

109TH CONGRESS
2D SESSION

H. R. 5815

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2006

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

To authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal years 2006 and 2007, 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; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Department of Veterans Affairs Medical Facility Author-
4 ization Act of 2006”.

5 (b) TABLE OF CONTENTS.—The table of contents for
6 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Authorization of major medical facility project, Biloxi and Gulfport, Mississippi.

Sec. 3. Authorization of design, construction, and operation of major medical facility project, New Orleans, Louisiana.

Sec. 4. Authorization of design, construction, and operation of a major medical facility project, Charleston, South Carolina.

Sec. 5. Authorization of site purchase for major medical facility project, replacement site, Denver Colorado.

Sec. 6. Extension of authorization for certain major medical facility construction projects previously authorized in connection with Capital Asset Realignment Initiative.

Sec. 7. Authorization of major medical facility leases.

Sec. 8. Authorization of appropriations.

Sec. 9. Sense of Congress and report on option for medical facility improvements in San Juan, Puerto Rico.

Sec. 10. Land conveyance, city of Fort Thomas, Kentucky.

Sec. 11. Establishment within the Department of Veterans Affairs of a career position responsible for Department-wide construction and facilities management.

Sec. 12. Business plans for enhanced access to outpatient care in certain rural areas.

Sec. 13. Report on option for construction of a Department of Veterans Affairs medical center in Okaloosa County, Florida.

**7 SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY
8 PROJECT, BILOXI AND GULFPORT, MIS-
9 SISSIPPI.**

10 (a) PROJECT AUTHORIZATION.—The Secretary of
11 Veterans Affairs may carry out a major medical facility
12 project for restoration of the Department of Veterans Af-
13 fairs Medical Center, Biloxi, Mississippi, and consolidation

1 of services performed at the Department of Veterans Af-
2 fairs Medical Center, Gulfport, Mississippi.

3 (b) COST LIMITATION.—The project authorized by
4 subsection (a) shall be carried out in an amount not to
5 exceed \$310,000,000.

6 (c) REQUIREMENT FOR JOINT-USE FACILITY.—The
7 project authorized by subsection (a) may only be carried
8 out as part of a joint-use facility shared by the Depart-
9 ment of Veterans Affairs with Keesler Air Force Base, Bi-
10 loxi, Mississippi.

11 **SEC. 3. AUTHORIZATION OF DESIGN, CONSTRUCTION, AND**
12 **OPERATION OF MAJOR MEDICAL FACILITY**
13 **PROJECT, NEW ORLEANS, LOUISIANA.**

14 (a) AGREEMENT AUTHORIZED.—The Secretary of
15 Veterans Affairs may enter into an agreement with the
16 Louisiana State University to design, construct, and oper-
17 ate a co-located, joint-use medical facility in or near New
18 Orleans to replace the medical center facility for the De-
19 partment of Veterans Affairs Medical Center, New Orle-
20 ans, Louisiana, damaged by Hurricane Katrina in August
21 2005.

22 (b) COST LIMITATION.—Advance planning and de-
23 sign for a co-located, joint-use medical facility in or near
24 New Orleans under subsection (a) shall be carried out in
25 an amount not to exceed \$100,000,000.

1 **SEC. 4. AUTHORIZATION OF DESIGN, CONSTRUCTION, AND**
2 **OPERATION OF A MAJOR MEDICAL FACILITY**
3 **PROJECT, CHARLESTON, SOUTH CAROLINA.**

4 (a) **AGREEMENT AUTHORIZED.**—The Secretary of
5 Veterans Affairs may enter into an agreement with the
6 Medical University of South Carolina to design, construct,
7 and operate a co-located joint-use medical facility in
8 Charleston, South Carolina, to replace the Ralph H. John-
9 son Department of Veterans Affairs Medical Center,
10 Charleston, South Carolina.

11 (b) **COST LIMITATION.**—Advance planning and de-
12 sign for a co-located, joint-use medical facility in Charles-
13 ton, South Carolina, under subsection (a) shall be carried
14 out in an amount not to exceed \$70,000,000.

15 **SEC. 5. AUTHORIZATION OF SITE PURCHASE FOR MAJOR**
16 **MEDICAL FACILITY PROJECT, REPLACEMENT**
17 **SITE, DENVER COLORADO.**

18 (a) **AUTHORIZATION.**—The Secretary of Veterans Af-
19 fairs may enter into an agreement to purchase a site for
20 the replacement of the Department of Veterans Affairs
21 Medical Center, Denver, Colorado, in an amount not to
22 exceed \$98,000,000.

23 (b) **REPORT.**—Not later than 180 days after the date
24 of the enactment of this Act, the Secretary of Veterans
25 Affairs shall submit to the Committees on Veterans' Af-
26 fairs of the Senate and House of Representatives a report

1 identifying and outlining the various options available to
2 the Department for replacing the current Department of
3 Veterans Affairs Medical Center, Denver, Colorado. The
4 report shall include the following:

5 (1) The feasibility of entering into a partner-
6 ship with a Federal, State, or local governmental
7 agency, or a suitable non-profit organization, for the
8 construction and operation of a new facility.

9 (2) The medical, legal, and financial implica-
10 tions of each of the options identified, including rec-
11 ommendations regarding any statutory changes nec-
12 essary for the Department to carry out any of the
13 options identified.

14 (3) A detailed cost-benefit analysis of each of
15 the options identified.

16 (4) Estimates regarding the length of time and
17 associated costs needed to complete such a facility
18 under each of the options identified.

19 **SEC. 6. EXTENSION OF AUTHORIZATION FOR CERTAIN**
20 **MAJOR MEDICAL FACILITY CONSTRUCTION**
21 **PROJECTS PREVIOUSLY AUTHORIZED IN**
22 **CONNECTION WITH CAPITAL ASSET REALIGN-**
23 **MENT INITIATIVE.**

24 The Secretary of Veterans Affairs may carry out the
25 following major medical facility projects, with each such

1 project to be carried out in the amount specified for that
2 project:

3 (1) Construction of an outpatient clinic and re-
4 gional office at the Department of Veterans Affairs
5 Medical Center, Anchorage, Alaska, in an amount
6 not to exceed \$75,270,000.

7 (2) Consolidation of clinical and administrative
8 functions of the Department of Veterans Affairs
9 Medical Center, Cleveland, Ohio, and the Depart-
10 ment of Veterans Affairs Medical Center,
11 Brecksville, Ohio, in an amount not to exceed
12 \$102,300,000.

13 (3) Construction of the extended care building
14 at the Department of Veterans Affairs Medical Cen-
15 ter, Des Moines, Iowa, in an amount not to exceed
16 \$25,000,000.

17 (4) Renovation of patient wards at the Depart-
18 ment of Veterans Affairs Medical Center, Durham,
19 North Carolina, in an amount not to exceed
20 \$9,100,000.

21 (5) Correction of patient privacy deficiencies at
22 the Department of Veterans Affairs Medical Center,
23 Gainesville, Florida, in an amount not to exceed
24 \$85,200,000.

19 (10) Seismic corrections, Buildings 500 and
20 501, Department of Veterans Affairs Medical Cen-
21 ter, Los Angeles, California, in an amount not to ex-
22 ceed \$79,900,000.

23 (11) Construction of a new medical center facil-
24 ity, Orlando, Florida, to be located at the site in
25 Lake Nona known as site selection C, which is di-

1 rectly south of the interchange between SR-417 and
2 Lake Nona Boulevard and is part of a science and
3 research park that is likely to include the proposed
4 campus of the medical school of the University of
5 Central Florida, in an amount not to exceed
6 \$377,700,000.

7 (12) Consolidation of campuses at the Univer-
8 sity Drive and H. John Heinz III divisions, Pitts-
9 burgh, Pennsylvania, in an amount not to exceed
10 \$189,205,000.

11 (13) Ward upgrades and expansion at the De-
12 partment of Veterans Affairs Medical Center, San
13 Antonio, Texas, in an amount not to exceed
14 \$19,100,000.

15 (14) Construction of a spinal cord injury cen-
16 ter, Department of Veterans Affairs Medical Center,
17 Syracuse, New York, in an amount not to exceed
18 \$77,700,000.

19 (15) Upgrade essential electrical distribution
20 systems, Department of Veterans Affairs Medical
21 Center, Tampa, Florida, in an amount not to exceed
22 \$49,000,000.

23 (16) Expansion of the spinal cord injury center
24 addition, Department of Veterans Affairs Medical

1 Center, Tampa, Florida, in an amount not to exceed
2 \$7,100,000.

3 (17) Blind rehabilitation and psychiatric bed
4 renovation and new construction project, Depart-
5 ment of Veterans Affairs Medical Center, Temple,
6 Texas, in an amount not to exceed \$56,000,000.

7 **SEC. 7. AUTHORIZATION OF MAJOR MEDICAL FACILITY**

8 **LEASES.**

9 (a) FISCAL YEAR 2006 LEASES.—The Secretary of
10 Veterans Affairs may carry out the following major med-
11 ical facility leases in fiscal year 2006 at the locations spec-
12 ified, in an amount for each lease not to exceed the
13 amount specified for that location:

14 (1) For an outpatient clinic, Baltimore, Mary-
15 land, \$10,908,000.

16 (2) For an outpatient clinic, Evansville, Indi-
17 ana, \$8,989,000.

18 (3) For an outpatient clinic, Smith County,
19 Texas, \$5,093,000.

20 (b) FISCAL YEAR 2007 LEASES.—The Secretary of
21 Veterans Affairs may carry out the following major med-
22 ical facility leases in fiscal year 2007 at the locations spec-
23 ified, in an amount for each lease not to exceed the
24 amount specified for that location:

(1) For an outpatient and specialty care clinic, Austin, Texas, \$6,163,000.

3 (2) For an outpatient clinic, Lowell, Massachu-
4 setts, \$2,520,000.

7 (4) For up to four outpatient clinics, Las
8 Vegas, Nevada, \$8,518,000.

11 SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

12 (a) AUTHORIZATION OF APPROPRIATIONS FOR FIS-
13 CAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.—
14 There is authorized to be appropriated to the Secretary
15 of Veterans Affairs for fiscal year 2006 for the Construc-
16 tion, Major Projects, account, a total of \$578,000,000, of
17 which—

18 (1) \$310,000,000 is for the project authorized
19 in section 2;

20 (2) \$100,000,000 is for the advance planning
21 and design authorized in section 3:

24 (4) \$98,000,000 is for the purchase of a site
25 authorized in section 5

1 (b) AUTHORIZATION OF APPROPRIATIONS FOR
2 MAJOR MEDICAL FACILITY PROJECTS UNDER CAPITAL
3 ASSET REALIGNMENT INITIATIVE.—There is authorized
4 to be appropriated for the Secretary of Veterans Affairs
5 for fiscal year 2007 for the Construction, Major Projects,
6 account, \$1,758,920,000 for the projects specified in sec-
7 tion 6.

8 (c) AUTHORIZATION OF APPROPRIATIONS FOR
9 MAJOR MEDICAL FACILITY LEASES.—

10 (1) FISCAL YEAR 2006 LEASES.—There is au-
11 thorized to be appropriated for the Secretary of Vet-
12 erners Affairs for fiscal year 2006 for the Medical
13 Care account, \$24,990,000 for the leases authorized
14 in section 7(a).

15 (2) FISCAL YEAR 2007 LEASES.—There is au-
16 thorized to be appropriated for the Secretary of Vet-
17 erners Affairs for fiscal year 2007 for the Medical
18 Care account, \$26,642,000 for the leases authorized
19 in section 7(b).

20 (d) LIMITATION.—The projects authorized in sections
21 2, 3, 4, 5, and 6 may only be carried out using—

22 (1) funds appropriated for fiscal year 2006 or
23 2007 pursuant to the authorization of appropria-
24 tions in subsections (a), (b), and (c);

10 SEC. 9. SENSE OF CONGRESS AND REPORT ON OPTION FOR
11 MEDICAL FACILITY IMPROVEMENTS IN SAN
12 JUAN, PUERTO RICO.

13 (a) SENSE OF CONGRESS.—Recognizing that concern
14 for the need for medical facility improvements in San
15 Juan, Puerto Rico, is not being adequately addressed, it
16 is the sense of Congress that the Secretary of Veterans
17 Affairs should take steps to explore all options for address-
18 ing that concern, including the option of a public/private
19 partnership to construct and operate a facility that would
20 replace the current Department of Veterans Affairs med-
21 ical center in San Juan, Puerto Rico.

22 (b) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, the Secretary of Veterans
24 Affairs shall submit to the Committees on Veterans' Af-
25 fairs of the Senate and House of Representatives a report

1 identifying and outlining the various options available to
2 the Department for replacing the current Department of
3 Veterans Affairs Medical Center, San Juan, Puerto Rico.

4 The report shall include the following:

5 (1) The feasibility of entering into a partner-
6 ship with a Federal, Commonwealth, or local govern-
7 mental agency, or a suitable non-profit organization,
8 for the construction and operation of a new facility.

9 (2) The medical, legal, and financial implica-
10 tions of each of the options identified, including rec-
11 ommendations regarding any statutory changes nec-
12 essary for the Department to carry out any of the
13 options identified.

14 (3) A detailed cost-benefit analysis of each of
15 the options identified.

16 (4) Estimates regarding the length of time and
17 associated costs needed to complete such a facility
18 under each of the options identified.

19 **SEC. 10. LAND CONVEYANCE, CITY OF FORT THOMAS, KEN-**

20 **TUCKY.**

21 (a) CONVEYANCE AUTHORIZED.—The Secretary of
22 Veterans Affairs may convey to the city of Fort Thomas,
23 Kentucky (in this section referred to as the “City”), all
24 right, title, and interest of the United States in and to
25 a parcel of real property, including the 15 structures lo-

1 cated thereon, consisting of approximately 11.75 acres
2 that is managed by the Department of Veterans Affairs
3 and located in the northeastern portion of Tower Park in
4 Fort Thomas, Kentucky. Any such conveyance shall be
5 subject to valid existing rights, easements, and rights-of-
6 way.

7 (b) CONSIDERATION.—As consideration for the con-
8 veyance under subsection (a), the City shall pay to the
9 United States an amount equal to the fair market value
10 of the conveyed real property, as determined by the Sec-
11 retary.

12 (c) TREATMENT OF CONSIDERATION.—The consider-
13 ation received under subsection (b) shall be deposited, at
14 the discretion of the Secretary, in the “Medical facilities”
15 account or the “Construction, minor projects” account (or
16 a combination of those accounts) and shall be available
17 to the Secretary, without limitation and until expended—
18 (1) to cover costs incurred by the Secretary as-
19 sociated with the environmental remediation of the
20 real property before conveyance under subsection
21 (a); and

22 (2) with any funds remaining after the Sec-
23 retary has covered costs as required under para-
24 graph (1), for acquisition of a site for use as a park-
25 ing facility, or contract (by lease or otherwise) for

1 the operation of a parking facility, to be used in con-
2 nection with the Department of Veterans Affairs
3 Medical Facility, Cincinnati, Ohio.

4 (d) RELEASE FROM LIABILITY.—Effective on the
5 date of the conveyance under subsection (a), the United
6 States shall not be liable for damages arising out of any
7 act, omission, or occurrence relating to the conveyed real
8 property, but shall continue to be liable for damages
9 caused by acts of negligence committed by the United
10 States or by any employee or agent of the United States
11 before the date of conveyance, consistent with chapter 171
12 of title 28, United States Code.

13 (e) PAYMENT OF COSTS OF CONVEYANCE.—

14 (1) PAYMENT REQUIRED.—The Secretary shall
15 require the City to cover costs to be incurred by the
16 Secretary, or to reimburse the Secretary for costs in-
17 curred by the Secretary, to carry out the conveyance
18 under subsection (a), including survey costs, costs
19 related to environmental documentation, and other
20 administrative costs related to the conveyance. If
21 amounts are collected from the City in advance of
22 the Secretary incurring the actual costs, and the
23 amount collected exceeds the costs actually incurred
24 by the Secretary to carry out the conveyance, the

1 Secretary shall refund the excess amount to the
2 City.

3 (2) TREATMENT OF AMOUNTS RECEIVED.—
4 Amounts received as reimbursement under para-
5 graph (1) shall be credited to the fund or account
6 that was used to cover the costs incurred by the Sec-
7 retary in carrying out the conveyance. Amounts so
8 credited shall be merged with amounts in such fund
9 or account and shall be available for the same pur-
10 poses, and subject to the same conditions and limita-
11 tions, as amounts in such fund or account.

12 (f) DESCRIPTION OF PROPERTY.—The exact acreage
13 and legal description of the real property to be conveyed
14 under subsection (a) shall be determined by a survey satis-
15 factory to the Secretary.

16 (g) ADDITIONAL TERMS AND CONDITIONS.—The
17 Secretary may require such additional terms and condi-
18 tions in connection with the conveyance under subsection
19 (a) as the Secretary considers necessary to protect the in-
20 terests of the United States.

1 **SEC. 11. ESTABLISHMENT WITHIN THE DEPARTMENT OF**
2 **VETERANS AFFAIRS OF A CAREER POSITION**
3 **RESPONSIBLE FOR DEPARTMENT-WIDE CON-**
4 **STRUCTION AND FACILITIES MANAGEMENT.**

5 (a) ESTABLISHMENT OF POSITION.—Chapter 3 of
6 title 38, United States Code, is amended by inserting after
7 section 312 the following new section:

8 **“§ 312A. Director, Construction and Facilities Man-**
9 **agement**

10 “(a) CAREER POSITION.—There is in the Depart-
11 ment the position of Director, Construction and Facilities
12 Management. The position of Director, Construction and
13 Facilities Management, is a career position with responsi-
14 bility for construction and facilities management across
15 the Department, including responsibility for all major and
16 minor construction projects. The individual appointed as
17 Director shall be appointed by the Secretary and shall pro-
18 vide direct support to the Secretary and report to the Dep-
19 uty Secretary of the Department.

20 “(b) QUALIFICATIONS.—The individual appointed to
21 the position of Director, Construction and Facilities Man-
22 agement, shall be an individual who—

23 “(1) holds an undergraduate or master’s degree
24 in architectural design or engineering; and
25 “(2) has substantive professional experience in
26 the area of construction project management.

1 “(c) RESPONSIBILITIES.—The individual appointed
2 to the position of Director, Construction and Facilities
3 Management, shall be responsible for overseeing and man-
4 aging the planning, design, construction, and facilities op-
5 eration, including infrastructure, of the Department’s
6 major and minor construction projects and performing
7 such other functions as the Secretary prescribes. Such
8 oversight and management responsibilities shall include
9 each of the following:

10 “(1) Developing and updating short and long-
11 range strategic capital investment strategies and
12 plans.

13 “(2) Planning, designing, and building facilities,
14 determining architectural and engineering require-
15 ments as well as ensuring compliance with all appli-
16 cable laws relating to the Department’s construction
17 program.

18 “(3) Overseeing and managing the construction
19 of Department facilities.

20 “(4) Managing the Department’s short and
21 long-term leasing activity.

22 “(5) Repairing and maintaining the Depart-
23 ment’s facilities, including custodial services, build-
24 ing management and administration, and mainte-
25 nance of roads, grounds, and infrastructure.

1 “(6) Managing the procurement and acquisition
2 processes, including contract award related to de-
3 sign, construction, furnishing, and supplies and
4 equipment.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter is amended by inserting
7 after the item relating to section 312 the following new
8 item:

“312A. Director, Construction and Facilities Management.”.

9 SEC. 12. BUSINESS PLANS FOR ENHANCED ACCESS TO OUT-
10 PATIENT CARE IN CERTAIN RURAL AREAS.

11 (a) REQUIREMENT.—Not later than 180 days after
12 the date of the enactment of this Act, the Secretary of
13 Veterans Affairs shall submit to the Committees on Vet-
14 erns' Affairs of the Senate and House of Representatives
15 a business plan for enhanced access to outpatient care (as
16 described in subsection (b)) for primary care, mental
17 health care, and specialty care in each of the following
18 areas:

- 19 (1) The Lewiston-Auburn area of Maine.
- 20 (2) The area of Houlton, Maine.
- 21 (3) The area of Dover-Foxcroft, Maine.
- 22 (4) Whiteside County, Illinois

23 (b) MEANS OF ENHANCED ACCESS.—The means of
24 enhanced access to outpatient care to be covered by the
25 business plans under subsection (a) are, with respect to

1 each area specified in that subsection, one or more of the
2 following:

- 3 (1) New sites of care.
- 4 (2) Expansions at existing sites of care.
- 5 (3) Use of existing authority and policies to
6 contract for care where necessary.
- 7 (4) Increased use of telemedicine.

8 **SEC. 13. REPORT ON OPTION FOR CONSTRUCTION OF A DE-**
9 **PARTMENT OF VETERANS AFFAIRS MEDICAL**
10 **CENTER IN OKALOOSA COUNTY, FLORIDA.**

11 Not later than 180 days after the date of the enact-
12 ment of this Act, the Secretary of Veterans Affairs shall
13 submit to the Committees on Veterans' Affairs of the Sen-
14 ate and House of Representatives a report identifying and
15 outlining the various options available to the Department
16 for the placement of a Department of Veterans Affairs
17 Medical Center in Okaloosa County, Florida. The report
18 shall include the following:

- 19 (1) The feasibility of entering into a partner-
20 ship with Eglin Air Force Base for the construction
21 and operation of a new, joint Department of Vet-
22 erns Affairs-Department of Defense facility.
- 23 (2) The medical, legal, and financial implica-
24 tions of each of the options identified, including rec-
25 ommendations regarding any statutory changes nec-

1 essary for the Department to carry out any of the
2 options identified.

3 (3) A detailed cost-benefit analysis of each of
4 the options identified.

5 (4) Estimates regarding the length of time and
6 associated costs needed to complete such a facility
7 under each of the options identified.

Passed the House of Representatives September 13,
2006.

Attest:

KAREN L. HAAS,

Clerk.