

110TH CONGRESS
2^D SESSION

H. R. 6832

To authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 8, 2008

Mr. FILNER (for himself and Mr. BUYER) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 2009, to extend certain authorities of the Secretary 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Veterans’ Programs Extension and Construction Author-
6 ization Act of 2008”.

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

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF MEDICAL FACILITY PROJECTS AND
 MAJOR MEDICAL FACILITY LEASES

Sec. 101. Authorization for fiscal year 2009 major medical facility projects.

Sec. 102. Modification of authorization amounts for certain major medical facility construction projects previously authorized.

Sec. 103. Authorization of fiscal year 2009 major medical facility leases.

Sec. 104. Authorization of construction of major medical facility, Okaloosa County, Florida.

Sec. 105. Authorization of appropriations.

Sec. 106. Report on facilities administration.

Sec. 107. Annual report on outpatient clinics.

TITLE II—EXTENSION OF CERTAIN AUTHORITIES

Sec. 201. Repeal of sunset on inclusion of noninstitutional extended care services in definition of medical services.

Sec. 202. Extension of recovery audit authority.

Sec. 203. Permanent authority for provision of hospital care, medical services, and nursing home care to veterans who participated in certain chemical and biological testing conducted by the Department of Defense.

Sec. 204. Extension of expiring collections authorities.

Sec. 205. Extension of nursing home care.

Sec. 206. Extension of authority to carry out income verification.

Sec. 207. Permanent authority to establish research corporations.

Sec. 208. Extension of certain veterans home loan guaranty programs.

Sec. 209. Extension of requirement to submit annual report on the Special Committee on Post-Traumatic-Stress Disorder.

Sec. 210. Extension of requirement to submit annual report on the Committee on Care of Severely Chronically Mentally Ill Veterans.

Sec. 211. Permanent requirement for biannual report on Women's Advisory Committee.

Sec. 212. Permanent authority for Advisory Committee on Minority Veterans.

Sec. 213. Extension of temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.

TITLE III—OTHER MATTERS

Sec. 301. Increase in cap of number of veterans participating in independent living program.

Sec. 302. Enhancement of refinancing of home loans by veterans.

Sec. 303. Technical amendments.

1 **TITLE I—AUTHORIZATION OF**
2 **MEDICAL FACILITY**
3 **PROJECTS AND MAJOR MED-**
4 **ICAL FACILITY LEASES**

5 **SEC. 101. AUTHORIZATION FOR FISCAL YEAR 2009 MAJOR**
6 **MEDICAL FACILITY PROJECTS.**

7 The Secretary of Veterans Affairs may carry out the
8 following major medical facility projects in fiscal year
9 2009 in the amount specified for each project:

10 (1) Seismic corrections, Building 2, at the De-
11 partment of Veterans Affairs Palo Alto Health Care
12 System, Palo Alto Division Palo Alto, California, in
13 an amount not to exceed \$54,000,000.

14 (2) Construction of a polytrauma healthcare
15 and rehabilitation center at the Department of Vet-
16 erans Affairs Medical Center, San Antonio, Texas,
17 in an amount not to exceed \$66,000,000.

18 (3) Seismic corrections, Building 1, at the De-
19 partment of Veterans Affairs Medical Center, San
20 Juan, Puerto Rico, in an amount not to exceed
21 \$225,900,000.

1 **SEC. 102. MODIFICATION OF AUTHORIZATION AMOUNTS**
2 **FOR CERTAIN MAJOR MEDICAL FACILITY**
3 **CONSTRUCTION PROJECTS PREVIOUSLY AU-**
4 **THORIZED.**

5 (a) MODIFICATION OF MAJOR MEDICAL FACILITY
6 AUTHORIZATIONS.—Section 801(a) of the Veterans Bene-
7 fits, Health Care, and Information Technology Act of
8 2006 (Public Law 109–461) is amended—

9 (1) in paragraph (1)—

10 (A) by striking “\$300,000,000” and in-
11 sserting “\$625,000,000”; and

12 (B) by striking the second sentence; and

13 (2) in paragraph (3), by striking
14 “\$98,000,000” and inserting “\$769,200,000”.

15 (b) MODIFICATION OF AUTHORIZATION FOR CER-
16 TAIN MAJOR MEDICAL FACILITY CONSTRUCTION
17 PROJECTS PREVIOUSLY AUTHORIZED IN CONNECTION
18 WITH CAPITAL ASSET REALIGNMENT INITIATIVE.—

19 (1) CORRECTION OF PATIENT PRIVACY DEFICI-
20 CIENCIES AT THE DEPARTMENT OF VETERANS AF-
21 FAIRS MEDICAL CENTER, GAINESVILLE, FLORIDA.—

22 Paragraph (5) of section 802 of the Veterans Bene-
23 fits, Health Care, and Information Technology Act
24 of 2006 (Public Law 109–461) is amended by strik-
25 ing “\$85,200,000” and inserting “\$136,700,000”.

1 (2) CONSTRUCTION OF A NEW MEDICAL CEN-
2 TER FACILITY AT THE DEPARTMENT OF VETERANS
3 AFFAIRS MEDICAL CENTER, LAS VEGAS, NEVADA.—
4 Paragraph (7) of such section is amended by strik-
5 ing “\$406,000,000” and inserting “\$600,400,000”.

6 (3) CONSTRUCTION OF A NEW OUTPATIENT
7 CLINIC, LEE COUNTY, FLORIDA.—Paragraph (8) of
8 such section is amended—

9 (A) by striking “ambulatory” and all that
10 follows through “purchase,” and inserting “out-
11 patient clinic in”; and

12 (B) by striking “\$65,100,000” and insert-
13 ing “\$131,800,000”.

14 (4) CONSTRUCTION OF A NEW MEDICAL CEN-
15 TER FACILITY, ORLANDO, FLORIDA.—Paragraph
16 (11) of such section is amended by striking
17 “\$377,700,000” and inserting “\$656,800,000”.

18 (5) CONSOLIDATION OF CAMPUSES AT THE UNI-
19 VERSITY DRIVE AND H. JOHN HEINZ III DIVISIONS,
20 PITTSBURGH, PENNSYLVANIA.—Paragraph (12) of
21 such section is amended by striking “\$189,205,000”
22 and inserting “\$295,600,000”.

1 **SEC. 103. AUTHORIZATION OF FISCAL YEAR 2009 MAJOR**
2 **MEDICAL FACILITY LEASES.**

3 The Secretary of Veterans Affairs may carry out the
4 following major medical facility leases in fiscal year 2009
5 at the locations specified, and in an amount for each lease
6 not to exceed the amount shown for such location:

7 (1) For an outpatient clinic, Brandon, Florida,
8 \$4,326,000.

9 (2) For an outpatient clinic, Colorado Springs,
10 Colorado, \$3,995,000.

11 (3) For an outpatient clinic, Eugene, Oregon,
12 \$5,826,000.

13 (4) For the expansion of an outpatient clinic,
14 Green Bay, Wisconsin, \$5,891,000.

15 (5) For an outpatient clinic, Greenville, South
16 Carolina, \$3,731,000.

17 (6) For an outpatient clinic, Mansfield, Ohio,
18 \$2,212,000.

19 (7) For an outpatient clinic, Mayaguez, Puerto
20 Rico, \$6,276,000.

21 (8) For an outpatient clinic, Mesa, Arizona,
22 \$5,106,000.

23 (9) For interim research space, Palo Alto, Cali-
24 fornia, \$8,636,000.

25 (10) For the expansion of an outpatient clinic,
26 Savannah, Georgia, \$3,168,000.

1 (11) For an outpatient clinic, Sun City, Ari-
2 zona, \$2,295,000.

3 (12) For a primary care annex, Tampa, Flor-
4 ida, \$8,652,000.

5 **SEC. 104. AUTHORIZATION OF CONSTRUCTION OF MAJOR**
6 **MEDICAL FACILITY, OKALOOSA COUNTY,**
7 **FLORIDA.**

8 (a) AUTHORIZATION.—The Secretary of Veterans Af-
9 fairs shall carry out a major medical facility project to
10 construct a new medical facility of the Department of Vet-
11 erans Affairs in Okaloosa County, Florida, in an amount
12 not to exceed \$54,475,000.

13 (b) FACILITY LOCATION.—The facility authorized to
14 be constructed pursuant to subsection (a) shall be built
15 in accordance with option 2 of the report to Congress
16 dated June 26, 2007, required to be submitted under sec-
17 tion 823 of the Veterans Benefits, Health Care, and Infor-
18 mation Technology Act of 2006 (Public Law 109–461;
19 120 Stat. 3449).

20 (c) PLAN FOR SHARING OF INPATIENT AND OUT-
21 PATIENT SERVICES.—Not later than 180 days after the
22 date of the enactment of the Act, the Secretary of Vet-
23 erans Affairs shall submit to the Committees on Veterans’
24 Affairs of the Senate and House of Representatives a plan
25 that sets forth terms and conditions for the sharing of in-

1 patient and outpatient services at the medical facility au-
2 thorized to be constructed pursuant to subsection (a).

3 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) AUTHORIZATION OF APPROPRIATIONS FOR FIS-
5 CAL YEAR 2009 MAJOR MEDICAL FACILITY PROJECTS.—

6 There is authorized to be appropriated for the Secretary
7 of Veterans Affairs for fiscal year 2009 for the Construc-
8 tion, Major Projects, account—

9 (1) \$345,900,000 for the projects authorized in
10 section 101;

11 (2) \$1,694,295,000 for the increased amounts
12 authorized for projects whose authorizations are
13 modified by section 102; and

14 (3) \$54,475,000 for the project authorized in
15 section 104.

16 (b) AUTHORIZATION FOR APPROPRIATIONS FOR FIS-
17 CAL YEAR 2009 MAJOR MEDICAL FACILITY LEASES.—

18 There is authorized to be appropriated for the Secretary
19 of Veterans Affairs for fiscal year 2009 for the Medical
20 Facilities account, \$60,114,000, for the leases authorized
21 in section 103.

22 **SEC. 106. REPORT ON FACILITIES ADMINISTRATION.**

23 Not later than 60 days after the date of the enact-
24 ment of this Act, the Secretary of Veterans Affairs shall
25 submit to the Committees on Veterans' Affairs of the Sen-

1 ate and House of Representatives a report updating the
2 progress of the Secretary in complying with section 312A
3 of title 38, United States Code.

4 **SEC. 107. ANNUAL REPORT ON OUTPATIENT CLINICS.**

5 (a) ANNUAL REPORT REQUIRED.—Subchapter I of
6 chapter 81 of title 38, United States Code, is amended
7 by adding at the end the following new section:

8 **“§ 8119. Annual report on outpatient clinics**

9 “(a) ANNUAL REPORT REQUIRED.—The Secretary
10 shall submit to the committees an annual report on com-
11 munity-based outpatient clinics and other outpatient clin-
12 ics of the Department. The report shall be submitted each
13 year not later than the date on which the budget for the
14 next fiscal year is submitted to the Congress under section
15 1105 of title 31.

16 “(b) CONTENTS OF REPORT.—Each report required
17 under subsection (a) shall include the following:

18 “(1) A list of each community-based outpatient
19 clinic and other outpatient clinic of the Department,
20 and for each such clinic, the type of clinic, location,
21 size, number of health professionals employed by the
22 clinic, workload, whether the clinic is leased or con-
23 structed and operated by the Secretary, and the an-
24 nual cost of operating the clinic.

1 “(2) A list of community-based outpatient clin-
2 ics and other outpatient clinics that the Secretary
3 opened during the fiscal year preceding the fiscal
4 year during which the report is submitted and a list
5 of clinics the Secretary proposes opening during the
6 fiscal year during which the report is submitted and
7 the subsequent fiscal year, together with the cost of
8 activating each such clinic and the information re-
9 quired to be provided under paragraph (1) for each
10 such clinic and proposed clinic.

11 “(3) A list of proposed community-based out-
12 patient clinics and other outpatient clinics that are,
13 as of the date of the submission of the report, under
14 review by the National Review Panel and a list of
15 possible locations for future clinics identified in the
16 Department’s strategic planning process, including
17 any identified locations in rural and underserved
18 areas.

19 “(4) A prioritized list of sites of care identified
20 by the Secretary that the Secretary could establish
21 without carrying out construction or entering into a
22 lease, including—

23 “(A) any such sites that could be expanded
24 by hiring additional staff or allocating staff to

1 Federal facilities or facilities operating in col-
2 laboration with the Federal Government; and

3 “(B) any sites established, or able to be es-
4 tablished, under sections 8111 and 8153 of this
5 title.”.

6 (b) DEADLINE FOR FIRST ANNUAL REPORT.—The
7 Secretary of Veterans Affairs shall submit the first report
8 required under section 8119(a) of title 38, United States
9 Code, as added by subsection (a), by not later than 90
10 days after the date of the enactment of this Act.

11 (c) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by adding
13 at the end of the items relating to subchapter I the fol-
14 lowing new item:

“8119. Annual report on outpatient clinics.”.

15 **TITLE II—EXTENSION OF**
16 **CERTAIN AUTHORITIES**

17 **SEC. 201. REPEAL OF SUNSET ON INCLUSION OF NON-**
18 **INSTITUTIONAL EXTENDED CARE SERVICES**
19 **IN DEFINITION OF MEDICAL SERVICES.**

20 Section 1701 of title 38, United States Code, is
21 amended—

22 (1) by striking paragraph (10); and

23 (2) in paragraph (6)—

1 (A) by redesignating subparagraphs (E)
2 and (F) as subparagraphs (F) and (G), respec-
3 tively; and

4 (B) by inserting after subparagraph (D)
5 the following new subparagraph (E):

6 “(E) Noninstitutional extended care serv-
7 ices, including alternatives to institutional ex-
8 tended care that the Secretary may furnish di-
9 rectly, by contract, or through provision of case
10 management by another provider or payer.”.

11 **SEC. 202. EXTENSION OF RECOVERY AUDIT AUTHORITY.**

12 Section 1703(d)(4) of title 38, United States Code,
13 is amended by striking “September 30, 2008” and insert-
14 ing “September 30, 2013”.

15 **SEC. 203. PERMANENT AUTHORITY FOR PROVISION OF**
16 **HOSPITAL CARE, MEDICAL SERVICES, AND**
17 **NURSING HOME CARE TO VETERANS WHO**
18 **PARTICIPATED IN CERTAIN CHEMICAL AND**
19 **BIOLOGICAL TESTING CONDUCTED BY THE**
20 **DEPARTMENT OF DEFENSE.**

21 (a) PERMANENT AUTHORITY.—Subsection (e)(3) of
22 section 1710 of title 38, United States Code, is amended—

23 (1) in subparagraph (B), by inserting “and”
24 after the semicolon;

1 **SEC. 207. PERMANENT AUTHORITY TO ESTABLISH RE-**
2 **SEARCH CORPORATIONS.**

3 (a) REPEAL.—Title 38, United States Code, is
4 amended by striking section 7368.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of chapter 73 of such title is amended
7 by striking the item relating to section 7368.

8 **SEC. 208. EXTENSION OF CERTAIN VETERANS HOME LOAN**
9 **GUARANTY PROGRAMS.**

10 (a) EXTENSION OF DEMONSTRATION PROJECT ON
11 ADJUSTABLE RATE MORTGAGES.—Section 3707(a) of
12 title 38, United States Code, is amended by striking
13 “2008” and inserting “2012”.

14 (b) EXTENSION OF DEMONSTRATION PROJECT ON
15 HYBRID ADJUSTABLE RATE MORTGAGES.—Section
16 3707A(a) of such title is amended by striking “2008” and
17 inserting “2012”.

18 **SEC. 209. EXTENSION OF REQUIREMENT TO SUBMIT AN-**
19 **NUAL REPORT ON THE SPECIAL COMMITTEE**
20 **ON POST-TRAUMATIC-STRESS DISORDER.**

21 Section 110(e)(2) of the Veterans’ Health Care Act
22 of 1984 (38 U.S.C. 1712A note; Public Law 98–528) is
23 amended by striking “through 2008” and inserting
24 “through 2012”.

1 **SEC. 210. EXTENSION OF REQUIREMENT TO SUBMIT AN-**
2 **NUAL REPORT ON THE COMMITTEE ON CARE**
3 **OF SEVERELY CHRONICALLY MENTALLY ILL**
4 **VETERANS.**

5 Section 7321(d)(2) of title 38, United States Code,
6 is amended by striking “through 2008” and inserting
7 “through 2012”.

8 **SEC. 211. PERMANENT REQUIREMENT FOR BIENNIAL RE-**
9 **PORT ON WOMEN’S ADVISORY COMMITTEE.**

10 Section 542(c)(1) of title 38, United States Code, is
11 amended by striking “through 2008”.

12 **SEC. 212. PERMANENT AUTHORITY FOR ADVISORY COM-**
13 **MITTEE ON MINORITY VETERANS.**

14 Section 544 of title 38, United States Code, is
15 amended by striking subsection (e).

16 **SEC. 213. EXTENSION OF TEMPORARY INCREASE IN MAX-**
17 **IMUM LOAN GUARANTY AMOUNT FOR CER-**
18 **TAIN HOUSING LOANS GUARANTEED BY THE**
19 **SECRETARY OF VETERANS AFFAIRS.**

20 Section 2201 of the Housing and Economic Recovery
21 Act of 2008 (Public Law 110–289) is amended by striking
22 “December 31, 2008” and inserting “December 31,
23 2011”.

1 **TITLE III—OTHER MATTERS**

2 **SEC. 301. INCREASE IN CAP OF NUMBER OF VETERANS**
3 **PARTICIPATING IN INDEPENDENT LIVING**
4 **PROGRAM.**

5 Section 3120(e) of title 38, United States Code, is
6 amended by striking “2,500 veterans” and inserting
7 “2,600 veterans”.

8 **SEC. 302. ENHANCEMENT OF REFINANCING OF HOME**
9 **LOANS BY VETERANS.**

10 (a) INCLUSION OF REFINANCING LOANS AMONG
11 LOANS SUBJECT TO GUARANTY MAXIMUM.—Section
12 3703(a)(1)(A)(i)(IV) of title 38, United States Code, is
13 amended by inserting “(5),” after “(3),”.

14 (b) INCREASE IN MAXIMUM PERCENTAGE OF LOAN
15 TO-VALUE OF REFINANCING LOANS SUBJECT TO GUAR-
16 ANTY.—Section 3710(b)(8) of such title is amended by
17 striking “90 percent” and inserting “100 percent”.

18 **SEC. 303. TECHNICAL AMENDMENTS.**

19 (a) TITLE 38.—Title 38, United States Code, is
20 amended—

21 (1) in section 1712A—

22 (A) by striking subsection (g);

23 (B) by redesignating subsections (d)
24 through (i) as subsections (e) through (f), re-
25 spectively; and

1 (C) in subsection (f), as so redesignated,
2 by striking “(including a Resource Center des-
3 ignated under subsection (h)(3)(A) of this sec-
4 tion)”;

5 (2) in section 2065(b)(3)(C), by striking “(”;

6 (3) in the table of sections at the beginning of
7 chapter 36, by striking the item relating to section
8 3684A and inserting the following new item:

“3684A. Procedures relating to computer matching program.”;

9 (4) in section 4110(c)(1), by striking “15” and
10 inserting “16”;

11 (5) in the table of sections at the beginning of
12 chapter 51, by striking the item relating to section
13 5121 and inserting the following new item:

“5121. Payment of certain accrued benefits upon death of a beneficiary.”;

14 (6) in section 7458(b)(2), by striking “pro
15 rated” and inserting “pro-rated”;

16 (7) in section 8117(a)(1), by striking “such
17 such” and inserting “such”; and

18 (8) in each of sections 1708(d), 7314(f),
19 7320(j)(2), 7325(i)(2), and 7328(i)(2), by striking
20 “medical care account” and inserting “medical serv-
21 ices account”.

22 (b) VETERANS BENEFITS, HEALTH CARE, AND IN-
23 FORMATION TECHNOLOGY ACT OF 2006.—Section 807(e)
24 of the Veterans Benefits, Health Care, and Information

1 Technology Act of 2006 (Public Law 109–461) is amend-
2 ed by striking “Medical Care” each place it appears and
3 inserting “Medical Facilities”.

○