

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

# H. R. 5815

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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## 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

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## 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,*

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

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

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 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.

1 **SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY**  
 2 **PROJECT, BILOXI AND GULFPORT, MIS-**  
 3 **SISSIPPI.**

4 (a) PROJECT AUTHORIZATION.—The Secretary of  
 5 Veterans Affairs may carry out a major medical facility  
 6 project for restoration of the Department of Veterans Af-  
 7 fairs Medical Center, Biloxi, Mississippi, and consolidation  
 8 of services performed at the Department of Veterans Af-  
 9 fairs Medical Center, Gulfport, Mississippi.

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

13 (c) REQUIREMENT FOR JOINT-USE FACILITY.—The  
 14 project authorized by subsection (a) may only be carried  
 15 out as part of a joint-use facility shared by the Depart-

1 ment of Veterans Affairs with Keesler Air Force Base, Bi-  
2 loxi, Mississippi.

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

6 (a) AGREEMENT AUTHORIZED.—The Secretary of  
7 Veterans Affairs may enter into an agreement with the  
8 Louisiana State University to design, construct, and oper-  
9 ate a co-located, joint-use medical facility in New Orleans  
10 to replace the medical center facility for the Department  
11 of Veterans Affairs Medical Center, New Orleans, Lou-  
12 isiana, damaged by Hurricane Katrina in August 2005.

13 (b) COST LIMITATION.—Advance planning and de-  
14 sign for a co-located, joint-use medical facility in New Or-  
15 leans under subsection (a) shall be carried out in an  
16 amount not to exceed \$100,000,000.

17 **SEC. 4. AUTHORIZATION OF DESIGN, CONSTRUCTION, AND**  
18 **OPERATION OF A MAJOR MEDICAL FACILITY**  
19 **PROJECT, CHARLESTON, SOUTH CAROLINA.**

20 (a) AGREEMENT AUTHORIZED.—The Secretary of  
21 Veterans Affairs may enter into an agreement with the  
22 Medical University of South Carolina to design, construct,  
23 and operate a co-located joint-use medical facility in  
24 Charleston, South Carolina, to replace the Ralph H. John-

1 son Department of Veterans Affairs Medical Center,  
2 Charleston, South Carolina.

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

7 **SEC. 5. AUTHORIZATION OF SITE PURCHASE FOR MAJOR**  
8 **MEDICAL FACILITY PROJECT, REPLACEMENT**  
9 **SITE, DENVER COLORADO.**

10 (a) AUTHORIZATION.—The Secretary of Veterans Af-  
11 fairs may enter into an agreement to purchase a site for  
12 the replacement of the Department of Veterans Affairs  
13 Medical Center, Denver, Colorado, in an amount not to  
14 exceed \$98,000,000.

15 (b) REPORT.—Not later than 180 days after the date  
16 of the enactment of this Act, the Secretary of Veterans  
17 Affairs shall submit to the Committees on Veterans' Af-  
18 fairs of the Senate and House of Representatives a report  
19 identifying and outlining the various options available to  
20 the Department for replacing the current Department of  
21 Veterans Affairs Medical Center, Denver, Colorado. The  
22 report shall include the following:

23 (1) The feasibility of entering into a partner-  
24 ship with a Federal, State, or local governmental

1 agency, or a suitable non-profit organization, for the  
2 construction and operation of a new facility.

3 (2) The medical, legal, and financial implica-  
4 tions of each of the options identified, including rec-  
5 ommendations regarding any statutory changes nec-  
6 essary for the Department to carry out any of the  
7 options identified.

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

10 (4) Estimates regarding the length of time and  
11 associated costs needed to complete such a facility  
12 under each of the options identified.

13 **SEC. 6. EXTENSION OF AUTHORIZATION FOR CERTAIN**  
14 **MAJOR MEDICAL FACILITY CONSTRUCTION**  
15 **PROJECTS PREVIOUSLY AUTHORIZED IN**  
16 **CONNECTION WITH CAPITAL ASSET REALIGN-**  
17 **MENT INITIATIVE.**

18 The Secretary of Veterans Affairs may carry out the  
19 following major medical facility projects, with each such  
20 project to be carried out in the amount specified for that  
21 project:

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

1           (2) Consolidation of clinical and administrative  
2 functions of the Department of Veterans Affairs  
3 Medical Center, Cleveland, Ohio, and the Depart-  
4 ment of Veterans Affairs Medical Center,  
5 Brecksville, Ohio, in an amount not to exceed  
6 \$102,300,000.

7           (3) Construction of the extended care building  
8 at the Department of Veterans Affairs Medical Cen-  
9 ter, Des Moines, Iowa, in an amount not to exceed  
10 \$25,000,000.

11           (4) Renovation of patient wards at the Depart-  
12 ment of Veterans Affairs Medical Center, Durham,  
13 North Carolina, in an amount not to exceed  
14 \$9,100,000.

15           (5) Correction of patient privacy deficiencies at  
16 the Department of Veterans Affairs Medical Center,  
17 Gainesville, Florida, in an amount not to exceed  
18 \$85,200,000.

19           (6) 7th and 8th floor wards modernization addi-  
20 tion at the Department of Veterans Affairs Medical  
21 Center, Indianapolis, Indiana, in an amount not to  
22 exceed \$27,400,000.

23           (7) Construction of a new medical center facil-  
24 ity at the Department of Veterans Affairs Medical

1 Center, Las Vegas, Nevada, in an amount not to ex-  
2 ceed \$406,000,000.

3 (8) Construction of an ambulatory surgery/out-  
4 patient diagnostic support center in the Gulf South  
5 Submarket of Veterans Integrated Service Network  
6 (VISN) 8 and completion of Phase I land purchase,  
7 Lee County, Florida, in an amount not to exceed  
8 \$65,100,000.

9 (9) Seismic corrections, Buildings 7 and 126,  
10 Department of Veterans Affairs Medical Center,  
11 Long Beach, California, in an amount not to exceed  
12 \$107,845,000.

13 (10) Seismic corrections, Buildings 500 and  
14 501, Department of Veterans Affairs Medical Cen-  
15 ter, Los Angeles, California, in an amount not to ex-  
16 ceed \$79,900,000.

17 (11) Construction of a new medical center facil-  
18 ity, Orlando, Florida, to be located at the site in  
19 Lake Nona known as site selection C, which is di-  
20 rectly south of the interchange between SR-417 and  
21 Lake Nona Boulevard and is part of a science and  
22 research park that is likely to include the proposed  
23 campus of the medical school of the University of  
24 Central Florida, in an amount not to exceed  
25 \$377,700,000.

1           (12) Consolidation of campuses at the Univer-  
2           sity Drive and H. John Heinz III divisions, Pitts-  
3           burgh, Pennsylvania, in an amount not to exceed  
4           \$189,205,000.

5           (13) Ward upgrades and expansion at the De-  
6           partment of Veterans Affairs Medical Center, San  
7           Antonio, Texas, in an amount not to exceed  
8           \$19,100,000.

9           (14) Construction of a spinal cord injury cen-  
10          ter, Department of Veterans Affairs Medical Center,  
11          Syracuse, New York, in an amount not to exceed  
12          \$77,700,000.

13          (15) Upgrade essential electrical distribution  
14          systems, Department of Veterans Affairs Medical  
15          Center, Tampa, Florida, in an amount not to exceed  
16          \$49,000,000.

17          (16) Expansion of the spinal cord injury center  
18          addition, Department of Veterans Affairs Medical  
19          Center, Tampa, Florida, in an amount not to exceed  
20          \$7,100,000.

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

1 **SEC. 7. AUTHORIZATION OF MAJOR MEDICAL FACILITY**  
2 **LEASES.**

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

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

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

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

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

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

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

23 (3) For an outpatient clinic, Grand Rapids,  
24 Michigan, \$4,409,000.

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

1           (5) For an outpatient clinic, Parma, Ohio,  
2           \$5,032,000.

3 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

4           (a) AUTHORIZATION OF APPROPRIATIONS FOR FIS-  
5 CAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.—

6 There is authorized to be appropriated to the Secretary  
7 of Veterans Affairs for fiscal year 2006 for the Construc-  
8 tion, Major Projects, account, a total of \$578,000,000, of  
9 which—

10           (1) \$310,000,000 is for the project authorized  
11           in section 2;

12           (2) \$100,000,000 is for the advance planning  
13           and design authorized in section 3;

14           (3) \$70,000,000 is for the advanced planning  
15           authorized in section 4; and

16           (4) \$98,000,000 is for the purchase of a site  
17           authorized in section 5.

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

1 (c) AUTHORIZATION OF APPROPRIATIONS FOR  
2 MAJOR MEDICAL FACILITY LEASES.—

3 (1) FISCAL YEAR 2006 LEASES.—There is au-  
4 thorized to be appropriated for the Secretary of Vet-  
5 erans Affairs for fiscal year 2006 for the Medical  
6 Care account, \$24,990,000 for the leases authorized  
7 in section 7(a).

8 (2) FISCAL YEAR 2007 LEASES.—There is au-  
9 thorized to be appropriated for the Secretary of Vet-  
10 erans Affairs for fiscal year 2007 for the Medical  
11 Care account, \$26,642,000 for the leases authorized  
12 in section 7(b).

13 (d) LIMITATION.—The projects authorized in sections  
14 2, 3, 4, 5, and 6 may only be carried out using—

15 (1) funds appropriated for fiscal year 2006 or  
16 2007 pursuant to the authorization of appropria-  
17 tions in subsections (a), (b), and (c);

18 (2) funds available for Construction, Major  
19 Projects, for a fiscal year before fiscal year 2006  
20 that remain available for obligation;

21 (3) funds available for Construction, Major  
22 Projects, for a fiscal year after fiscal year 2006 or  
23 2007 that are available for obligation; and

1           (4) funds appropriated for Construction, Major  
2           Projects, for fiscal year 2006 or 2007 for a category  
3           of activity not specific to a project.

4 **SEC. 9. SENSE OF CONGRESS AND REPORT ON OPTION FOR**  
5                           **MEDICAL FACILITY IMPROVEMENTS IN SAN**  
6                           **JUAN, PUERTO RICO.**

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

16          (b) REPORT.—Not later than 180 days after the date  
17          of the enactment of this Act, the Secretary of Veterans  
18          Affairs shall submit to the Committees on Veterans' Af-  
19          fairs of the Senate and House of Representatives a report  
20          identifying and outlining the various options available to  
21          the Department for replacing the current Department of  
22          Veterans Affairs Medical Center, San Juan, Puerto Rico.  
23          The report shall include the following:

24                  (1) The feasibility of entering into a partner-  
25                  ship with a Federal, Commonwealth, or local govern-

1 mental agency, or a suitable non-profit organization,  
2 for the construction and operation of a new facility.

3 (2) The medical, legal, and financial implica-  
4 tions of each of the options identified, including rec-  
5 ommendations regarding any statutory changes nec-  
6 essary for the Department to carry out any of the  
7 options identified.

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

10 (4) Estimates regarding the length of time and  
11 associated costs needed to complete such a facility  
12 under each of the options identified.

13 **SEC. 10. LAND CONVEYANCE, CITY OF FORT THOMAS, KEN-**  
14 **TUCKY.**

15 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
16 Veterans Affairs may convey to the city of Fort Thomas,  
17 Kentucky (in this section referred to as the “City”), all  
18 right, title, and interest of the United States in and to  
19 a parcel of real property, including the 15 structures lo-  
20 cated thereon, consisting of approximately 11.75 acres  
21 that is managed by the Department of Veterans Affairs  
22 and located in the northeastern portion of Tower Park in  
23 Fort Thomas, Kentucky. Any such conveyance shall be  
24 subject to valid existing rights, easements, and rights-of-  
25 way.

1           (b) CONSIDERATION.—As consideration for the con-  
2   veyance under subsection (a), the City shall pay to the  
3   United States an amount equal to the fair market value  
4   of the conveyed real property, as determined by the Sec-  
5   retary.

6           (c) TREATMENT OF CONSIDERATION.—The consider-  
7   ation received under subsection (b) shall be deposited, at  
8   the discretion of the Secretary, in the “Medical facilities”  
9   account or the “Construction, minor projects” account (or  
10   a combination of those accounts) and shall be available  
11   to the Secretary, without limitation and until expended—

12           (1) to cover costs incurred by the Secretary as-  
13   sociated with the environmental remediation of the  
14   real property before conveyance under subsection  
15   (a); and

16           (2) with any funds remaining after the Sec-  
17   retary has covered costs as required under para-  
18   graph (1), for acquisition of a site for use as a park-  
19   ing facility, or contract (by lease or otherwise) for  
20   the operation of a parking facility, to be used in con-  
21   nection with the Department of Veterans Affairs  
22   Medical Facility, Cincinnati, Ohio.

23           (d) RELEASE FROM LIABILITY.—Effective on the  
24   date of the conveyance under subsection (a), the United  
25   States shall not be liable for damages arising out of any

1 act, omission, or occurrence relating to the conveyed real  
2 property, but shall continue to be liable for damages  
3 caused by acts of negligence committed by the United  
4 States or by any employee or agent of the United States  
5 before the date of conveyance, consistent with chapter 171  
6 of title 28, United States Code.

7 (e) PAYMENT OF COSTS OF CONVEYANCE.—

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

21 (2) TREATMENT OF AMOUNTS RECEIVED.—  
22 Amounts received as reimbursement under para-  
23 graph (1) shall be credited to the fund or account  
24 that was used to cover the costs incurred by the Sec-  
25 retary in carrying out the conveyance. Amounts so

1 credited shall be merged with amounts in such fund  
 2 or account and shall be available for the same pur-  
 3 poses, and subject to the same conditions and limita-  
 4 tions, as amounts in such fund or account.

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

9 (g) ADDITIONAL TERMS AND CONDITIONS.—The  
 10 Secretary may require such additional terms and condi-  
 11 tions in connection with the conveyance under subsection  
 12 (a) as the Secretary considers necessary to protect the in-  
 13 terests of the United States.

14 **SEC. 11. ESTABLISHMENT WITHIN THE DEPARTMENT OF**  
 15 **VETERANS AFFAIRS OF A CAREER POSITION**  
 16 **RESPONSIBLE FOR DEPARTMENT-WIDE CON-**  
 17 **STRUCTION AND FACILITIES MANAGEMENT.**

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

21 **“§ 312A. Director, Construction and Facilities Man-**  
 22 **agement**

23 “(a) CAREER POSITION.—There is in the Depart-  
 24 ment the position of Director, Construction and Facilities  
 25 Management. The position of Director, Construction and

1 Facilities Management, is a career position with responsi-  
2 bility for construction and facilities management across  
3 the Department, including responsibility for all major and  
4 minor construction projects. The individual appointed as  
5 Director shall be appointed by the Secretary and shall pro-  
6 vide direct support to the Secretary and report to the Dep-  
7 uty Secretary of the Department.

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

11 “(1) holds an undergraduate or master’s degree  
12 in architectural design or engineering; and

13 “(2) has substantive professional experience in  
14 the area of construction project management.

15 “(c) RESPONSIBILITIES.—The individual appointed  
16 to the position of Director, Construction and Facilities  
17 Management, shall be responsible for overseeing and man-  
18 aging the planning, design, construction, and facilities op-  
19 eration, including infrastructure, of the Department’s  
20 major and minor construction projects and performing  
21 such other functions as the Secretary prescribes. Such  
22 oversight and management responsibilities shall include  
23 each of the following:

1           “(1) Developing and updating short and long-  
2 range strategic capital investment strategies and  
3 plans.

4           “(2) Planning, designing, and building facilities,  
5 determining architectural and engineering require-  
6 ments as well as ensuring compliance with all appli-  
7 cable laws relating to the Department’s construction  
8 program.

9           “(3) Overseeing and managing the construction  
10 of Department facilities.

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

13           “(5) Repairing and maintaining the Depart-  
14 ment’s facilities, including custodial services, build-  
15 ing management and administration, and mainte-  
16 nance of roads, grounds, and infrastructure.

17           “(6) Managing the procurement and acquisition  
18 processes, including contract award related to de-  
19 sign, construction, furnishing, and supplies and  
20 equipment.”.

21           (b) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of such chapter is amended by inserting  
23 after the item relating to section 312 the following new  
24 item:

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

1 **SEC. 12. BUSINESS PLANS FOR ENHANCED ACCESS TO OUT-**  
2 **PATIENT CARE IN CERTAIN RURAL AREAS.**

3 (a) REQUIREMENT.—Not later than 180 days after  
4 the date of the enactment of this Act, the Secretary of  
5 Veterans Affairs shall submit to the Committees on Vet-  
6 erans' Affairs of the Senate and House of Representatives  
7 a business plan for enhanced access to outpatient care (as  
8 described in subsection (b)) for primary care, mental  
9 health care, and specialty care in each of the following  
10 areas:

- 11 (1) The Lewiston-Auburn area of Maine.
- 12 (2) The area of Houlton, Maine.
- 13 (3) The area of Dover-Foxcroft, Maine.
- 14 (4) Whiteside County, Illinois.

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

- 20 (1) New sites of care.
- 21 (2) Expansions at existing sites of care.
- 22 (3) Use of existing authority and policies to  
23 contract for care where necessary.
- 24 (4) Increased use of telemedicine.

○