

***In the Senate of the United States,***

*October 9, 2004.*

*Resolved*, That the bill from the House of Representatives (H.R. 3936) entitled “An Act to amend title 38, United States Code, to authorize the principal office of the United States Court of Appeals for Veterans Claims to be at any location in the Washington, D.C., metropolitan area, rather than only in the District of Columbia, and expressing the sense of Congress that a dedicated Veterans Courthouse and Justice Center should be provided for that Court and those it serves and should be located, if feasible, at a site owned by the United States that is part of or proximate to the Pentagon Reservation, and for other purposes.”, do pass with the following

**AMENDMENTS:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

2       (a) *SHORT TITLE.*—*This Act may be cited as the “Vet-*

3 *erans Health Programs Improvement Act of 2004”.*

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

- Sec. 1. Short title; table of contents.*  
*Sec. 2. Reference to title 38, United States Code.*

**TITLE I—ASSISTANCE TO HOMELESS VETERANS**

- Sec. 101. Authorization of appropriations.*

**TITLE II—VETERANS LONG-TERM CARE PROGRAMS**

- Sec. 201. Assistance for hiring and retention of nurses at State veterans' homes.*  
*Sec. 202. Treatment of Department of Veterans Affairs per diem payments to State homes for veterans.*  
*Sec. 203. Extension of authority to provide care under long-term care pilot programs.*  
*Sec. 204. Prohibition on collection of copayments for hospice care.*

**TITLE III—MEDICAL CARE**

- Sec. 301. Sexual trauma counseling program.*  
*Sec. 302. Centers for research, education, and clinical activities on complex multi-trauma associated with combat injuries.*  
*Sec. 303. Enhancement of medical preparedness of Department of Veterans Affairs.*

**TITLE IV—MEDICAL FACILITIES MANAGEMENT AND ADMINISTRATION**

*Subtitle A—Major Medical Facility Leases*

- Sec. 401. Major medical facility leases.*  
*Sec. 402. Authorization of appropriations.*  
*Sec. 403. Authority for long-term lease of certain lands of University of Colorado.*

*Subtitle B—Facilities Management*

- Sec. 411. Department of Veterans Affairs Capital Asset Fund.*  
*Sec. 412. Annual report to Congress on inventory of Department of Veterans Affairs historic properties.*  
*Sec. 413. Authority to acquire and transfer real property for use for homeless veterans.*  
*Sec. 414. Limitation on implementation of mission changes for specified Veterans Health Administration facilities.*  
*Sec. 415. Authority to use project funds to construct or relocate surface parking incidental to a construction or nonrecurring maintenance project.*  
*Sec. 416. Inapplicability of limitation on use of advance planning funds to authorized major medical facility projects.*  
*Sec. 417. Improvements to enhanced-use lease authority.*  
*Sec. 418. First option for Commonwealth of Kentucky on Department of Veterans Affairs Medical Center, Louisville, Kentucky.*  
*Sec. 419. Transfer of jurisdiction, General Services Administration property, Boise, Idaho.*

*Subtitle C—Designation of Facilities*

- Sec. 421. Thomas E. Creek Department of Veterans Affairs Medical Center.*  
*Sec. 422. James J. Peters Department of Veterans Affairs Medical Center.*  
*Sec. 423. Bob Michel Department of Veterans Affairs Outpatient Clinic.*  
*Sec. 424. Charles Wilson Department of Veterans Affairs Outpatient Clinic.*  
*Sec. 425. Thomas P. Noonan, Jr. Department of Veterans Affairs Outpatient Clinic.*

*TITLE V—PERSONNEL ADMINISTRATION*

- Sec. 501. Pilot program to study innovative recruitment tools to address nursing shortages at Department of Veterans Affairs health care facilities.*  
*Sec. 502. Technical correction to listing of certain hybrid positions in Veterans Health Administration.*  
*Sec. 503. Under Secretary for Health.*

*TITLE VI—OTHER MATTERS*

- Sec. 601. Extension and codification of authority for recovery audits.*  
*Sec. 602. Inventory of medical waste management activities at Department of Veterans Affairs health care facilities.*  
*Sec. 603. Inclusion of all enrolled veterans among persons eligible to use canteens operated by Veterans' Canteen Service.*  
*Sec. 604. Annual reports on waiting times for appointments for specialty care.*  
*Sec. 605. Technical clarification.*

**1 SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.**

*2 Except as otherwise expressly provided, whenever in*  
*3 this Act an amendment or repeal is expressed in terms of*  
*4 an amendment to, or repeal of, a section or other provision,*  
*5 the reference shall be considered to be made to a section or*  
*6 other provision of title 38, United States Code.*

**7 TITLE I—ASSISTANCE TO**  
**8 HOMELESS VETERANS**

**9 SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

**10 Section 2013 is amended in paragraph (4) by striking**  
**11 “\$75,000,000” and inserting “\$99,000,000”.**

1 **TITLE II—VETERANS LONG-TERM**  
2 **CARE PROGRAMS**

3 **SEC. 201. ASSISTANCE FOR HIRING AND RETENTION OF**  
4 **NURSES AT STATE VETERANS' HOMES.**

5 (a) *IN GENERAL.*—(1) Chapter 17 is amended by in-  
6 serting after section 1743 the following new section:

7 **“§ 1744. Hiring and retention of nurses: payments to**  
8 **assist States**

9 “(a) *PAYMENT PROGRAM.*—The Secretary shall make  
10 payments to States under this section for the purpose of  
11 assisting State homes in the hiring and retention of nurses  
12 and the reduction of nursing shortages at State homes.

13 “(b) *ELIGIBLE RECIPIENTS.*—Payments to a State for  
14 a fiscal year under this section shall, subject to submission  
15 of an application, be made to any State that during that  
16 fiscal year—

17 “(1) receives per diem payments under this sub-  
18 chapter for that fiscal year; and

19 “(2) has in effect an employee incentive scholar-  
20 ship program or other employee incentive program at  
21 a State home designed to promote the hiring and re-  
22 tention of nursing staff and to reduce nursing short-  
23 ages at that home.

24 “(c) *USE OF FUNDS RECEIVED.*—A State may use an  
25 amount received under this section only to provide funds

1 *for a program described in subsection (b)(2). Any program*  
2 *shall meet such criteria as the Secretary may prescribe. In*  
3 *prescribing such criteria, the Secretary shall take into con-*  
4 *sideration the need for flexibility and innovation.*

5       “(d) *LIMITATIONS ON AMOUNT OF PAYMENT.—(1) A*  
6 *payment under this section may not be used to provide*  
7 *more than 50 percent of the costs for a fiscal year of the*  
8 *employee incentive scholarship or other employee incentive*  
9 *program for which the payment is made.*

10       “(2) *The amount of the payment to a State under this*  
11 *section for any fiscal year is, for each State home in that*  
12 *State with a program described in subsection (b)(2), the*  
13 *amount equal to 2 percent of the amount of payments esti-*  
14 *mated to be made to that State, for that State home, under*  
15 *section 1741 of this title for that fiscal year.*

16       “(e) *APPLICATIONS.—A payment under this section for*  
17 *any fiscal year with respect to any State home may only*  
18 *be made based upon an application submitted by the State*  
19 *seeking the payment with respect to that State home. Any*  
20 *such application shall describe the nursing shortage at the*  
21 *State home and the employee incentive scholarship program*  
22 *or other employee incentive program described in subsection*  
23 *(c) for which the payment is sought.*

1       “(f) *SOURCE OF FUNDS.*—*Payments under this section*  
2 *shall be made from funds available for other payments*  
3 *under this subchapter.*

4       “(g) *DISBURSEMENT.*—*Payments under this section to*  
5 *a State home shall be made as part of the disbursement*  
6 *of payments under section 1741 of this title with respect*  
7 *to that State home.*

8       “(h) *USE OF CERTAIN RECEIPTS.*—*The Secretary*  
9 *shall require as a condition of any payment under this sec-*  
10 *tion that, in any case in which the State home receives a*  
11 *refund payment made by an employee in breach of the*  
12 *terms of an agreement for employee assistance that used*  
13 *funds provided under this section, the payment shall be re-*  
14 *turned to the State home’s incentive program account and*  
15 *credited as a non-Federal funding source.*

16       “(i) *ANNUAL REPORT FROM PAYMENT RECIPIENTS.*—  
17 *Any State home receiving a payment under this section for*  
18 *any fiscal year, shall, as a condition of the payment, be*  
19 *required to agree to provide to the Secretary a report setting*  
20 *forth in detail the use of funds received through the pay-*  
21 *ment, including a descriptive analysis of how effective the*  
22 *incentive program has been on nurse staffing in the State*  
23 *home during that fiscal year. The report for any fiscal year*  
24 *shall be provided to the Secretary within 60 days of the*  
25 *close of the fiscal year and shall be subject to audit by the*

1 *Secretary. Eligibility for a payment under this section for*  
 2 *any later fiscal year is contingent upon the receipt by the*  
 3 *Secretary of the annual report under this subsection for the*  
 4 *previous fiscal year in accordance with this subsection.*

5 “(j) *REGULATIONS.—The Secretary shall prescribe reg-*  
 6 *ulations to carry out this section. The regulations shall in-*  
 7 *clude the establishment of criteria for the award of pay-*  
 8 *ments under this section.”.*

9 (2) *The table of sections at the beginning of such chap-*  
 10 *ter is amended by inserting after section 1743 the following*  
 11 *new item:*

“1744. *Hiring and retention of nurses: payments to assist States.”.*

12 (b) *IMPLEMENTATION.—The Secretary of Veterans Af-*  
 13 *airs shall implement section 1744 of title 38, United States*  
 14 *Code, as added by subsection (a), as expeditiously as pos-*  
 15 *sible. The Secretary shall establish such interim procedures*  
 16 *as necessary so as to ensure that payments are made to*  
 17 *eligible States under that section commencing not later than*  
 18 *June 1, 2005, notwithstanding that regulations under sub-*  
 19 *section (j) of that section may not have become final.*

20 **SEC. 202. TREATMENT OF DEPARTMENT OF VETERANS AF-**  
 21 **FAIRS PER DIEM PAYMENTS TO STATE HOMES**  
 22 **FOR VETERANS.**

23 *Section 1741 is amended by adding at the end the fol-*  
 24 *lowing new subsection:*



1 **SEC. 204. PROHIBITION ON COLLECTION OF COPAYMENTS**  
2 **FOR HOSPICE CARE.**

3 *Section 1710B(c)(2) is amended—*

4 *(1) by striking “or” at the end of subparagraph*  
5 *(A);*

6 *(2) by redesignating subparagraph (B) as sub-*  
7 *paragraph (C); and*

8 *(3) by inserting after subparagraph (A) the fol-*  
9 *lowing new subparagraph (B):*

10 *“(B) to a veteran being furnished hospice care*  
11 *under this section; or”.*

12 **TITLE III—MEDICAL CARE**

13 **SEC. 301. SEXUAL TRAUMA COUNSELING PROGRAM.**

14 *(a) PERMANENT AUTHORITY FOR PROGRAM.—Section*  
15 *1720D(a) is amended—*

16 *(1) in paragraph (1), by striking “During the*  
17 *period through December 31, 2004, the” and inserting*  
18 *“The”; and*

19 *(2) in paragraph (2), by striking “, during the*  
20 *period through December 31, 2004,”.*

21 *(b) EXTENSION TO COVER ACTIVE DUTY FOR TRAIN-*  
22 *ING.—Such section is further amended by inserting “or ac-*  
23 *tive duty for training” in paragraph (1) before the period*  
24 *at the end.*

1 **SEC. 302. CENTERS FOR RESEARCH, EDUCATION, AND CLIN-**  
 2 **ICAL ACTIVITIES ON COMPLEX MULTI-TRAU-**  
 3 **MA ASSOCIATED WITH COMBAT INJURIES.**

4 (a) *IN GENERAL.*—(1) *Subchapter II of chapter 73 of*  
 5 *title 38, United States Code, is amended by adding at the*  
 6 *end the following new section:*

7 **“§ 7327. Centers for research, education, and clinical**  
 8 **activities on complex multi-trauma associ-**  
 9 **ated with combat injuries**

10 *“(a) PURPOSE.—The purpose of this section is to pro-*  
 11 *vide for the improvement of the provision of health care*  
 12 *services and related rehabilitation and education services*  
 13 *to eligible veterans suffering from complex multi-trauma as-*  
 14 *sociated with combat injuries through—*

15 *“(1) the development of improved models and*  
 16 *systems for the furnishing by the Department of*  
 17 *health care, rehabilitation, and education services to*  
 18 *veterans;*

19 *“(2) the conduct of research to support the provi-*  
 20 *sion of such services in accordance with the most cur-*  
 21 *rent evidence on multi-trauma injuries; and*

22 *“(3) the education and training of health care*  
 23 *personnel of the Department with respect to the provi-*  
 24 *sion of such services.*

25 *“(b) DESIGNATION OF CENTERS.—(1) The Secretary*  
 26 *shall designate an appropriate number of cooperative cen-*

1 *ters for clinical care, consultation, research, and education*  
2 *activities on combat injuries.*

3 “(2) *Each center designated under paragraph (1) shall*  
4 *function as a center for—*

5 “(A) *research on the long-term effects of injuries*  
6 *sustained as a result of combat in order to support*  
7 *the provision of services for such injuries in accord-*  
8 *ance with the most current evidence on complex*  
9 *multi-trauma;*

10 “(B) *the development of rehabilitation meth-*  
11 *odologies for treating individuals with complex multi-*  
12 *trauma; and*

13 “(C) *the continuous and consistent coordination*  
14 *of care from the point of referral throughout the reha-*  
15 *ilitation process and ongoing follow-up after return*  
16 *to home and community.*

17 “(3) *The Secretary shall designate one of the centers*  
18 *designated under paragraph (1) as the lead center for ac-*  
19 *tivities referred to in that paragraph. As the lead center*  
20 *for such activities, such center shall—*

21 “(A) *develop and provide periodic review of re-*  
22 *search priorities, and implement protocols, to ensure*  
23 *that projects contribute to the activities of the centers*  
24 *designated under paragraph (1);*

1           “(B) oversee the coordination of the professional  
2           and technical activities of such centers to ensure the  
3           quality and validity of the methodologies and statis-  
4           tical services for research project leaders;

5           “(C) develop and ensure the deployment of an ef-  
6           ficient and cost-effective data management system for  
7           such centers;

8           “(D) develop and distribute educational mate-  
9           rials and products to enhance the evaluation and care  
10          of individuals with combat injuries by medical care  
11          providers of the Department who are not specialized  
12          in the assessment and care of complex multi-trauma;

13          “(E) develop educational materials for individ-  
14          uals suffering from combat injuries and for their fam-  
15          ilies; and

16          “(F) serve as a resource for the clinical and re-  
17          search infrastructure of such centers by disseminating  
18          clinical outcomes and research findings to improve  
19          clinical practice.

20          “(4) The Secretary shall designate centers under para-  
21          graph (1) upon the recommendation of the Under Secretary  
22          for Health.

23          “(5) The Secretary may designate a center under para-  
24          graph (1) only if the center meets the requirements of sub-  
25          section (c).

1       “(c) *REQUIREMENTS FOR CENTERS.*—*To be designated*  
2 *as a center under this section, a facility shall—*

3               “(1) *be a regional lead center for the care of*  
4 *traumatic brain injury;*

5               “(2) *be located at a tertiary care medical center*  
6 *and have on-site availability of primary and sub-*  
7 *specialty medical services relating to complex multi-*  
8 *trauma;*

9               “(3) *have, or have the capacity to develop, the*  
10 *capability of managing impairments associated with*  
11 *combat injuries;*

12               “(4) *be affiliated with a school of medicine;*

13               “(5) *have, or have experience with, participation*  
14 *in clinical research trials;*

15               “(6) *provide amputation care and rehabilitation;*

16               “(7) *have pain management programs;*

17               “(8) *provide comprehensive brain injury reha-*  
18 *bilitation; and*

19               “(9) *provide comprehensive general rehabilita-*  
20 *tion.*

21       “(d) *ADDITIONAL RESOURCES.*—*The Secretary shall*  
22 *provide each center designated under this section such re-*  
23 *sources as the Secretary determines to be required by such*  
24 *center to achieve adequate capability of managing individ-*  
25 *uals with complex multi-trauma, including—*

1           “(1) *the upgrading of blind rehabilitation serv-*  
2           *ices by employing or securing the services of blind re-*  
3           *habilitation specialists;*

4           “(2) *employing or securing the services of occu-*  
5           *pational therapists with blind rehabilitation training;*

6           “(3) *employing or securing the services of addi-*  
7           *tional mental health services providers; and*

8           “(4) *employing or securing additional rehabili-*  
9           *tation nursing staff to meet care needs.*

10          “(e) *COOPERATION WITH DEPARTMENT OF DE-*  
11          *FENSE.—(1) The Secretary of Veterans Affairs may assist*  
12          *the Secretary of Defense in the care of members of the*  
13          *Armed Forces with complex multi-trauma at military*  
14          *treatment facilities by—*

15               “(A) *making available, in a manner that the*  
16               *Secretary of Veterans Affairs considers appropriate,*  
17               *certified rehabilitation registered nurses of the De-*  
18               *partment of Veterans Affairs to such facilities to as-*  
19               *sess and coordinate the care of such members; and*

20               “(B) *making available, in a manner that the*  
21               *Secretary of Veterans Affairs considers appropriate,*  
22               *blind rehabilitation specialists of the Department of*  
23               *Veterans Affairs to such facilities to consult with the*  
24               *medical staff of such facilities on the special needs of*

1        *such members who have visual impairment as a con-*  
2        *sequence of combat injury.*

3        “(2) *Assistance shall be provided under this subsection*  
4        *through agreements for the sharing of health-care resources*  
5        *under section 8111 of this title.*

6        “(f) *AWARD OF FUNDING.—Centers designated under*  
7        *this section may compete for the award of funding from*  
8        *amounts appropriated for the Department for medical and*  
9        *prosthetics research.*

10       “(g) *DISSEMINATION OF INFORMATION.—(1) The*  
11       *Under Secretary for Health shall ensure that information*  
12       *produced by the centers designated under this section that*  
13       *may be useful for other activities of the Veterans Health*  
14       *Administration is disseminated throughout the Administra-*  
15       *tion.*

16       “(2) *Information shall be disseminated under this sub-*  
17       *section through publications, through programs of con-*  
18       *tinuing medical and related education provided through re-*  
19       *gional medical education centers under subchapter VI of*  
20       *chapter 74 of this title, and through other means.*

21       “(h) *NATIONAL OVERSIGHT.—The Under Secretary for*  
22       *Health shall designate an appropriate officer to oversee the*  
23       *operation of the centers designated under this section and*  
24       *provide for periodic evaluation of the centers.*



1 *not later than 120 days after the date of the enactment of*  
2 *this Act.*

3       (c) *ANNUAL REPORTS.*—(1) *Not later than eighteen*  
4 *months after the date of the designation of centers for re-*  
5 *search, education, and clinical activities on complex multi-*  
6 *trauma associated with combat injuries required by section*  
7 *7327 of title 38, United States Code (as so added), and an-*  
8 *nually thereafter through 2008, the Secretary shall submit*  
9 *to the Committees on Veterans' Affairs of the Senate and*  
10 *House of Representatives a report on the status and activi-*  
11 *ties of such centers during the one-year period beginning*  
12 *on the date of such designation, for the first such report,*  
13 *and for successive one-year periods, for subsequent reports.*

14       (2) *Each such report shall include, for the period cov-*  
15 *ered by such report, the following:*

16           (A) *A description of the activities carried out at*  
17 *each center, and the funding provided for such activi-*  
18 *ties.*

19           (B) *A description of any advances made in the*  
20 *participating programs of each center in research,*  
21 *education, training, and clinical activities on com-*  
22 *plex multi-trauma associated with combat injuries.*

23           (C) *A description of the actions taken by the*  
24 *Under Secretary for Health pursuant to subsection*  
25 *(g) of that section (as so added) to disseminate*

1       *throughout the Veterans Health Administration infor-*  
2       *mation derived from such activities.*

3   **SEC. 303. ENHANCEMENT OF MEDICAL PREPAREDNESS OF**  
4                           **DEPARTMENT OF VETERANS AFFAIRS.**

5       *(a) PEER REVIEW PANEL.—In order to assist the Sec-*  
6       *retary of Veterans Affairs in selecting facilities of the De-*  
7       *partment of Veterans Affairs to serve as sites for centers*  
8       *under section 7328 of title 38, United States Code, as added*  
9       *by subsection (c), the Secretary shall establish a peer review*  
10       *panel to assess the scientific and clinical merit of proposals*  
11       *that are submitted to the Secretary for the selection of such*  
12       *facilities. The panel shall be established not later than 90*  
13       *days after the date of the enactment of this Act and shall*  
14       *include experts in the fields of toxicological research, infec-*  
15       *tious diseases, radiology, clinical care of veterans exposed*  
16       *to such hazards, and other persons as determined appro-*  
17       *priate by the Secretary. Members of the panel shall serve*  
18       *as consultants to the Department of Veterans Affairs.*  
19       *Amounts available to the Secretary for Medical Care may*  
20       *be used for purposes of carrying out this subsection. The*  
21       *panel shall not be subject to the Federal Advisory Com-*  
22       *mittee Act (5 U.S.C. App.).*

23       *(b) PROPOSALS.—The Secretary shall solicit proposals*  
24       *for designation of facilities as described in subsection (a).*  
25       *The announcement of the solicitation of such proposals shall*

1 *be issued not later than 60 days after the date of the enact-*  
 2 *ment of this Act, and the deadline for the submission of*  
 3 *proposals in response to such solicitation shall be not later*  
 4 *than 90 days after the date of such announcement. The peer*  
 5 *review panel established under subsection (a) shall complete*  
 6 *its review of the proposals and submit its recommendations*  
 7 *to the Secretary not later than 60 days after the date of*  
 8 *the deadline for the submission of proposals. The Secretary*  
 9 *shall then select the four sites for the location of such centers*  
 10 *not later than 45 days after the date on which the peer*  
 11 *review panel submits its recommendations to the Secretary.*

12 (c) *REVISED SECTION.—(1) Subchapter II of chapter*  
 13 *73 is amended by inserting after section 7327, as added*  
 14 *by section 302(a)(1) of this Act, a new section with—*

15 (A) *a heading as follows:*

16 **“§ 7328. Medical preparedness centers”**; and

17 (B) *a text consisting of the text of subsections (a)*  
 18 *through (h) of section 7325 of title 38, United States*  
 19 *Code, and a subsection (i) at the end as follows:*

20 *“(i) FUNDING.—(1) There are authorized to be appro-*  
 21 *priated for the centers under this section \$10,000,000 for*  
 22 *each of fiscal years 2005 through 2007.*

23 *“(2) In addition to any amounts appropriated for a*  
 24 *fiscal year specifically for the activities of the centers pursu-*  
 25 *ant to paragraph (1), the Under Secretary for Health shall*

1 *allocate to the centers from other funds appropriated for*  
 2 *that fiscal year generally for the Department medical care*  
 3 *account and the Department medical and prosthetic re-*  
 4 *search account such amounts as the Under Secretary deter-*  
 5 *mines necessary in order to carry out the purposes of this*  
 6 *section.”.*

7       (2) *The table of sections at the beginning of chapter*  
 8 *73 is amended by inserting after the item relating to section*  
 9 *7327, as added by section 302(a)(2) of this Act, the fol-*  
 10 *lowing new item:*

“7328. *Medical preparedness centers.*”.

11 ***TITLE IV—MEDICAL FACILITIES***  
 12 ***MANAGEMENT AND ADMINIS-***  
 13 ***TRATION***  
 14 ***Subtitle A—Major Medical Facility***  
 15 ***Leases***

16 ***SEC. 401. MAJOR MEDICAL FACILITY LEASES.***

17       *The Secretary of Veterans Affairs may enter into con-*  
 18 *tracts for major medical facility leases at the following loca-*  
 19 *tions, in an amount for each facility lease not to exceed*  
 20 *the amount shown for that location:*

21           (1) *Wilmington, North Carolina, Outpatient*  
 22 *Clinic, \$1,320,000.*

23           (2) *Greenville, North Carolina, Outpatient Clin-*  
 24 *ic, \$1,220,000.*

1           (3) *Norfolk, Virginia, Outpatient Clinic,*  
2           *\$1,250,000.*

3           (4) *Summerfield, Florida, Marion County Out-*  
4           *patient Clinic, \$1,230,000.*

5           (5) *Knoxville, Tennessee, Outpatient Clinic,*  
6           *\$850,000.*

7           (6) *Toledo, Ohio, Outpatient Clinic, \$1,200,000.*

8           (7) *Crown Point, Indiana, Outpatient Clinic,*  
9           *\$850,000.*

10          (8) *Fort Worth, Texas, Tarrant County Out-*  
11          *patient Clinic, \$3,900,000.*

12          (9) *Plano, Texas, Collin County Outpatient*  
13          *Clinic, \$3,300,000.*

14          (10) *San Antonio, Texas, Northeast Central*  
15          *Bexar County Outpatient Clinic, \$1,400,000.*

16          (11) *Corpus Christi, Texas, Outpatient Clinic,*  
17          *\$1,200,000.*

18          (12) *Harlingen, Texas, Outpatient Clinic,*  
19          *\$650,000.*

20          (13) *Denver, Colorado, Health Administration*  
21          *Center, \$1,950,000.*

22          (14) *Oakland, California, Outpatient Clinic,*  
23          *\$1,700,000.*

24          (15) *San Diego, California, North County Out-*  
25          *patient Clinic, \$1,300,000.*

1           (16) *San Diego, California, South County Out-*  
 2           *patient Clinic, \$1,100,000.*

3 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

4           *There is authorized to be appropriated to the Secretary*  
 5 *of Veterans Affairs for fiscal year 2005 for the Medical Care*  
 6 *account, \$24,420,000 for the leases authorized in section*  
 7 *401.*

8 **SEC. 403. AUTHORITY FOR LONG-TERM LEASE OF CERTAIN**  
 9                                   **LANDS OF UNIVERSITY OF COLORADO.**

10           *Notwithstanding section 8103 of title 38, United States*  
 11 *Code, the Secretary of Veterans Affairs may enter into a*  
 12 *lease for real property located at the Fitzsimmons Campus*  
 13 *of the University of Colorado for purposes of a medical fa-*  
 14 *cility (as that term is defined in section 8101 of title 38,*  
 15 *United States Code) for a period of up to 75 years.*

16 ***Subtitle B—Facilities Management***

17 **SEC. 411. DEPARTMENT OF VETERANS AFFAIRS CAPITAL**  
 18                                   **ASSET FUND.**

19           *(a) ESTABLISHMENT OF FUND.—(1) Subchapter I of*  
 20 *chapter 81 is amended by adding at the end the following*  
 21 *new section:*

1 **“§8118. Authority for transfer of real property; De-**  
2 **partment of Veterans Affairs Capital**  
3 **Asset Fund**

4 “(a)(1) *The Secretary may transfer real property*  
5 *under the jurisdiction or control of the Secretary (including*  
6 *structures and equipment associated therewith) to another*  
7 *department or agency of the United States, to a State (or*  
8 *a political subdivision of a State), or to any public or pri-*  
9 *vate entity, including an Indian tribe. Such a transfer may*  
10 *be made only if the Secretary receives compensation of not*  
11 *less than the fair market value of the property, except that*  
12 *no compensation is required, or compensation at less than*  
13 *fair market value may be accepted, in the case of a transfer*  
14 *to a grant and per diem provider (as defined in section*  
15 *2002 of this title). When a transfer is made to a grant and*  
16 *per diem provider for less than fair market value, the Sec-*  
17 *retary shall require in the terms of the conveyance that if*  
18 *the property transferred is used for any purpose other than*  
19 *a purpose under chapter 20 of this title, all right, title, and*  
20 *interest to the property shall revert to the United States.*

21 “(2) *The Secretary may exercise the authority pro-*  
22 *vided by this section notwithstanding sections 521, 522, and*  
23 *541 through 545 of title 40. Any such transfer shall be in*  
24 *accordance with this section and section 8122 of this title.*

25 “(3) *The authority provided by this section may not*  
26 *be used in a case to which section 8164 of this title applies.*

1       “(4) *The Secretary may enter into partnerships or*  
2 *agreements with public or private entities dedicated to his-*  
3 *toric preservation to facilitate the transfer, leasing, or*  
4 *adaptive use of structures or properties specified in sub-*  
5 *section (b)(3)(D).*

6       “(5) *The authority of the Secretary under paragraph*  
7 *(1) expires on the date that is seven years after the date*  
8 *of the enactment of this section.*

9       “(b)(1) *There is established in the Treasury of the*  
10 *United States a revolving fund to be known as the Depart-*  
11 *ment of Veterans Affairs Capital Asset Fund (hereinafter*  
12 *in this section referred to as the ‘Fund’). Amounts in the*  
13 *Fund shall remain available until expended.*

14       “(2) *Proceeds from the transfer of real property under*  
15 *this section shall be deposited into the Fund.*

16       “(3) *To the extent provided in advance in appropria-*  
17 *tions Acts, amounts in the Fund may be expended for the*  
18 *following purposes:*

19               “(A) *Costs associated with the transfer of real*  
20 *property under this section, including costs of demoli-*  
21 *tion, environmental remediation, maintenance and*  
22 *repair, improvements to facilitate the transfer, and*  
23 *administrative expenses.*

1           “(B) Costs, including costs specified in subpara-  
2           graph (A), associated with future transfers of prop-  
3           erty under this section.

4           “(C) Costs associated with enhancing medical  
5           care services to veterans by improving, renovating, re-  
6           placing, updating, or establishing patient care facili-  
7           ties through construction projects to be carried out for  
8           an amount less than the amount specified in  
9           8104(a)(3)(A) for a major medical facility project.

10           “(D) Costs, including costs specified in subpara-  
11           graph (A), associated with the transfer, lease, or  
12           adaptive use of a structure or other property under  
13           the jurisdiction of the Secretary that is listed on the  
14           National Register of Historic Places.

15           “(c) The Secretary shall include in the budget justifica-  
16           tion materials submitted to Congress for any fiscal year in  
17           support of the President’s budget for that fiscal year for the  
18           Department specification of the following:

19           “(1) The real property transfers to be undertaken  
20           in accordance with this section during that fiscal  
21           year.

22           “(2) All transfers completed under this section  
23           during the preceding fiscal year and completed and  
24           scheduled to be completed during the fiscal year dur-  
25           ing which the budget is submitted.

1           “(3) *The deposits into, and expenditures from,*  
 2           *the Fund that are incurred or projected for each of the*  
 3           *preceding fiscal year, the current fiscal year, and the*  
 4           *fiscal year covered by the budget.*”.

5           (2) *The table of sections at the beginning of such chap-*  
 6           *ter is amended by inserting after the item relating to section*  
 7           *8117 the following new item:*

*“8118. Authority for transfer of real property; Department of Veterans Affairs  
 Capital Asset Fund.”.*

8           (b) *INITIAL AUTHORIZATION OF APPROPRIATIONS.—*  
 9           *There is authorized to be appropriated to the Department*  
 10           *of Veterans Affairs Capital Asset Fund established under*  
 11           *section 8118 of title 38, United States Code (as added by*  
 12           *subsection (a)), the amount of \$10,000,000.*

13           (c) *TERMINATION OF NURSING HOME REVOLVING*  
 14           *FUND.—(1) Section 8116 is repealed.*

15           (2) *The table of sections at the beginning of chapter*  
 16           *81 is amended by striking the item relating to section 8116.*

17           (d) *TRANSFER OF UNOBLIGATED BALANCES TO CAP-*  
 18           *ITAL ASSET FUND.—Any unobligated balances in the nurs-*  
 19           *ing home revolving fund under section 8116 of title 38,*  
 20           *United States Code, as of the date of the enactment of this*  
 21           *Act shall be deposited in the Department of Veterans Affairs*  
 22           *Capital Asset Fund established under section 8118 of title*  
 23           *38, United States Code (as added by subsection (a)).*

1       (e) *PROCEDURES APPLICABLE TO TRANSFERS.*—(1)  
2 *Paragraph (2) of section 8122(a) is amended to read as*  
3 *follows:*

4       “(2) *Except as provided in paragraph (3), the Sec-*  
5 *retary may not during any fiscal year transfer to any other*  
6 *department or agency of the United States or to any other*  
7 *entity real property that is owned by the United States and*  
8 *administered by the Secretary unless the proposed transfer*  
9 *is described in the budget submitted to Congress pursuant*  
10 *to section 1105 of title 31 for that fiscal year.”.*

11       (2) *Section 8122(d) is amended—*

12           (A) *by inserting “(1)” before “Real property”;*  
13       *and*

14           (B) *by adding at the end the following new*  
15 *paragraph:*

16       “(2) *The Secretary may transfer real property under*  
17 *this section, or under section 8118 of this title, if the*  
18 *Secretary—*

19           (A) *places a notice in the real estate section of*  
20 *local newspapers and in the Federal Register of the*  
21 *Secretary’s intent to transfer that real property (in-*  
22 *cluding land, structures, and equipment associated*  
23 *with the property);*

24           (B) *holds a public hearing;*

1           “(C) provides notice to the Administrator of  
2           General Services of the Secretary’s intention to trans-  
3           fer that real property and waits for 30 days to elapse  
4           after providing that notice; and

5           “(D) after such 30-day period has elapsed, noti-  
6           fies the congressional veterans’ affairs committees of  
7           the Secretary’s intention to dispose of the property  
8           and waits for 60 days to elapse from the date of that  
9           notice.”.

10          (3) Section 8164(a) is amended by inserting “8118 or”  
11          after “rather than under section”.

12          (4) Section 8165(a)(2) is amended by striking “nurs-  
13          ing home revolving fund” and inserting “Department of  
14          Veterans Affairs Capital Asset Fund established under sec-  
15          tion 8118 of this title”.

16          (f) *CONTINGENT EFFECTIVENESS.*—Subsection (d) and  
17          the amendments made by subsection (c) shall take effect at  
18          the end of the 30-day period beginning on the date on which  
19          the Secretary of Veterans Affairs certifies to Congress that  
20          the Secretary is in compliance with subsection (b) of section  
21          1710B of title 38, United States Code.

22          (g) *ANNUAL UPDATE.*—Following a certification  
23          under subsection (f), the Secretary shall submit to Congress  
24          an annual update on that certification.

1 **SEC. 412. ANNUAL REPORT TO CONGRESS ON INVENTORY**  
2 **OF DEPARTMENT OF VETERANS AFFAIRS HIS-**  
3 **TORIC PROPERTIES.**

4 (a) *IN GENERAL.*—Not later than December 15 of  
5 2005, 2006, and 2007, the Secretary of Veterans Affairs  
6 shall submit to the Committees on Veterans' Affairs of the  
7 Senate and House of Representatives a report on the his-  
8 toric properties administered or controlled by the Secretary.

9 (b) *INITIAL REPORT.*—In the initial report under sub-  
10 section (a), the Secretary shall set forth a complete inven-  
11 tory of the historic structures and property under the juris-  
12 diction of the Secretary. The report shall include a descrip-  
13 tion and classification of each such property based upon  
14 historical nature, current physical condition, and potential  
15 for transfer, leasing, or adaptive use.

16 (c) *SUBSEQUENT REPORTS.*—In reports under sub-  
17 section (a) after the initial report, the Secretary shall pro-  
18 vide an update of the status of each property identified in  
19 the initial report, with the proposed and actual disposition,  
20 if any, of each property. Each such report shall include any  
21 recommendation of the Secretary for legislation to enhance  
22 the transfer, leasing, or adaptive use of such properties.

1 **SEC. 413. AUTHORITY TO ACQUIRE AND TRANSFER REAL**  
2 **PROPERTY FOR USE FOR HOMELESS VET-**  
3 **ERANS.**

4 (a) *AUTHORITY.*—Upon identification of a parcel of  
5 real property meeting the description in subsection (b), the  
6 Secretary of Veterans Affairs may acquire that property  
7 (with the structures and improvements thereon) or, in the  
8 case of property owned by the United States and adminis-  
9 tered by another Federal department or agency, may accept  
10 administrative jurisdiction over that property, with the ex-  
11 pectation of promptly transferring that property to a home-  
12 less assistance provider identified under paragraph (2) of  
13 subsection (b), subject to the condition that the primary  
14 purpose for which the property shall be used is to provide  
15 housing for homeless veterans.

16 (b) *SPECIFIED PROPERTY.*—A parcel of real property  
17 referred to in subsection (a) is a parcel in the District of  
18 Columbia—

19 (1) that the Secretary determines to be suitable  
20 for use for housing for homeless veterans; and

21 (2) for which there is an identified homeless as-  
22 sistance provider that is prepared to acquire the  
23 property for such purpose from the Secretary promptly  
24 upon the acquisition of the property by the Sec-  
25 retary.

1           (c) *TRANSFER OF PROPERTY.*—Upon acquiring real  
2 property under subsection (a), the Secretary shall imme-  
3 diately transfer all right, title, and interest of the United  
4 States (other than the reversionary interest retained under  
5 subsection (e)) to the homeless assistance provider identified  
6 under subsection (b)(2). Such transfer shall be for such con-  
7 sideration as the Secretary determines appropriate.

8           (d) *TERMS AND CONDITIONS.*—The acquisition and  
9 transfer of real property under this section shall be made  
10 upon such terms and conditions as the Secretary may speci-  
11 fy not inconsistent with other applicable provisions of law.

12           (e) *REVERTER.*—The terms of the transfer shall pro-  
13 vide that if the property is no longer used for the purpose  
14 for which conveyed by the Secretary, title to the property  
15 shall revert to the United States.

16 **SEC. 414. LIMITATION ON IMPLEMENTATION OF MISSION**  
17 **CHANGES FOR SPECIFIED VETERANS HEALTH**  
18 **ADMINISTRATION FACILITIES.**

19           (a) *LIMITATION.*—The Secretary of Veterans Affairs  
20 may not implement a mission change for a medical facility  
21 of the Department of Veterans Affairs specified in sub-  
22 section (c) until—

23                   (1) the Secretary submits to the Committees on  
24 Veterans' Affairs of the Senate and House of Rep-

1        *representatives a written notice of the mission change;*  
2        *and*

3                *(2) the period prescribed by subsection (b) has*  
4        *elapsed.*

5        *(b) CONGRESSIONAL REVIEW PERIOD.—(1) The period*  
6        *referred to in subsection (a)(2) is the period beginning on*  
7        *the date of the receipt of the notice under subsection (a)(1)*  
8        *by the committees specified in that subsection and ending*  
9        *on the later of—*

10                *(A) the end of the 60-day period beginning on*  
11        *the date on which the notice is received by those com-*  
12        *mittees; or*

13                *(B) the end of a period of 30 days of continuous*  
14        *session of Congress beginning on the date on which*  
15        *the notification is received by those committees or, if*  
16        *either House of Congress is not in session on such*  
17        *date, the first day after such date that both Houses*  
18        *of Congress are in session.*

19        *(2) For the purposes of paragraph (1)(B)—*

20                *(A) the continuity of a session of Congress is bro-*  
21        *ken only by an adjournment of Congress sine die; and*

22                *(B) any day on which either House is not in ses-*  
23        *sion because of an adjournment of more than three*  
24        *days to a day certain is excluded in the computation*

1       of any period of time in which Congress is in contin-  
2       uous session.

3       (c) *SPECIFIED FACILITIES.*—A facility referred to in  
4       subsection (a) as being specified in this subsection is any  
5       of the following facilities of the Department of Veterans Af-  
6       fairs:

7               (1) *The Department of Veterans Affairs medical*  
8       *centers in Boston, Massachusetts.*

9               (2) *The Department of Veterans Affairs medical*  
10       *centers in New York City, New York.*

11              (3) *The Department of Veterans Affairs medical*  
12       *center in Big Spring, Texas.*

13              (4) *The Carl Vinson Department of Veterans Af-*  
14       *fairs Medical Center, Dublin, Georgia.*

15              (5) *The Department of Veterans Affairs medical*  
16       *center in Montgomery, Alabama.*

17              (6) *The Department of Veterans Affairs medical*  
18       *center in Louisville, Kentucky.*

19              (7) *The Department of Veterans Affairs medical*  
20       *center in Muskogee Oklahoma, and the outpatient*  
21       *clinic in Tulsa, Oklahoma.*

22              (8) *The John J. Pershing Department of Vet-*  
23       *erans Affairs Medical Center, Poplar Bluff, Missouri.*

24              (9) *The Department of Veterans Affairs medical*  
25       *center in Ft. Wayne, Indiana.*

1           (10) *The Department of Veterans Affairs Medical*  
2           *Center in Waco, Texas.*

3           (11) *The Jonathan M. Wainwright Department*  
4           *of Veterans Affairs Medical Center, Walla Walla,*  
5           *Washington.*

6           (d) *COVERED MISSION CHANGES.—For purposes of*  
7           *this section, a mission change for a medical facility shall*  
8           *consist of any of the following:*

9           (1) *Closure of the facility.*

10          (2) *Consolidation of the facility.*

11          (3) *An administrative reorganization of the fa-*  
12          *cility covered by section 510(b) of title 38, United*  
13          *States Code.*

14          (e) *REQUIRED CONTENT OF NOTICE OF MISSION*  
15          *CHANGE.—Written notice of a mission change for a medical*  
16          *facility under subsection (a) shall include the following:*

17          (1) *An assessment of the effect of the mission*  
18          *change on the population of veterans served by the fa-*  
19          *cility.*

20          (2) *A description of the availability and quality*  
21          *of health care, including long-term care, mental*  
22          *health care, and substance abuse programs, available*  
23          *in the area served by the facility.*

1           (3) *An assessment of the effect of the mission*  
2           *change on the economy of the community in which the*  
3           *facility is located.*

4           (4) *An analysis of any alternatives to the mis-*  
5           *sion change proposed by—*

6                   (A) *the community in which the facility is*  
7           *located;*

8                   (B) *organizations recognized by the Sec-*  
9           *retary under section 5902 of title 38, United*  
10           *States Code;*

11                   (C) *organizations that represent Depart-*  
12           *ment employees in such community; or*

13                   (D) *the Department.*

14           (f) *MEDICAL FACILITY CONSOLIDATION.—For the pur-*  
15           *poses of subsection (d)(2), the term “consolidation” means*  
16           *an action that closes one or more medical facilities within*  
17           *a geographic service area for the purpose of relocating those*  
18           *activities to another medical facility or facilities.*

19           (g) *COORDINATION OF PROVISIONS.—In the case of a*  
20           *mission change covered by subsection (a) that is also an*  
21           *administrative reorganization covered by section 510(b) of*  
22           *title 38, United States Code, both this section and such sec-*  
23           *tion 510(b) shall apply with respect to the implementation*  
24           *of that mission change.*

1 **SEC. 415. AUTHORITY TO USE PROJECT FUNDS TO CON-**  
2 **STRUCT OR RELOCATE SURFACE PARKING IN-**  
3 **CIDENTAL TO A CONSTRUCTION OR NON-**  
4 **RECURRING MAINTENANCE PROJECT.**

5 *Section 8109 is amended by adding at the end the fol-*  
6 *lowing new subsection:*

7 *“(j) Funds in a construction account or capital ac-*  
8 *count that are available for a construction project or a non-*  
9 *recurring maintenance project may be used for the construc-*  
10 *tion or relocation of a surface parking lot incidental to that*  
11 *project.”.*

12 **SEC. 416. INAPPLICABILITY OF LIMITATION ON USE OF AD-**  
13 **VANCE PLANNING FUNDS TO AUTHORIZED**  
14 **MAJOR MEDICAL FACILITY PROJECTS.**

15 *Section 8104 is amended by adding at the end the fol-*  
16 *lowing new subsection:*

17 *“(g) The limitation in subsection (f) does not apply*  
18 *to a project for which funds have been authorized by law*  
19 *in accordance with subsection (a)(2).”.*

20 **SEC. 417. IMPROVEMENTS TO ENHANCED-USE LEASE AU-**  
21 **THORITY.**

22 *Section 8166(a) is amended by inserting “land use,”*  
23 *in the second sentence after “relating to”.*

1 **SEC. 418. FIRST OPTION FOR COMMONWEALTH OF KEN-**  
2 **TUCKY ON DEPARTMENT OF VETERANS AF-**  
3 **FAIRS MEDICAL CENTER, LOUISVILLE, KEN-**  
4 **TUCKY.**

5 (a) *REQUIREMENT.*—Upon determining to convey,  
6 lease, or otherwise dispose of the Department of Veterans  
7 Affairs Medical Center, Louisville, Kentucky, or any por-  
8 tion thereof, the Secretary of Veterans Affairs shall engage  
9 in negotiations for the conveyance, lease, or other disposal  
10 of the Medical Center or portion thereof solely with the Com-  
11 monwealth of Kentucky.

12 (b) *DURATION OF REQUIREMENT.*—The requirement  
13 for negotiations under subsection (a) shall remain in effect  
14 for one year after the date of the determination referred to  
15 in that subsection.

16 (c) *SCOPE OF NEGOTIATIONS.*—The negotiations under  
17 subsection (a) shall address the use of the medical center  
18 referred to in subsection (a), or portion thereof, by the Com-  
19 monwealth of Kentucky for the primary purpose of the pro-  
20 vision of services for veterans and related activities, includ-  
21 ing use for a State veterans' home.

22 **SEC. 419. TRANSFER OF JURISDICTION, GENERAL SERV-**  
23 **ICES ADMINISTRATION PROPERTY, BOISE,**  
24 **IDAHO.**

25 (a) *TRANSFER.*—The Administrator of General Serv-  
26 ices shall transfer to the Secretary of Veterans Affairs,

1 *under such terms and conditions as the Administrator and*  
2 *the Secretary agree, jurisdiction, custody, and control over*  
3 *the parcel of real property, including any improvements*  
4 *thereon, consisting of approximately 2.3 acres located at the*  
5 *General Services Administration facility immediately north*  
6 *of the Army Reserve facility in Boise, Idaho.*

7 (b) *UTILIZATION.—The Secretary of Veterans Affairs*  
8 *shall utilize the property transferred under subsection (a)*  
9 *for purposes relating to the delivery of benefits to veterans.*

10 ***Subtitle C—Designation of***  
11 ***Facilities***

12 ***SEC. 421. THOMAS E. CREEK DEPARTMENT OF VETERANS***  
13 ***AFFAIRS MEDICAL CENTER.***

14 (a) *IN GENERAL.—The Department of Veterans Affairs*  
15 *medical center in Amarillo, Texas, shall after the date of*  
16 *the enactment of this Act be known and designated as the*  
17 *“Thomas E. Creek Department of Veterans Affairs Medical*  
18 *Center”.*

19 (b) *REFERENCES.—Any reference in any law, regula-*  
20 *tion, map, document, record, or other paper of the United*  
21 *States to the medical center referred to in subsection (a)*  
22 *shall be considered to be a reference to the Thomas E. Creek*  
23 *Department of Veterans Affairs Medical Center.*

1 **SEC. 422. JAMES J. PETERS DEPARTMENT OF VETERANS AF-**  
2 **FAIRS MEDICAL CENTER.**

3 (a) *IN GENERAL.*—*The Department of Veterans Affairs*  
4 *medical center in the Bronx, New York, shall after the date*  
5 *of the enactment of this Act be known and designated as*  
6 *the “James J. Peters Department of Veterans Affairs Med-*  
7 *ical Center”.*

8 (b) *REFERENCES.*—*Any reference in any law, regula-*  
9 *tion, map, document, record, or other paper of the United*  
10 *States to the medical center referred to in subsection (a)*  
11 *shall be considered to be a reference to the James J. Peters*  
12 *Department of Veterans Affairs Medical Center.*

13 **SEC. 423. BOB MICHEL DEPARTMENT OF VETERANS AF-**  
14 **FAIRS OUTPATIENT CLINIC.**

15 (a) *IN GENERAL.*—*The Department of Veterans Affairs*  
16 *outpatient clinic located in Peoria, Illinois, shall after the*  
17 *date of the enactment of this Act be known and designated*  
18 *as the “Bob Michel Department of Veterans Affairs Out-*  
19 *patient Clinic”.*

20 (b) *REFERENCES.*—*Any reference in any law, regula-*  
21 *tion, map, document, record, or other paper of the United*  
22 *States to the outpatient clinic referred to in subsection (a)*  
23 *shall be considered to be a reference to the Bob Michel De-*  
24 *partment of Veterans Affairs Outpatient Clinic.*

1 **SEC. 424. CHARLES WILSON DEPARTMENT OF VETERANS**  
2 **AFFAIRS OUTPATIENT CLINIC.**

3 (a) *IN GENERAL.*—*The Department of Veterans Affairs*  
4 *outpatient clinic located in Lufkin, Texas, shall after the*  
5 *date of the enactment of this Act be known and designated*  
6 *as the “Charles Wilson Department of Veterans Affairs Out-*  
7 *patient Clinic”.*

8 (b) *REFERENCES.*—*Any reference in any law, regula-*  
9 *tion, map, document, record, or other paper of the United*  
10 *States to the outpatient clinic referred to in subsection (a)*  
11 *shall be considered to be a reference to the Charles Wilson*  
12 *Department of Veterans Affairs Outpatient Clinic.*

13 **SEC. 425. THOMAS P. NOONAN, JR. DEPARTMENT OF VET-**  
14 **ERANS AFFAIRS OUTPATIENT CLINIC.**

15 (a) *IN GENERAL.*—*The Department of Veterans Affairs*  
16 *outpatient clinic in Sunnyside, Queens, New York, shall*  
17 *after the date of the enactment of this Act be known and*  
18 *designated as the “Thomas P. Noonan, Jr. Department of*  
19 *Veterans Affairs Outpatient Clinic”.*

20 (b) *REFERENCES.*—*Any reference in any law, map,*  
21 *regulation, document, paper, or other record of the United*  
22 *States to the outpatient clinic referred to in subsection (a)*  
23 *shall be considered to be a reference to the Thomas P.*  
24 *Noonan, Jr. Department of Veterans Affairs Outpatient*  
25 *Clinic.*

1                   **TITLE V—PERSONNEL**  
2                   **ADMINISTRATION**

3   **SEC. 501. PILOT PROGRAM TO STUDY INNOVATIVE RE-**  
4                   **CRUITMENT TOOLS TO ADDRESS NURSING**  
5                   **SHORTAGES AT DEPARTMENT OF VETERANS**  
6                   **AFFAIRS HEALTH CARE FACILITIES.**

7           (a) *PILOT PROGRAM.*—(1) *Not later than 90 days after*  
8 *the date of the enactment of this Act, the Secretary of Vet-*  
9 *erans Affairs shall designate a health care service region,*  
10 *or a section within such a region, in which health care fa-*  
11 *cilities of the Department of Veterans Affairs are adversely*  
12 *affected by a shortage of qualified nurses.*

13           (2) *The Secretary shall conduct a pilot program in*  
14 *the region or section designated under paragraph (1) to de-*  
15 *termine the effectiveness of the use of innovative human cap-*  
16 *ital tools and techniques in the recruitment of qualified*  
17 *nurses for positions at Department health care facilities in*  
18 *such region or section and for the retention of nurses at*  
19 *such facilities. In carrying out the pilot program, the Sec-*  
20 *retary shall enter into a contract with a private sector enti-*  
21 *ty for services under the pilot program for recruitment of*  
22 *qualified nurses.*

23           (b) *PRIVATE SECTOR RECRUITMENT PRACTICES.*—*For*  
24 *purposes of the pilot program under this section, the Sec-*  
25 *retary shall identify and use recruitment practices that*

1 *have proven effective for placing qualified individuals in*  
2 *positions that are difficult to fill due to shortages of quali-*  
3 *fied individuals or other factors. Recruitment practices to*  
4 *be reviewed by the Secretary for use in the pilot program*  
5 *shall include—*

6           (1) *employer branding and interactive adver-*  
7 *tising strategies;*

8           (2) *Internet technologies and automated staffing*  
9 *systems; and*

10          (3) *the use of recruitment, advertising, and com-*  
11 *munication agencies.*

12          (c) *STREAMLINED HIRING PROCESS.—In carrying out*  
13 *the pilot program under this section, the Secretary shall,*  
14 *at health care facilities of the Department in the region or*  
15 *section in which the pilot program is conducted, revise pro-*  
16 *cedures and systems for selecting and hiring qualified*  
17 *nurses to reduce the length of the hiring process. If the Sec-*  
18 *retary identifies measures to streamline and automate the*  
19 *hiring process that can only be implemented if authorized*  
20 *by law, the Secretary shall submit to the Committees on*  
21 *Veterans' Affairs of the Senate and House of Representa-*  
22 *tives recommendations for such changes in law as may be*  
23 *necessary to enable such measures to be implemented.*

24          (d) *REPORT.—Not later than one year after the date*  
25 *of the enactment of this Act, the Secretary shall submit to*

1 *the Committees on Veterans' Affairs of the Senate and*  
 2 *House of Representatives a report on the extent to which*  
 3 *the pilot program achieved the goal of improving the re-*  
 4 *cruitment and retention of nurses in Department of Vet-*  
 5 *erans Affairs health care facilities.*

6 **SEC. 502. TECHNICAL CORRECTION TO LISTING OF CER-**  
 7 **TAIN HYBRID POSITIONS IN VETERANS**  
 8 **HEALTH ADMINISTRATION.**

9 *Section 7401(3) is amended—*

10 *(1) by striking “and dental technologists” and*  
 11 *inserting “technologists, dental hygienists, dental as-*  
 12 *stants”; and*

13 *(2) by striking “technicians, therapeutic*  
 14 *radiologic technicians, and social workers” and in-*  
 15 *serting “technologists, therapeutic radiologic tech-*  
 16 *nologists, social workers, blind rehabilitation special-*  
 17 *ists, and blind rehabilitation outpatient specialists”.*

18 **SEC. 503. UNDER SECRETARY FOR HEALTH.**

19 *Section 305(a)(2) is amended—*

20 *(1) in the matter preceding subparagraph (A),*  
 21 *by striking “shall be a doctor of medicine and”; and*

22 *(2) in subparagraph (A), by striking “and in*  
 23 *health-care” and inserting “or in health-care”.*

1           **TITLE VI—OTHER MATTERS**

2   **SEC. 601. EXTENSION AND CODIFICATION OF AUTHORITY**  
3                           **FOR RECOVERY AUDITS.**

4           *Section 1703 is amended by adding at the end the fol-*  
5 *lowing new subsection:*

6           “(d)(1) *The Secretary shall conduct a program of re-*  
7 *covery audits for fee basis contracts and other medical serv-*  
8 *ices contracts for the care of veterans under this section,*  
9 *and for beneficiaries under sections 1781, 1782, and 1783*  
10 *of this title, with respect to overpayments resulting from*  
11 *processing or billing errors or fraudulent charges in pay-*  
12 *ments for non-Department care and services. The program*  
13 *shall be conducted by contract.*

14           “(2) *Amounts collected, by setoff or otherwise, as the*  
15 *result of an audit under the program conducted under this*  
16 *subsection shall be available for the purposes for which*  
17 *funds are currently available to the Secretary for medical*  
18 *care and for payment to a contractor of a percentage of*  
19 *the amount collected as a result of an audit carried out*  
20 *by the contractor.*

21           “(3) *The Secretary shall allocate all amounts collected*  
22 *under this subsection with respect to a designated geo-*  
23 *graphic service area of the Veterans Health Administration,*  
24 *net of payments to the contractor, to that region.*

1       “(4) *The authority of the Secretary under this sub-*  
2 *section terminates on September 30, 2008.*”.

3 **SEC. 602. INVENTORY OF MEDICAL WASTE MANAGEMENT**  
4                   **ACTIVITIES AT DEPARTMENT OF VETERANS**  
5                   **AFFAIRS HEALTH CARE FACILITIES.**

6       (a) *INVENTORY.*—*The Secretary of Veterans Affairs*  
7 *shall establish and maintain a national inventory of med-*  
8 *ical waste management activities in the health care facili-*  
9 *ties of the Department of Veterans Affairs. The inventory*  
10 *shall include the following:*

11               (1) *A statement of the current national policy of*  
12 *the Department on managing and disposing of med-*  
13 *ical waste, including regulated medical waste in all*  
14 *its forms.*

15               (2) *A description of the program of each geo-*  
16 *graphic service area of the Department to manage*  
17 *and dispose of medical waste, including general med-*  
18 *ical waste and regulated medical waste, with a de-*  
19 *scription of the primary methods used in those pro-*  
20 *grams and the associated costs of those programs,*  
21 *with cost information shown separately for in-house*  
22 *costs (including full-time equivalent employees) and*  
23 *contract costs.*

24       (b) *REPORT.*—*Not later than June 30, 2005, the Sec-*  
25 *retary of Veterans Affairs shall submit to the Committees*

1 *on Veterans' Affairs of the Senate and House of Representa-*  
2 *tives a report on medical waste management activities in*  
3 *the facilities of the Department of Veterans Affairs. The re-*  
4 *port shall include the following:*

5           (1) *The inventory established under subsection*  
6 *(a), including all the matters specified in that sub-*  
7 *section.*

8           (2) *A listing of each violation of medical waste*  
9 *management and disposal regulations reported at any*  
10 *health care facility of the Department over the pre-*  
11 *ceding five years by any Federal or State agency,*  
12 *along with an explanation of any remedial or other*  
13 *action taken by the Secretary in response to each such*  
14 *reported violation.*

15           (3) *A description of any plans to modernize, con-*  
16 *solidate, or otherwise improve the management of*  
17 *medical waste and disposal programs at health care*  
18 *facilities of the Department, including the projected*  
19 *costs associated with such plans and any barriers to*  
20 *achieving goals associated with such plans.*

21           (4) *An assessment or evaluation of the available*  
22 *methods of disposing of medical waste and identifica-*  
23 *tion of which of those methods are more desirable*  
24 *from an environmental perspective in that they would*

1        *be least likely to result in contamination of air or*  
2        *water or otherwise cause future cleanup problems.*

3    **SEC. 603. INCLUSION OF ALL ENROLLED VETERANS AMONG**  
4                    **PERSONS ELIGIBLE TO USE CANTEENS OPER-**  
5                    **ATED BY VETERANS' CANTEEN SERVICE.**

6        *The text of section 7803 is amended to read as follows:*

7        *“(a) PRIMARY BENEFICIARIES.—Canteens operated by*  
8 *the Service shall be primarily for the use and benefit of—*

9                    *“(1) veterans hospitalized or domiciled at the fa-*  
10 *cilities at which canteen services are provided; and*

11                    *“(2) other veterans who are enrolled under sec-*  
12 *tion 1705 of this title.*

13        *“(b) OTHER AUTHORIZED USERS.—Service at such*  
14 *canteens may also be furnished to—*

15                    *“(1) personnel of the Department and recognized*  
16 *veterans' organizations who are employed at a facil-*  
17 *ity at which canteen services are provided and to*  
18 *other persons so employed;*

19                    *“(2) the families of persons referred to in para-*  
20 *graph (1) who reside at the facility; and*

21                    *“(3) relatives and other persons while visiting a*  
22 *person specified in this section.”.*

1 **SEC. 604. ANNUAL REPORTS ON WAITING TIMES FOR AP-**  
2 **POINTMENTS FOR SPECIALTY CARE.**

3 (a) *ANNUAL REPORTS.*—Not later than January 31  
4 each year through 2007, the Secretary of Veterans Affairs  
5 shall submit to the Committees on Veterans' Affairs of the  
6 Senate and the House of Representatives a report on wait-  
7 ing times for appointments for specialty health care from  
8 the Department of Veterans Affairs under chapter 17 of title  
9 38, United States Code, during the preceding year.

10 (b) *REPORT ELEMENTS.*—Each report under sub-  
11 section (a) shall specify, for the year covered by the report,  
12 the following:

13 (1) *A tabulation of the number of veterans whose*  
14 *appointment for specialty health care furnished by the*  
15 *Department was more than three months after the*  
16 *date of the scheduling of such appointment, and the*  
17 *waiting times of such veterans for such appointments,*  
18 *for each category of specialty care furnished by the*  
19 *Department, broken out by Veterans Integrated Serv-*  
20 *ice Network.*

21 (2) *An identification of the categories of spe-*  
22 *cialty care furnished by the Department for which*  
23 *there were delays of more than three months between*  
24 *the scheduling date of appointments and appoint-*  
25 *ments in each Veterans Integrated Service Network.*

1           (3) *A discussion of the reasons for the delays*  
2           *identified under paragraph (2) for each category of*  
3           *care for each Veterans Integrated Service Network so*  
4           *identified, including lack of personnel, financial re-*  
5           *sources, or other resources.*

6           (c) *CERTIFICATION ON REPORT INFORMATION.—The*  
7           *Comptroller General of the United States shall certify to*  
8           *the committees of Congress referred to in subsection (a)*  
9           *whether or not each report under this section is accurate.*

10 **SEC. 605. TECHNICAL CLARIFICATION.**

11           *Section 8111(d)(2) is amended by inserting before the*  
12           *period at the end of the last sentence the following: “and*  
13           *shall be available for any purpose authorized by this sec-*  
14           *tion”.*

Amend the title so as to read: “An Act to amend title 38, United States Code, to increase the authorization of appropriations for grants to benefit homeless veterans, to improve programs for management and administration of veterans’ facilities and health care programs, and for other purposes.”.

Attest:

*Secretary.*

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3936**

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**AMENDMENTS**