Union Calendar No. 382 H.R.5815

109th CONGRESS 2d Session

[Report No. 109-643]

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2006

Mr. BROWN of South Carolina (for himself and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Veterans' Affairs

SEPTEMBER 8, 2006 Additional sponsors: Mr. Fortuño and Ms. Berkley

SEPTEMBER 8, 2006

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Insert the part printed in italic]

A BILL

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

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PROJECT, BILOXI AND GULFPORT, MIS-

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SISSIPPI.

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

of services performed at the Department of Veterans Af 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 Depart9 ment of Veterans Affairs with Keesler Air Force Base, Bi10 loxi, Mississippi.

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

(a) AGREEMENT AUTHORIZED.—The Secretary of 14 15 Veterans Affairs may enter into an agreement with the Louisiana State University to design, construct, and oper-16 ate a co-located, joint-use medical facility in or near New 17 18 Orleans to replace the medical center facility for the De-19 partment of Veterans Affairs Medical Center, New Orleans, Louisiana, damaged by Hurricane Katrina in August 2021 2005.

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

SEC. 4. AUTHORIZATION OF DESIGN, CONSTRUCTION, AND OPERATION OF A MAJOR MEDICAL FACILITY 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. John9 son Department of Veterans Affairs Medical Center,
10 Charleston, South Carolina.

(b) COST LIMITATION.—Advance planning and design for a co-located, joint-use medical facility in Charleston, South Carolina, under subsection (a) shall be carried
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.

(a) AUTHORIZATION.—The Secretary of Veterans Affairs may enter into an agreement to purchase a site for
the replacement of the Department of Veterans Affairs
Medical Center, Denver, Colorado, in an amount not to
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' Af26 fairs of the Senate and House of Representatives a report
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identifying and outlining the various options available to
 the Department for replacing the current Department of
 Veterans Affairs Medical Center, Denver, Colorado. The
 report shall include the following:

5 (1) The feasibility of entering into a partner6 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 of15 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.

19SEC. 6. EXTENSION OF AUTHORIZATION FOR CERTAIN20MAJOR MEDICAL FACILITY CONSTRUCTION21PROJECTS PREVIOUSLY AUTHORIZED IN22CONNECTION WITH CAPITAL ASSET REALIGN-23MENT INITIATIVE.

The Secretary of Veterans Affairs may carry out thefollowing major medical facility projects, with each such

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

3 (1) Construction of an outpatient clinic and re4 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 Affairs ment of Veterans Medical Center. 11 Brecksville, Ohio, in an amount not to exceed 12 \$102,300,000.

(3) Construction of the extended care building
at the Department of Veterans Affairs Medical Center, Des Moines, Iowa, in an amount not to exceed
\$25,000,000.

17 (4) Renovation of patient wards at the Depart18 ment of Veterans Affairs Medical Center, Durham,
19 North Carolina, in an amount not to exceed
20 \$9,100,000.

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

| 1 | (6) 7th and 8th floor wards modernization addi- |
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| 2 | tion at the Department of Veterans Affairs Medical |
| 3 | Center, Indianapolis, Indiana, in an amount not to |
| 4 | exceed \$27,400,000. |
| 5 | (7) Construction of a new medical center facil- |
| 6 | ity at the Department of Veterans Affairs Medical |
| 7 | Center, Las Vegas, Nevada, in an amount not to ex- |
| 8 | ceed \$406,000,000. |
| 9 | (8) Construction of an ambulatory surgery/out- |
| 10 | patient diagnostic support center in the Gulf South |
| 11 | Submarket of Veterans Integrated Service Network |
| 12 | (VISN) 8 and completion of Phase I land purchase, |
| 13 | Lee County, Florida, in an amount not to exceed |
| 14 | \$65,100,000. |
| 15 | (9) Seismic corrections, Buildings 7 and 126, |
| 16 | Department of Veterans Affairs Medical Center, |
| 17 | Long Beach, California, in an amount not to exceed |
| 18 | \$107,845,000. |
| 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 |
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| 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 medical facility leases in fiscal year 2006 at the locations spec-11 ified, in an amount for each lease not to exceed the 12 13 amount specified for that location: 14 (1) For an outpatient clinic, Baltimore, Maryland, \$10,908,000. 15 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 (1) For an outpatient and specialty care clinic, 2 Austin, Texas, \$6,163,000. (2) For an outpatient clinic, Lowell, Massachu-3 4 setts, \$2,520,000. (3) For an outpatient clinic, Grand Rapids, 5 6 Michigan, \$4,409,000. 7 (4) For up to four outpatient clinics, Las 8 Vegas, Nevada, \$8,518,000. 9 (5) For an outpatient clinic, Parma, Ohio, 10 \$5,032,000. 11 SEC. 8. AUTHORIZATION OF APPROPRIATIONS. 12 (a) AUTHORIZATION OF APPROPRIATIONS FOR FIS-CAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.-13 14 There is authorized to be appropriated to the Secretary 15 of Veterans Affairs for fiscal year 2006 for the Construction, Major Projects, account, a total of \$578,000,000, of 16 which-17 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; 22 (3) \$70,000,000 is for the advanced planning 23 authorized in section 4; and 24 (4) \$98,000,000 is for the purchase of a site 25 authorized in section 5.

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

8 (c) AUTHORIZATION OF APPROPRIATIONS FOR9 MAJOR MEDICAL FACILITY LEASES.—

(1) FISCAL YEAR 2006 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2006 for the Medical
Care account, \$24,990,000 for the leases authorized
in section 7(a).

(2) FISCAL YEAR 2007 LEASES.—There is authorized to be appropriated for the Secretary of Veterans Affairs for fiscal year 2007 for the Medical
Care account, \$26,642,000 for the leases authorized
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—

(1) funds appropriated for fiscal year 2006 or
2007 pursuant to the authorization of appropriations in subsections (a), (b), and (c);

1 (2) funds available for Construction, Major 2 Projects, for a fiscal year before fiscal year 2006 3 that remain available for obligation; 4 (3) funds available for Construction, Major 5 Projects, for a fiscal year after fiscal year 2006 or 6 2007 that are available for obligation; and 7 (4) funds appropriated for Construction, Major 8 Projects, for fiscal year 2006 or 2007 for a category 9 of activity not specific to a project. 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 for the need for medical facility improvements in San 14 15 Juan, Puerto Rico, is not being adequately addressed, it is the sense of Congress that the Secretary of Veterans 16 17 Affairs should take steps to explore all options for addressing that concern, including the option of a public/private 18 19 partnership to construct and operate a facility that would replace the current Department of Veterans Affairs med-20 21 ical center in San Juan, Puerto Rico.

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

identifying and outlining the various options available to
 the Department for replacing the current Department of
 Veterans Affairs Medical Center, San Juan, Puerto Rico.
 The report shall include the following:

- 5 (1) The feasibility of entering into a partner6 ship with a Federal, Commonwealth, or local govern7 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 of15 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, KEN20 TUCKY.

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

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

(1) to cover costs incurred by the Secretary associated with the environmental remediation of the
real property before conveyance under subsection
(a); and

(2) with any funds remaining after the Secretary has covered costs as required under paragraph (1), for acquisition of a site for use as a parking facility, or contract (by lease or otherwise) for

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

4 (d) RELEASE FROM LIABILITY.—Effective on the 5 date of the conveyance under subsection (a), the United States shall not be liable for damages arising out of any 6 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 before the date of conveyance, consistent with chapter 171 11 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 by the Secretary to carry out the conveyance, the 24

Secretary shall refund the excess amount to the
 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.

(f) DESCRIPTION OF PROPERTY.—The exact acreage
and legal description of the real property to be conveyed
under subsection (a) shall be determined by a survey satisfactory 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.

1SEC. 11. ESTABLISHMENT WITHIN THE DEPARTMENT OF2VETERANS AFFAIRS OF A CAREER POSITION3RESPONSIBLE FOR DEPARTMENT-WIDE CON-4STRUCTION 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 Man9 agement

10 "(a) CAREER POSITION.—There is in the Department the position of Director, Construction and Facilities 11 Management. The position of Director, Construction and 12 13 Facilities Management, is a career position with responsibility for construction and facilities management across 14 the Department, including responsibility for all major and 15 minor construction projects. The individual appointed as 16 Director shall be appointed by the Secretary and shall pro-17 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 Man22 agement, shall be an individual who—

23 "(1) holds an undergraduate or master's degree24 in architectural design or engineering; and

25 "(2) has substantive professional experience in26 the area of construction project management.

"(c) RESPONSIBILITIES.—The individual appointed 1 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 long11 range strategic capital investment strategies and
12 plans.

"(2) Planning, designing, and building facilities,
determining architectural and engineering requirements as well as ensuring compliance with all applicable laws relating to the Department's construction
program.

18 "(3) Overseeing and managing the construction19 of Department facilities.

20 "(4) Managing the Department's short and21 long-term leasing activity.

"(5) Repairing and maintaining the Department's facilities, including custodial services, building management and administration, and maintenance of roads, grounds, and infrastructure.

"(6) Managing the procurement and acquisition
 processes, including contract award related to de sign, construction, furnishing, and supplies and
 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 OUT10 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 Veterans Affairs shall submit to the Committees on Vet-13 14 erans' Affairs of the Senate and House of Representatives 15 a business plan for enhanced access to outpatient care (as described in subsection (b)) for primary care, mental 16 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.

(b) MEANS OF ENHANCED ACCESS.—The means of
enhanced access to outpatient care to be covered by the
business plans under subsection (a) are, with respect to
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each area specified in that subsection, one or more of the
 following:

- 3 (1) New sites of care.
- 4 (2) Expansions at existing sites of care.
- 5 (3) Use of existing authority and policies to6 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 enactment 12 of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and 13 House of Representatives a report identifying and outlining 14 15 the various options available to the Department for the placement of a Department of Veterans Affairs Medical 16 17 Center in Okaloosa County, Florida. The report shall include the following: 18

(1) The feasibility of entering into a partnership
with Eglin Air Force Base for the construction and
operation of a new, joint Department of Veterans Affairs-Department of Defense facility.

23 (2) The medical, legal, and financial implica24 tions of each of the options identified, including rec25 ommendations regarding any statutory changes nec-

| 1 | essary for the Department to carry out any of the op- |
|---|---|
| 2 | tions identified. |
| 3 | (3) A detailed cost-benefit analysis of each of the |
| 4 | 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. |

Union Calendar No. 382

109TH CONGRESS H. R. 5815

[Report No. 109-643]

A BILL

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.

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