

118TH CONGRESS
1ST SESSION

S. _____

To amend title 38, United States Code, to adjust the threshold amount for minor medical facility construction projects of the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. TESTER (for himself, Mr. MORAN, Mr. REED, Mr. ROUNDS, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 38, United States Code, to adjust the threshold amount for minor medical facility construction projects of the Department of Veterans Affairs, 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 “Department of Vet-
5 erans Affairs Minor Construction Threshold Adjustment
6 Act of 2023”.

1 **SEC. 2. ADJUSTMENT OF THRESHOLD AMOUNT FOR MINOR**
2 **MEDICAL FACILITY PROJECTS OF DEPART-**
3 **MENT OF VETERANS AFFAIRS.**

4 Section 8104(a) of title 38, United States Code, is
5 amended—

6 (1) in paragraph (3)(A), by striking
7 “\$20,000,000” each place it appears and inserting
8 “the amount specified in paragraph (4)”; and

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

11 “(4)(A) The amount specified in this paragraph is
12 \$30,000,000, as adjusted pursuant to this paragraph.

13 “(B)(i) The Secretary shall develop, through regula-
14 tions, a mechanism to adjust the amount under subpara-
15 graph (A) to account for relevant factors relating to con-
16 struction, cost of land, real estate, economic conditions,
17 labor conditions, inflation, and other relevant factors the
18 Secretary considers necessary to ensure such amount
19 keeps pace with all economic conditions that impact the
20 price of construction projects, to include planning, man-
21 agement, and delivery of the project.

22 “(ii) In developing the mechanism under clause (i),
23 the Secretary may—

24 “(I) use a mechanism or index already relied
25 upon by the Department for other relevant pro-
26 grams, a mechanism or index used by another Fed-

1 eral agency, or a commercial mechanism or index if
2 such mechanism or index satisfactorily addresses the
3 intent of this subparagraph; or

4 “(II) create a new mechanism or index if the
5 Secretary considers it appropriate and necessary to
6 do so.

7 “(C)(i) Not less frequently than once every two years,
8 the Secretary shall—

9 “(I) adjust the amount under subparagraph
10 (A); or

11 “(II) publish a notice in the Federal Register
12 indicating that no adjustment is warranted.

13 “(ii) Not later than 30 days before adjusting an
14 amount pursuant to clause (i)(I) or publishing a notice
15 pursuant to clause (i)(II), the Secretary shall notify the
16 Committee on Veterans’ Affairs and the Committee on Ap-
17 propriations of the Senate and the Committee on Vet-
18 erans’ Affairs and the Committee on Appropriations of the
19 House of Representatives.

20 “(D) The Secretary shall determine a logical schedule
21 for adjustments under this paragraph to take effect so
22 that the amounts for and types of construction projects
23 requested by the Department in the budget of the Presi-
24 dent under section 1105(a) of title 31 are consistent with
25 the threshold for construction projects as so adjusted.”.