

118TH CONGRESS
1ST SESSION

H. R. 4225

To amend title 38, United States Code, to establish the Acquisition Review Board of the Department of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 20, 2023

Mr. MRVAN (for himself and Mrs. CHERFILUS-McCORMICK) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to establish the Acquisition Review Board 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 “VA Acquisition Review
5 Board Act of 2023”.

6 **SEC. 2. ESTABLISHMENT OF ACQUISITION REVIEW BOARD**
7 **IN DEPARTMENT OF VETERANS AFFAIRS.**

8 (a) IN GENERAL.—Chapter 81 of title 38, United
9 States Code, is amended by inserting after subchapter VI
10 the following new subchapter:

1 “SUBCHAPTER VII—ACQUISITION REVIEW
2 BOARD

3 **“§ 8181. Definitions**

4 “In this subchapter:

5 “(1) The term ‘major acquisition program’
6 means a program of the Department to acquire
7 property, assets, supplies, services, or a combination
8 thereof, with an estimated life-cycle cost of
9 \$250,000,000 or more, as determined by the Sec-
10 retary.

11 “(2) The term ‘non-major acquisition program’
12 means a program of the Department to acquire
13 property, assets, supplies, services, or a combination
14 thereof, with an estimated life-cycle cost of less than
15 \$250,000,000, as determined by the Secretary.

16 **“§ 8182. Acquisition Review Board**

17 “(a) IN GENERAL.—There is established in the De-
18 partment a board, to be known as the ‘Acquisition Review
19 Board’, to support the Secretary in managing acquisition
20 programs under the laws administered by the Secretary.

21 “(b) COMPOSITION.—(1) The Deputy Secretary of
22 Veterans Affairs shall serve as Chair of the Acquisition
23 Review Board.

1 “(2) The Deputy Secretary may designate an em-
2 ployee of the Department to oversee the operations of the
3 Acquisition Review Board.

4 “(3) The Deputy Secretary shall ensure participation
5 by other relevant Department officials with responsibilities
6 relating to acquisitions as permanent members of the Ac-
7 quisition Review Board, including the following:

8 “(A) The Chief Acquisition Officer.

9 “(B) The Chief Financial Officer.

10 “(C) The Chief Veterans Experience Officer.

11 “(D) The Chief Information Officer.

12 “(E) The Assistant Secretary for Enterprise In-
13 tegration.

14 “(F) Other relevant senior Department offi-
15 cials, as the Deputy Secretary determines appro-
16 priate, including such officials from the Veterans
17 Health Administration, the Veterans Benefits Ad-
18 ministration, and the National Cemetery Adminis-
19 tration.

20 “(c) MEETINGS.—The Acquisition Review Board
21 shall convene—

22 “(1) at the discretion of the Deputy Secretary;
23 and

24 “(2) not later than 45 days after any date on
25 which—

1 “(A) a major acquisition program—

2 “(i) is proposed to the Secretary;

3 “(ii) is approved by the Secretary to
4 commence;

5 “(iii) concludes an acquisition phase;

6 “(iv) is not in compliance with re-
7 quirements relating to cost, schedule, or
8 performance under the applicable program
9 baseline described in section 8183(b)(1) of
10 this title, as determined by the Deputy
11 Secretary; or

12 “(v) requires additional review, as de-
13 termined by the Deputy Secretary; and

14 “(B) a non-major acquisition program re-
15 quires review, as determined by the Deputy
16 Secretary.

17 “(d) RESPONSIBILITIES.—The Acquisition Review
18 Board shall be responsible for—

19 “(1) with respect to a major acquisition pro-
20 gram proposed to the Secretary, determining wheth-
21 er the business strategy, budget, management, and
22 organization of such program is feasible and in ac-
23 cordance with the mission and strategic goals of the
24 Department;

1 “(2) with respect to a major acquisition pro-
2 gram approved by the Secretary to commence, deter-
3 mining the appropriate acquisition category for such
4 program;

5 “(3) with respect to a major acquisition pro-
6 gram that has concluded an acquisition phase—

7 “(A) authorizing the manager of such pro-
8 gram appointed pursuant to section 8183(a) of
9 this title to advance such program to a subse-
10 quent acquisition phase if the relevant require-
11 ments in such applicable program baseline have
12 been satisfied; and

13 “(B) advising such manager on appro-
14 priate corrective action if such requirements
15 have not been satisfied; and

16 “(4) reviewing, on a continuous basis, each
17 major acquisition program to ensure each such pro-
18 gram is in compliance with—

19 “(A) the relevant requirements in such ap-
20 plicable program baseline; and

21 “(B) the certification requirement under
22 subsection (c) of such section.

23 “(e) ACQUISITION DECISION MEMORANDUM.—Not
24 later than 30 days after any date on which the Deputy
25 Secretary convenes a meeting pursuant to subsection (c),

1 the Deputy Secretary shall submit to the Secretary and
2 the Committees on Veterans' Affairs of the House of Rep-
3 resentatives and the Senate an acquisition decision memo-
4 randum that includes—

5 “(1) a summary of—

6 “(A) the purpose of such meeting;

7 “(B) any matter discussed during such
8 meeting;

9 “(C) any decision of the Acquisition Re-
10 view Board made during such meeting, includ-
11 ing any such decision to allow a major acquisi-
12 tion program to deviate from the relevant re-
13 quirements in such applicable program baseline;
14 and

15 “(D) any matters assigned for further dis-
16 cussion during a subsequent meeting of the Ac-
17 quisition Review Board; and

18 “(2) a certification by the Deputy Secretary
19 that the contents of such memorandum are accurate.

20 **“§ 8183. Major acquisition program managers**

21 “(a) APPOINTMENTS.—Not later than 30 days after
22 any date on which the Secretary approves a major acquisi-
23 tion program to commence, the Deputy Secretary shall ap-
24 point a manager to be responsible for administering such
25 program.

1 “(b) DUTIES.—Each manager appointed pursuant to
2 subsection (a) shall be responsible for, with respect to the
3 applicable major acquisition program—

4 “(1) developing, in coordination with the Acqui-
5 sition Review Board, a plan to administer such pro-
6 gram, to be known as the ‘program baseline’, that
7 includes—

8 “(A) a description of each acquisition
9 phase of such program;

10 “(B) for each such acquisition phase, re-
11 quirements for advancing such program to a
12 subsequent acquisition phase; and

13 “(C) estimates of the cost, schedule, and
14 performance of such program that account for
15 the entire life cycle of such program;

16 “(2) ensuring such program is in compliance
17 with such requirements;

18 “(3) securing funding necessary to satisfy such
19 requirements;

20 “(4) adopting standardized processes with es-
21 tablished success to support the progress of such
22 program, including—

23 “(A) milestones;

24 “(B) exit criteria; and

25 “(C) specific accomplishments;

1 “(5) to the extent practicable, ensuring that
2 personnel of the Department responsible for esti-
3 mating the budget and cost of such program are
4 provided with an opportunity to raise concerns relat-
5 ing to such budget and cost prior to the establish-
6 ment of the program baseline under paragraph (1);

7 “(6) on a continuous basis, assessing and man-
8 aging risks to satisfying the requirements of such
9 program baseline relating to cost and schedule;

10 “(7) establishing a workforce for such program
11 that is qualified and sufficient to perform the nec-
12 essary functions of such program; and

13 “(8) ensuring such program has adequate tech-
14 nology and production capacity prior to commencing
15 an acquisition phase of such program related to
16 manufacturing, if applicable.

17 “(c) CONSIDERATION OF ALTERNATE REQUIRE-
18 MENTS.—Not later than 90 days after any date on which
19 a manager appointed pursuant to subsection (a) estab-
20 lishes a program baseline described in subsection (b)(1),
21 such manager shall submit to the Chair of the Acquisition
22 Review Board a certification that such manager consid-
23 ered establishing alternate requirements in such program
24 baseline relating to the cost, schedule, and performance

1 of each acquisition phase of such program prior to estab-
 2 lishing such program baseline.

3 “(d) ACQUISITION REVIEW BOARD AUTHORIZATION
 4 REQUIRED.—(1) Not later than 30 days after any date
 5 on which a major acquisition program concludes an acqui-
 6 sition phase, the manager of such program appointed pur-
 7 suant to subsection (a) shall notify the Acquisition Review
 8 Board under section 8182 of this title.

9 “(2) Such manager may not advance such program
 10 to a subsequent acquisition phase without the authoriza-
 11 tion of such Acquisition Review Board pursuant to sub-
 12 section (d)(3) of such section.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 at the beginning of such chapter is amended by adding
 15 at the end the following:

“SUBCHAPTER VII—ACQUISITION REVIEW BOARD

“8181. Definitions.

“8182. Acquisition Review Board.

“8183. Major acquisition program managers.”.

