secretary of Defense for
2 necessary expenses for the planning, design, or construc-
3 tion of a shared medical facility, if the estimated share
4 of the project costs of the Department of Veterans Affairs
5 does not exceed the amount specified in section
6 8104(a)(3)(A) of this title, may be credited to the ‘Con-
7 struction, minor projects’ account of the Department of
8 Veterans Affairs and used for the necessary expenses of
9 constructing such shared medical facility.

10 “(2) Any amount transferred to the Secretary of Vet-
11 erans Affairs by the Secretary of Defense for necessary
12 expenses for the planning, design, or construction of a
13 shared medical facility, if the estimated share of the
14 project costs of the Department of Veterans Affairs ex-
15 ceeds the amount specified in section 8104(a)(3)(A) of
16 this title, may be credited to the ‘Construction, major
17 projects’ account of the Department of Veterans Affairs
18 and used for the necessary expenses of constructing such
19 shared medical facility if the other requirements of section
20 8104 of this title have been met with respect to amounts
21 identified for transfer.

22 “(d) MERGER OF AMOUNTS TRANSFERRED.—Any
23 amount transferred to the Secretary of Defense under sub-
24 section (b) and any amount transferred to the Secretary
25 of Veterans Affairs under subsection (c) shall be merged

1 with and available for the same purposes and the same
 2 period as the appropriation or fund to which transferred.

3 “(e) APPROPRIATION IN ADVANCE.—Amounts may
 4 be transferred pursuant to the authority under this section
 5 only to the extent and in the amounts provided in advance
 6 in appropriations Acts.

7 “(f) SHARED MEDICAL FACILITY DEFINED.—In this
 8 section, the term ‘shared medical facility’—

9 “(1) means a building or buildings, or a cam-
 10 pus, intended to be used by both the Department of
 11 Veterans Affairs and the Department of Defense for
 12 the provision of health care services, whether under
 13 the jurisdiction of the Secretary of Veterans Affairs
 14 or the Secretary of Defense, and whether or not lo-
 15 cated on a military installation or on real property
 16 under the jurisdiction of the Secretary of Veterans
 17 Affairs; and

18 “(2) includes any necessary building and auxil-
 19 iary structure, garage, parking facility, mechanical
 20 equipment, abutting and covered sidewalks, and ac-
 21 commodations for attending personnel.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
 23 tions at the beginning of subchapter I of chapter 81

- 1 of such title is amended by inserting after the item
- 2 relating to section 8111A the following new item:

“8111B. Shared medical facilities with Department of Defense.”.

