

**PUBLIC LAW 108-422 – NOV. 30, 2004**

**VETERANS HEALTH CARE  
PROGRAMS IMPROVEMENT  
ACT OF 2004**

**Prime Sponsor: Mr. Christopher H. Smith (NJ)**

*H.R. 3936 – Signed by President Bush on November 30, 2004*

108TH CONGRESS  
2D SESSION

# H. R. 3936

## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2004

Mr. SMITH of New Jersey (for himself, Mr. EVANS, and Mr. SKELTON) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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To amend title 38, United States Code, to improve and enhance the authorities of the Secretary of Veterans Affairs relating to the management and disposal of real property and facilities, and for other purposes.

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Veterans Health Programs Improvement Act of 2004”.

4 (b) TABLE OF CONTENTS.—The table of contents of  
5 this 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  
4 of an amendment to, or repeal of, a section or other provi-  
5 sion, the reference shall be considered to be made to a  
6 section or 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-**  
2           **TERM 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  
14   for a fiscal year under this section shall, subject to submis-  
15   sion of an application, be made to any State that during  
16   that fiscal year—

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

19           “(2) has in effect an employee incentive schol-  
20   arship program or other employee incentive program  
21   at a State home designed to promote the hiring and  
22   retention of nursing staff and to reduce nursing  
23   shortages at that home.

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

1 funds for a program described in subsection (b)(2). Any  
2 program shall meet such criteria as the Secretary may  
3 prescribe. In prescribing such criteria, the Secretary shall  
4 take into consideration the need for flexibility and innova-  
5 tion.

6 “(d) LIMITATIONS ON AMOUNT OF PAYMENT.—(1)

7 A payment under this section may not be used to provide  
8 more than 50 percent of the costs for a fiscal year of the  
9 employee incentive scholarship or other employee incentive  
10 program for which the payment is made.

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

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

1 described in subsection (c) for which the payment is  
2 sought.

3       “(f) SOURCE OF FUNDS.—Payments under this sec-  
4 tion shall be made from funds available for other pay-  
5 ments under this subchapter.

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

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

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

1 report for any fiscal year shall be provided to the Sec-  
2 retary within 60 days of the close of the fiscal year and  
3 shall be subject to audit by the Secretary. Eligibility for  
4 a payment under this section for any later fiscal year is  
5 contingent upon the receipt by the Secretary of the annual  
6 report under this subsection for the previous fiscal year  
7 in accordance with this subsection.

8 “(j) REGULATIONS.—The Secretary shall prescribe  
9 regulations to carry out this section. The regulations shall  
10 include the establishment of criteria for the award of pay-  
11 ments under this section.”.

12 (2) The table of sections at the beginning of such  
13 chapter is amended by inserting after section 1743 the  
14 following new item:

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

15 (b) IMPLEMENTATION.—The Secretary of Veterans  
16 Affairs shall implement section 1744 of title 38, United  
17 States Code, as added by subsection (a), as expeditiously  
18 as possible. The Secretary shall establish such interim pro-  
19 cedures as necessary so as to ensure that payments are  
20 made to eligible States under that section commencing not  
21 later than June 1, 2005, notwithstanding that regulations  
22 under subsection (j) of that section may not have become  
23 final.



1 **SEC. 202. TREATMENT OF DEPARTMENT OF VETERANS AF-**  
2 **FAIRS PER DIEM PAYMENTS TO STATE**  
3 **HOMES FOR VETERANS.**

4 Section 1741 is amended by adding at the end the  
5 following new subsection:

6 “(e) Payments to States pursuant to this section shall  
7 not be considered a liability of a third party, or otherwise  
8 be used to offset or reduce any other payment made to  
9 assist veterans.”.

10 **SEC. 203. EXTENSION OF AUTHORITY TO PROVIDE CARE**  
11 **UNDER LONG-TERM CARE PILOT PROGRAMS.**

12 Subsection (h) of section 102 of the Veterans Millen-  
13 nium Health Care and Benefits Act (38 U.S.C. 1710B  
14 note) is amended—

15 (1) by inserting “(1)” before “The authority  
16 of”; and

17 (2) by adding at the end the following new  
18 paragraph:

19 “(2) In the case of a veteran who is participating in  
20 a pilot program under this section as of the end of the  
21 three-year period applicable to that pilot program under  
22 paragraph (1), the Secretary may continue to provide to  
23 that veteran any of the services that could be provided  
24 under the pilot program. The authority to provide services  
25 to any veteran under the preceding sentence applies dur-  
26 ing the period beginning on the date specified in para-

1 graph (1) with respect to that pilot program and ending  
2 on December 31, 2005.”.

3 **SEC. 204. PROHIBITION ON COLLECTION OF COPAYMENTS**  
4 **FOR HOSPICE CARE.**

5 Section 1710B(c)(2) is amended—

6 (1) by striking “or” at the end of subparagraph  
7 (A);

8 (2) by redesignating subparagraph (B) as sub-  
9 paragraph (C); and

10 (3) by inserting after subparagraph (A) the fol-  
11 lowing new subparagraph (B):

12 “(B) to a veteran being furnished hospice care  
13 under this section; or”.

14 **TITLE III—MEDICAL CARE**

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

16 (a) **PERMANENT AUTHORITY FOR PROGRAM.**—Sec-  
17 tion 1720D(a) is amended—

18 (1) in paragraph (1), by striking “During the  
19 period through December 31, 2004, the” and insert-  
20 ing “The”; and

21 (2) in paragraph (2), by striking “, during the  
22 period through December 31, 2004,”.

23 (b) **EXTENSION TO COVER ACTIVE DUTY FOR TRAIN-**  
24 **ING.**—Such section is further amended by inserting “or

1 active duty for training” in paragraph (1) before the pe-  
2 riod at the end.

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

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

9 **“§ 7327. Centers for research, education, and clinical**  
10 **activities on complex multi-trauma asso-**  
11 **ciated with combat injuries**

12 “(a) PURPOSE.—The purpose of this section is to  
13 provide for the improvement of the provision of health care  
14 services and related rehabilitation and education services  
15 to eligible veterans suffering from complex multi-trauma  
16 associated with combat injuries through—

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

21 “(2) the conduct of research to support the pro-  
22 vision of such services in accordance with the most  
23 current evidence on multi-trauma injuries; and

1           “(3) the education and training of health care  
2           personnel of the Department with respect to the pro-  
3           vision of such services.

4           “(b) DESIGNATION OF CENTERS.—(1) The Secretary  
5           shall designate an appropriate number of cooperative cen-  
6           ters for clinical care, consultation, research, and education  
7           activities on combat injuries.

8           “(2) Each center designated under paragraph (1)  
9           shall function as a center for—

10           “(A) research on the long-term effects of inju-  
11           ries sustained as a result of combat in order to sup-  
12           port the provision of services for such injuries in ac-  
13           cordance with the most current evidence on complex  
14           multi-trauma;

15           “(B) the development of rehabilitation meth-  
16           odologies for treating individuals with complex  
17           multi-trauma; and

18           “(C) the continuous and consistent coordination  
19           of care from the point of referral throughout the re-  
20           habilitation process and ongoing follow-up after re-  
21           turn to home and community.

22           “(3) The Secretary shall designate one of the centers  
23           designated under paragraph (1) as the lead center for ac-  
24           tivities referred to in that paragraph. As the lead center  
25           for such activities, such center shall—

1           “(A) develop and provide periodic review of re-  
2           search priorities, and implement protocols, to ensure  
3           that projects contribute to the activities of the cen-  
4           ters designated under paragraph (1);

5           “(B) oversee the coordination of the profes-  
6           sional and technical activities of such centers to en-  
7           sure the quality and validity of the methodologies  
8           and statistical services for research project leaders;

9           “(C) develop and ensure the deployment of an  
10          efficient and cost-effective data management system  
11          for such centers;

12          “(D) develop and distribute educational mate-  
13          rials and products to enhance the evaluation and  
14          care of individuals with combat injuries by medical  
15          care providers of the Department who are not spe-  
16          cialized in the assessment and care of complex multi-  
17          trauma;

18          “(E) develop educational materials for individ-  
19          uals suffering from combat injuries and for their  
20          families; and

21          “(F) serve as a resource for the clinical and re-  
22          search infrastructure of such centers by dissemi-  
23          nating clinical outcomes and research findings to im-  
24          prove clinical practice.

1       “(4) The Secretary shall designate centers under  
2 paragraph (1) upon the recommendation of the Under  
3 Secretary for Health.

4       “(5) The Secretary may designate a center under  
5 paragraph (1) only if the center meets the requirements  
6 of subsection (c).

7       “(c) REQUIREMENTS FOR CENTERS.—To be des-  
8 ignated as a center under this section, a facility shall—

9           “(1) be a regional lead center for the care of  
10 traumatic brain injury;

11           “(2) be located at a tertiary care medical center  
12 and have on-site availability of primary and sub-  
13 specialty medical services relating to complex multi-  
14 trauma;

15           “(3) have, or have the capacity to develop, the  
16 capability of managing impairments associated with  
17 combat injuries;

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

19           “(5) have, or have experience with, participa-  
20 tion in clinical research trials;

21           “(6) provide amputation care and rehabilita-  
22 tion;

23           “(7) have pain management programs;

24           “(8) provide comprehensive brain injury reha-  
25 bilitation; and

1           “(9) provide comprehensive general rehabilita-  
2     tion.

3           “(d) ADDITIONAL RESOURCES.—The Secretary shall  
4 provide each center designated under this section such re-  
5 sources as the Secretary determines to be required by such  
6 center to achieve adequate capability of managing individ-  
7 uals with complex multi-trauma, including—

8           “(1) the upgrading of blind rehabilitation serv-  
9     ices by employing or securing the services of blind  
10    rehabilitation specialists;

11          “(2) employing or securing the services of occu-  
12    pational therapists with blind rehabilitation training;

13          “(3) employing or securing the services of addi-  
14    tional mental health services providers; and

15          “(4) employing or securing additional rehabili-  
16    tation nursing staff to meet care needs.

17          “(e) COOPERATION WITH DEPARTMENT OF DE-  
18 FENSE.—(1) The Secretary of Veterans Affairs may assist  
19 the Secretary of Defense in the care of members of the  
20 Armed Forces with complex multi-trauma at military  
21 treatment facilities by—

22          “(A) making available, in a manner that the  
23    Secretary of Veterans Affairs considers appropriate,  
24    certified rehabilitation registered nurses of the De-

1       partment of Veterans Affairs to such facilities to as-  
2       sess and coordinate the care of such members; and

3           “(B) making available, in a manner that the  
4       Secretary of Veterans Affairs considers appropriate,  
5       blind rehabilitation specialists of the Department of  
6       Veterans Affairs to such facilities to consult with the  
7       medical staff of such facilities on the special needs  
8       of such members who have visual impairment as a  
9       consequence of combat injury.

10       “(2) Assistance shall be provided under this sub-  
11       section through agreements for the sharing of health-care  
12       resources under section 8111 of this title.

13       “(f) AWARD OF FUNDING.—Centers designated  
14       under this section may compete for the award of funding  
15       from amounts appropriated for the Department for med-  
16       ical and prosthetics research.

17       “(g) DISSEMINATION OF INFORMATION.—(1) The  
18       Under Secretary for Health shall ensure that information  
19       produced by the centers designated under this section that  
20       may be useful for other activities of the Veterans Health  
21       Administration is disseminated throughout the Adminis-  
22       tration.

23       “(2) Information shall be disseminated under this  
24       subsection through publications, through programs of con-  
25       tinuing medical and related education provided through



1 regional medical education centers under subchapter VI  
2 of chapter 74 of this title, and through other means.

3 “(h) NATIONAL OVERSIGHT.—The Under Secretary  
4 for Health shall designate an appropriate officer to oversee  
5 the operation of the centers designated under this section  
6 and provide for periodic evaluation of the centers.

7 “(i) AUTHORIZATION OF APPROPRIATIONS.—(1)  
8 There are authorized to be appropriated to the Depart-  
9 ment of Veterans Affairs for the centers designated under  
10 this section amounts as follows:

11 “(A) \$7,000,000 for fiscal year 2005.

12 “(B) \$8,000,000 for each of fiscal years 2006  
13 through 2008.

14 “(2) In addition to amounts authorized to be appro-  
15 priated by paragraph (1) for a fiscal year, the Under Sec-  
16 retary for Health may allocate to each center designated  
17 under this section, from other funds authorized to be ap-  
18 propriated for such fiscal year for the Department gen-  
19 erally for medical and for medical and prosthetic research,  
20 such amounts as the Under Secretary for Health deter-  
21 mines appropriate to carry out the purposes of this sec-  
22 tion.”.

23 (2) The table of sections at the beginning of chapter  
24 73 is amended by inserting after the item relating to sec-  
25 tion 7326 the following new item:

“7327. Centers for research, education, and clinical activities on complex multi-trauma associated with combat injuries.”.

1           (b) DESIGNATION OF CENTERS.—The Secretary of  
2 Veterans Affairs shall designate the centers for research,  
3 education, and clinical activities on complex multi-trauma  
4 associated with combat injuries required by section 7327  
5 of title 38, United States Code (as added by subsection  
6 (a)), not later than 120 days after the date of the enact-  
7 ment of this Act.

8           (c) ANNUAL REPORTS.—(1) Not later than eighteen  
9 months after the date of the designation of centers for  
10 research, education, and clinical activities on complex  
11 multi-trauma associated with combat injuries required by  
12 section 7327 of title 38, United States Code (as so added),  
13 and annually thereafter through 2008, the Secretary shall  
14 submit to the Committees on Veterans’ Affairs of the Sen-  
15 ate and House of Representatives a report on the status  
16 and activities of such centers during the one-year period  
17 beginning on the date of such designation, for the first  
18 such report, and for successive one-year periods, for subse-  
19 quent reports.

20           (2) Each such report shall include, for the period cov-  
21 ered by such report, the following:

22                   (A) A description of the activities carried out at  
23 each center, and the funding provided for such ac-  
24 tivities.

1 (B) A description of any advances made in the  
2 participating programs of each center in research,  
3 education, training, and clinical activities on complex  
4 multi-trauma associated with combat injuries.

5 (C) A description of the actions taken by the  
6 Under Secretary for Health pursuant to subsection  
7 (g) of that section (as so added) to disseminate  
8 throughout the Veterans Health Administration in-  
9 formation derived from such activities.

10 **SEC. 303. ENHANCEMENT OF MEDICAL PREPAREDNESS OF**  
11 **DEPARTMENT OF VETERANS AFFAIRS.**

12 (a) PEER REVIEW PANEL.—In order to assist the  
13 Secretary of Veterans Affairs in selecting facilities of the  
14 Department of Veterans Affairs to serve as sites for cen-  
15 ters under section 7328 of title 38, United States Code,  
16 as added by subsection (c), the Secretary shall establish  
17 a peer review panel to assess the scientific and clinical  
18 merit of proposals that are submitted to the Secretary for  
19 the selection of such facilities. The panel shall be estab-  
20 lished not later than 90 days after the date of the enact-  
21 ment of this Act and shall include experts in the fields  
22 of toxicological research, infectious diseases, radiology,  
23 clinical care of veterans exposed to such hazards, and  
24 other persons as determined appropriate by the Secretary.  
25 Members of the panel shall serve as consultants to the De-

1 department of Veterans Affairs. Amounts available to the  
2 Secretary for Medical Care may be used for purposes of  
3 carrying out this subsection. The panel shall not be subject  
4 to the Federal Advisory Committee Act (5 U.S.C. App.).

5 (b) PROPOSALS.—The Secretary shall solicit pro-  
6 posals for designation of facilities as described in sub-  
7 section (a). The announcement of the solicitation of such  
8 proposals shall be issued not later than 60 days after the  
9 date of the enactment of this Act, and the deadline for  
10 the submission of proposals in response to such solicitation  
11 shall be not later than 90 days after the date of such an-  
12 nouncement. The peer review panel established under sub-  
13 section (a) shall complete its review of the proposals and  
14 submit its recommendations to the Secretary not later  
15 than 60 days after the date of the deadline for the submis-  
16 sion of proposals. The Secretary shall then select the four  
17 sites for the location of such centers not later than 45  
18 days after the date on which the peer review panel submits  
19 its recommendations to the Secretary.

20 (c) REVISED SECTION.—(1) Subchapter II of chapter  
21 73 is amended by inserting after section 7327, as added  
22 by section 302(a)(1) of this Act, a new section with—

23 (A) a heading as follows:

1 **“§ 7328. Medical preparedness centers”**; and

2 (B) a text consisting of the text of subsections  
3 (a) through (h) of section 7325 of title 38, United  
4 States Code, and a subsection (i) at the end as fol-  
5 lows:

6 “(i) FUNDING.—(1) There are authorized to be ap-  
7 propriated for the centers under this section \$10,000,000  
8 for each of fiscal years 2005 through 2007.

9 “(2) In addition to any amounts appropriated for a  
10 fiscal year specifically for the activities of the centers pur-  
11 suant to paragraph (1), the Under Secretary for Health  
12 shall allocate to the centers from other funds appropriated  
13 for that fiscal year generally for the Department medical  
14 care account and the Department medical and prosthetic  
15 research account such amounts as the Under Secretary  
16 determines necessary in order to carry out the purposes  
17 of this section.”.

18 (2) The table of sections at the beginning of chapter  
19 73 is amended by inserting after the item relating to sec-  
20 tion 7327, as added by section 302(a)(2) of this Act, the  
21 following new item:

“7328. Medical preparedness centers.”.

1 **TITLE IV—MEDICAL FACILITIES**  
2 **MANAGEMENT AND ADMINIS-**  
3 **TRATION**

4 **Subtitle A—Major Medical Facility**  
5 **Leases**

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

7 The Secretary of Veterans Affairs may enter into  
8 contracts for major medical facility leases at the following  
9 locations, in an amount for each facility lease not to exceed  
10 the amount shown for that location:

11 (1) Wilmington, North Carolina, Outpatient  
12 Clinic, \$1,320,000.

13 (2) Greenville, North Carolina, Outpatient Clin-  
14 ic, \$1,220,000.

15 (3) Norfolk, Virginia, Outpatient Clinic,  
16 \$1,250,000.

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

19 (5) Knoxville, Tennessee, Outpatient Clinic,  
20 \$850,000.

21 (6) Toledo, Ohio, Outpatient Clinic,  
22 \$1,200,000.

23 (7) Crown Point, Indiana, Outpatient Clinic,  
24 \$850,000.

1           (8) Fort Worth, Texas, Tarrant County Out-  
2           patient Clinic, \$3,900,000.

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

5           (10) San Antonio, Texas, Northeast Central  
6           Bexar County Outpatient Clinic, \$1,400,000.

7           (11) Corpus Christi, Texas, Outpatient Clinic,  
8           \$1,200,000.

9           (12) Harlingen, Texas, Outpatient Clinic,  
10          \$650,000.

11          (13) Denver, Colorado, Health Administration  
12          Center, \$1,950,000.

13          (14) Oakland, California, Outpatient Clinic,  
14          \$1,700,000.

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

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

19 **SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

20          There is authorized to be appropriated to the Sec-  
21          retary of Veterans Affairs for fiscal year 2005 for the  
22          Medical Care account, \$24,420,000 for the leases author-  
23          ized in section 401.

1 **SEC. 403. AUTHORITY FOR LONG-TERM LEASE OF CERTAIN**  
 2 **LANDS OF UNIVERSITY OF COLORADO.**

3 Notwithstanding section 8103 of title 38, United  
 4 States Code, the Secretary of Veterans Affairs may enter  
 5 into a lease for real property located at the Fitzsimmons  
 6 Campus of the University of Colorado for purposes of a  
 7 medical facility (as that term is defined in section 8101  
 8 of title 38, United States Code) for a period of up to 75  
 9 years.

10 **Subtitle B—Facilities Management**

11 **SEC. 411. DEPARTMENT OF VETERANS AFFAIRS CAPITAL**  
 12 **ASSET FUND.**

13 (a) ESTABLISHMENT OF FUND.—(1) Subchapter I of  
 14 chapter 81 is amended by adding at the end the following  
 15 new section:

16 **“§ 8118. Authority for transfer of real property; De-**  
 17 **partment of Veterans Affairs Capital**  
 18 **Asset Fund**

19 “(a)(1) The Secretary may transfer real property  
 20 under the jurisdiction or control of the Secretary (includ-  
 21 ing structures and equipment associated therewith) to an-  
 22 other department or agency of the United States, to a  
 23 State (or a political subdivision of a State), or to any pub-  
 24 lic or private entity, including an Indian tribe. Such a  
 25 transfer may be made only if the Secretary receives com-  
 26 pensation of not less than the fair market value of the



1 property, except that no compensation is required, or com-  
2 pensation at less than fair market value may be accepted,  
3 in the case of a transfer to a grant and per diem provider  
4 (as defined in section 2002 of this title). When a transfer  
5 is made to a grant and per diem provider for less than  
6 fair market value, the Secretary shall require in the terms  
7 of the conveyance that if the property transferred is used  
8 for any purpose other than a purpose under chapter 20  
9 of this title, all right, title, and interest to the property  
10 shall revert to the United States.

11       “(2) The Secretary may exercise the authority pro-  
12 vided by this section notwithstanding sections 521, 522,  
13 and 541 through 545 of title 40. Any such transfer shall  
14 be in accordance with this section and section 8122 of this  
15 title.

16       “(3) The authority provided by this section may not  
17 be used in a case to which section 8164 of this title ap-  
18 plies.

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

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

4           “(b)(1) There is established in the Treasury of the  
5 United States a revolving fund to be known as the Depart-  
6 ment of Veterans Affairs Capital Asset Fund (hereinafter  
7 in this section referred to as the ‘Fund’). Amounts in the  
8 Fund shall remain available until expended.

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

11           “(3) To the extent provided in advance in appropria-  
12 tions Acts, amounts in the Fund may be expended for the  
13 following purposes:

14           “(A) Costs associated with the transfer of real  
15 property under this section, including costs of demo-  
16 lition, environmental remediation, maintenance and  
17 repair, improvements to facilitate the transfer, and  
18 administrative expenses.

19           “(B) Costs, including costs specified in sub-  
20 paragraph (A), associated with future transfers of  
21 property under this section.

22           “(C) Costs associated with enhancing medical  
23 care services to veterans by improving, renovating,  
24 replacing, updating, or establishing patient care fa-  
25 cilities through construction projects to be carried

1 out for an amount less than the amount specified in  
2 8104(a)(3)(A) for a major medical facility project.

3 “(D) Costs, including costs specified in sub-  
4 paragraph (A), associated with the transfer, lease, or  
5 adaptive use of a structure or other property under  
6 the jurisdiction of the Secretary that is listed on the  
7 National Register of Historic Places.

8 “(c) The Secretary shall include in the budget jus-  
9 tification materials submitted to Congress for any fiscal  
10 year in support of the President’s budget for that fiscal  
11 year for the Department specification of the following:

12 “(1) The real property transfers to be under-  
13 taken in accordance with this section during that fis-  
14 cal year.

15 “(2) All transfers completed under this section  
16 during the preceding fiscal year and completed and  
17 scheduled to be completed during the fiscal year dur-  
18 ing which the budget is submitted.

19 “(3) The deposits into, and expenditures from,  
20 the Fund that are incurred or projected for each of  
21 the preceding fiscal year, the current fiscal year, and  
22 the fiscal year covered by the budget.”.

23 (2) The table of sections at the beginning of such  
24 chapter is amended by inserting after the item relating  
25 to section 8117 the following new item:

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

1 (b) INITIAL AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Department  
3 of Veterans Affairs Capital Asset Fund established under  
4 section 8118 of title 38, United States Code (as added  
5 by subsection (a)), the amount of \$10,000,000.

6 (c) TERMINATION OF NURSING HOME REVOLVING  
7 FUND.—(1) Section 8116 is repealed.

8 (2) The table of sections at the beginning of chapter  
9 81 is amended by striking the item relating to section  
10 8116.

11 (d) TRANSFER OF UNOBLIGATED BALANCES TO CAP-  
12 ITAL ASSET FUND.—Any unobligated balances in the  
13 nursing home revolving fund under section 8116 of title  
14 38, United States Code, as of the date of the enactment  
15 of this Act shall be deposited in the Department of Vet-  
16 erans Affairs Capital Asset Fund established under sec-  
17 tion 8118 of title 38, United States Code (as added by  
18 subsection (a)).

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

22 “(2) Except as provided in paragraph (3), the Sec-  
23 retary may not during any fiscal year transfer to any other  
24 department or agency of the United States or to any other

1 entity real property that is owned by the United States  
2 and administered by the Secretary unless the proposed  
3 transfer is described in the budget submitted to Congress  
4 pursuant to section 1105 of title 31 for that fiscal year.”.

5 (2) Section 8122(d) is amended—

6 (A) by inserting “(1)” before “Real property”;

7 and

8 (B) by adding at the end the following new  
9 paragraph:

10 “(2) The Secretary may transfer real property under  
11 this section, or under section 8118 of this title, if the  
12 Secretary—

13 “(A) places a notice in the real estate section  
14 of local newspapers and in the Federal Register of  
15 the Secretary’s intent to transfer that real property  
16 (including land, structures, and equipment associ-  
17 ated with the property);

18 “(B) holds a public hearing;

19 “(C) provides notice to the Administrator of  
20 General Services of the Secretary’s intention to  
21 transfer that real property and waits for 30 days to  
22 elapse after providing that notice; and

23 “(D) after such 30-day period has elapsed, noti-  
24 fies the congressional veterans’ affairs committees of  
25 the Secretary’s intention to dispose of the property

1 and waits for 60 days to elapse from the date of  
2 that notice.”.

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

5 (4) Section 8165(a)(2) is amended by striking “nurs-  
6 ing home revolving fund” and inserting “Department of  
7 Veterans Affairs Capital Asset Fund established under  
8 section 8118 of this title”.

9 (f) CONTINGENT EFFECTIVENESS.—Subsection (d)  
10 and the amendments made by subsection (c) shall take  
11 effect at the end of the 30-day period beginning on the  
12 date on which the Secretary of Veterans Affairs certifies  
13 to Congress that the Secretary is in compliance with sub-  
14 section (b) of section 1710B of title 38, United States  
15 Code.

16 (g) ANNUAL UPDATE.—Following a certification  
17 under subsection (f), the Secretary shall submit to Con-  
18 gress an annual update on that certification.

19 **SEC. 412. ANNUAL REPORT TO CONGRESS ON INVENTORY**  
20 **OF DEPARTMENT OF VETERANS AFFAIRS HIS-**  
21 **TORIC PROPERTIES.**

22 (a) IN GENERAL.—Not later than December 15 of  
23 2005, 2006, and 2007, the Secretary of Veterans Affairs  
24 shall submit to the Committees on Veterans’ Affairs of  
25 the Senate and House of Representatives a report on the

1 historic properties administered or controlled by the Sec-  
2 retary.

3 (b) INITIAL REPORT.—In the initial report under  
4 subsection (a), the Secretary shall set forth a complete in-  
5 ventory of the historic structures and property under the  
6 jurisdiction of the Secretary. The report shall include a  
7 description and classification of each such property based  
8 upon historical nature, current physical condition, and po-  
9 tential for transfer, leasing, or adaptive use.

10 (c) SUBSEQUENT REPORTS.—In reports under sub-  
11 section (a) after the initial report, the Secretary shall pro-  
12 vide an update of the status of each property identified  
13 in the initial report, with the proposed and actual disposi-  
14 tion, if any, of each property. Each such report shall in-  
15 clude any recommendation of the Secretary for legislation  
16 to enhance the transfer, leasing, or adaptive use of such  
17 properties.

18 **SEC. 413. AUTHORITY TO ACQUIRE AND TRANSFER REAL**  
19 **PROPERTY FOR USE FOR HOMELESS VET-**  
20 **ERANS.**

21 (a) AUTHORITY.—Upon identification of a parcel of  
22 real property meeting the description in subsection (b), the  
23 Secretary of Veterans Affairs may acquire that property  
24 (with the structures and improvements thereon) or, in the  
25 case of property owned by the United States and adminis-

1 tered by another Federal department or agency, may ac-  
2 cept administrative jurisdiction over that property, with  
3 the expectation of promptly transferring that property to  
4 a homeless assistance provider identified under paragraph  
5 (2) of subsection (b), subject to the condition that the pri-  
6 mary purpose for which the property shall be used is to  
7 provide housing for homeless veterans.

8 (b) SPECIFIED PROPERTY.—A parcel of real property  
9 referred to in subsection (a) is a parcel in the District  
10 of Columbia—

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

13 (2) for which there is an identified homeless as-  
14 sistance provider that is prepared to acquire the  
15 property for such purpose from the Secretary  
16 promptly upon the acquisition of the property by the  
17 Secretary.

18 (c) TRANSFER OF PROPERTY.—Upon acquiring real  
19 property under subsection (a), the Secretary shall imme-  
20 diately transfer all right, title, and interest of the United  
21 States (other than the reversionary interest retained under  
22 subsection (e)) to the homeless assistance provider identi-  
23 fied under subsection (b)(2). Such transfer shall be for  
24 such consideration as the Secretary determines appro-  
25 priate.



1 (d) TERMS AND CONDITIONS.—The acquisition and  
2 transfer of real property under this section shall be made  
3 upon such terms and conditions as the Secretary may  
4 specify not inconsistent with other applicable provisions of  
5 law.

6 (e) REVERTER.—The terms of the transfer shall pro-  
7 vide that if the property is no longer used for the purpose  
8 for which conveyed by the Secretary, title to the property  
9 shall revert to the United States.

10 **SEC. 414. LIMITATION ON IMPLEMENTATION OF MISSION**  
11 **CHANGES FOR SPECIFIED VETERANS**  
12 **HEALTH ADMINISTRATION FACILITIES.**

13 (a) LIMITATION.—The Secretary of Veterans Affairs  
14 may not implement a mission change for a medical facility  
15 of the Department of Veterans Affairs specified in sub-  
16 section (c) until—

17 (1) the Secretary submits to the Committees on  
18 Veterans' Affairs of the Senate and House of Rep-  
19 resentatives a written notice of the mission change;  
20 and

21 (2) the period prescribed by subsection (b) has  
22 elapsed.

23 (b) CONGRESSIONAL REVIEW PERIOD.—(1) The pe-  
24 riod referred to in subsection (a)(2) is the period begin-  
25 ning on the date of the receipt of the notice under sub-

1 section (a)(1) by the committees specified in that sub-  
2 section and ending on the later of—

3 (A) the end of the 60-day period beginning on  
4 the date on which the notice is received by those  
5 committees; or

6 (B) the end of a period of 30 days of contin-  
7 uous session of Congress beginning on the date on  
8 which the notification is received by those commit-  
9 tees or, if either House of Congress is not in session  
10 on such date, the first day after such date that both  
11 Houses of Congress are in session.

12 (2) For the purposes of paragraph (1)(B)—

13 (A) the continuity of a session of Congress is  
14 broken only by an adjournment of Congress sine die;  
15 and

16 (B) any day on which either House is not in  
17 session because of an adjournment of more than  
18 three days to a day certain is excluded in the com-  
19 putation of any period of time in which Congress is  
20 in continuous session.

21 (c) SPECIFIED FACILITIES.—A facility referred to in  
22 subsection (a) as being specified in this subsection is any  
23 of the following facilities of the Department of Veterans  
24 Affairs:

1           (1) The Department of Veterans Affairs med-  
2           ical centers in Boston, Massachusetts.

3           (2) The Department of Veterans Affairs med-  
4           ical centers in New York City, New York.

5           (3) The Department of Veterans Affairs med-  
6           ical center in Big Spring, Texas.

7           (4) The Carl Vinson Department of Veterans  
8           Affairs Medical Center, Dublin, Georgia.

9           (5) The Department of Veterans Affairs med-  
10          ical center in Montgomery, Alabama.

11          (6) The Department of Veterans Affairs med-  
12          ical center in Louisville, Kentucky.

13          (7) The Department of Veterans Affairs med-  
14          ical center in Muskogee Oklahoma, and the out-  
15          patient clinic in Tulsa, Oklahoma.

16          (8) The John J. Pershing Department of Vet-  
17          erans Affairs Medical Center, Poplar Bluff, Mis-  
18          souri.

19          (9) The Department of Veterans Affairs med-  
20          ical center in Ft. Wayne, Indiana.

21          (10) The Department of Veterans Affairs Med-  
22          ical Center in Waco, Texas.

23          (11) The Jonathan M. Wainwright Department  
24          of Veterans Affairs Medical Center, Walla Walla,  
25          Washington.

1 (d) COVERED MISSION CHANGES.—For purposes of  
2 this section, a mission change for a medical facility shall  
3 consist of any of the following:

4 (1) Closure of the facility.

5 (2) Consolidation of the facility.

6 (3) An administrative reorganization of the fa-  
7 cility covered by section 510(b) of title 38, United  
8 States Code.

9 (e) REQUIRED CONTENT OF NOTICE OF MISSION  
10 CHANGE.—Written notice of a mission change for a med-  
11 ical facility under subsection (a) shall include the fol-  
12 lowing:

13 (1) An assessment of the effect of the mission  
14 change on the population of veterans served by the  
15 facility.

16 (2) A description of the availability and quality  
17 of health care, including long-term care, mental  
18 health care, and substance abuse programs, available  
19 in the area served by the facility.

20 (3) An assessment of the effect of the mission  
21 change on the economy of the community in which  
22 the facility is located.

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

1 (A) the community in which the facility is  
2 located;

3 (B) organizations recognized by the Sec-  
4 retary under section 5902 of title 38, United  
5 States Code;

6 (C) organizations that represent Depart-  
7 ment employees in such community; or

8 (D) the Department.

9 (f) **MEDICAL FACILITY CONSOLIDATION.**—For the  
10 purposes of subsection (d)(2), the term “consolidation”  
11 means an action that closes one or more medical facilities  
12 within a geographic service area for the purpose of relo-  
13 cating those activities to another medical facility or facili-  
14 ties.

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

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

5 Section 8109 is amended by adding at the end the  
6 following new subsection:

7 “(j) Funds in a construction account or capital ac-  
8 count that are available for a construction project or a  
9 nonrecurring maintenance project may be used for the  
10 construction or relocation of a surface parking lot inci-  
11 dental to that 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  
16 following 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 en-  
9 gage in negotiations for the conveyance, lease, or other  
10 disposal of the Medical Center or portion thereof solely  
11 with the Commonwealth 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  
15 to in that subsection.

16 (c) **SCOPE OF NEGOTIATIONS.**—The negotiations  
17 under subsection (a) shall address the use of the medical  
18 center referred to in subsection (a), or portion thereof, by  
19 the Commonwealth of Kentucky for the primary purpose  
20 of the provision of services for veterans and related activi-  
21 ties, including 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  
5 the General Services Administration facility immediately  
6 north 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 vet-  
10 erans.

## 11 **Subtitle C—Designation of** 12 **Facilities**

### 13 **SEC. 421. THOMAS E. CREEK DEPARTMENT OF VETERANS** 14 **AFFAIRS MEDICAL CENTER.**

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

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



1 **SEC. 422. JAMES J. PETERS DEPARTMENT OF VETERANS**  
2 **AFFAIRS MEDICAL CENTER.**

3 (a) IN GENERAL.—The Department of Veterans Af-  
4 fairs medical center in the Bronx, New York, shall after  
5 the date of the enactment of this Act be known and des-  
6 igned as the “James J. Peters Department of Veterans  
7 Affairs Medical 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. Pe-  
12 ters 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 Af-  
16 fairs outpatient clinic located in Peoria, Illinois, shall after  
17 the date of the enactment of this Act be known and des-  
18 igned as the “Bob Michel Department of Veterans Af-  
19 fairs Outpatient 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  
23 (a) shall be considered to be a reference to the Bob Michel  
24 Department 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 Af-  
4 fairs outpatient clinic located in Lufkin, Texas, shall after  
5 the date of the enactment of this Act be known and des-  
6 igned as the “Charles Wilson Department of Veterans  
7 Affairs Outpatient 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  
11 (a) shall be considered to be a reference to the Charles  
12 Wilson 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 Af-  
16 fairs outpatient clinic in Sunnyside, Queens, New York,  
17 shall after the date of the enactment of this Act be known  
18 and designated as the “Thomas P. Noonan, Jr. Depart-  
19 ment of 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  
23 (a) shall be considered to be a reference to the Thomas  
24 P. Noonan, Jr. Department of Veterans Affairs Out-  
25 patient 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  
8 after the date of the enactment of this Act, the Secretary  
9 of Veterans Affairs shall designate a health care service  
10 region, or a section within such a region, in which health  
11 care facilities of the Department of Veterans Affairs are  
12 adversely 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  
15 determine the effectiveness of the use of innovative human  
16 capital tools and techniques in the recruitment of qualified  
17 nurses for positions at Department health care facilities  
18 in such region or section and for the retention of nurses  
19 at such facilities. In carrying out the pilot program, the  
20 Secretary shall enter into a contract with a private sector  
21 entity for services under the pilot program for recruitment  
22 of qualified nurses.

23           (b) **PRIVATE SECTOR RECRUITMENT PRACTICES.**—  
24 For purposes of the pilot program under this section, the  
25 Secretary 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 staff-  
9 ing systems; and

10 (3) the use of recruitment, advertising, and  
11 communication agencies.

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

1 (d) REPORT.—Not later than one year after the date  
2 of the enactment of this Act, the Secretary shall submit  
3 to the Committees on Veterans' Affairs of the Senate and  
4 House of Representatives a report on the extent to which  
5 the pilot program achieved the goal of improving the re-  
6 cruitment and retention of nurses in Department of Vet-  
7 erans Affairs health care facilities.

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

11 Section 7401(3) is amended—

12 (1) by striking “and dental technologists” and  
13 inserting “technologists, dental hygienists, dental as-  
14 sistants”; and

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

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

21 Section 305(a)(2) is amended—

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

24 (2) in subparagraph (A), by striking “and in  
25 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  
5 following new subsection:

6           “(d)(1) The Secretary shall conduct a program of re-  
7 covery audits for fee basis contracts and other medical  
8 services contracts for the care of veterans under this sec-  
9 tion, and for beneficiaries under sections 1781, 1782, and  
10 1783 of this title, with respect to overpayments resulting  
11 from processing or billing errors or fraudulent charges in  
12 payments for non-Department care and services. The pro-  
13 gram 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 col-  
22 lected under this subsection with respect to a designated  
23 geographic service area of the Veterans Health Adminis-  
24 tration, 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  
12                   of the Department on managing and disposing of  
13                   medical waste, including regulated medical waste in  
14                   all 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  
25 Secretary of Veterans Affairs shall submit to the Commit-

1   tees on Veterans' Affairs of the Senate and House of Rep-  
2   resentatives a report on medical waste management activi-  
3   ties in the facilities of the Department of Veterans Affairs.

4   The report 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  
10          any health care facility of the Department over the  
11          preceding 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  
14          such reported violation.

15          (3) A description of any plans to modernize,  
16          consolidate, 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 identi-  
23          fication of which of those methods are more desir-  
24          able from an environmental perspective in that they



1 would be least likely to result in contamination of air  
2 or 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 fol-  
7 lows:

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

11 “(1) veterans hospitalized or domiciled at the  
12 facilities at which canteen services are provided; and

13 “(2) other veterans who are enrolled under sec-  
14 tion 1705 of this title.

15 “(b) OTHER AUTHORIZED USERS.—Service at such  
16 canteens may also be furnished to—

17 “(1) personnel of the Department and recog-  
18 nized veterans’ organizations who are employed at a  
19 facility at which canteen services are provided and to  
20 other persons so employed;

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

23 “(3) relatives and other persons while visiting a  
24 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  
6 the Senate and the House of Representatives a report on  
7 waiting times for appointments for specialty health care  
8 from the Department of Veterans Affairs under chapter  
9 17 of title 38, United States Code, during the preceding  
10 year.

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

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

22 (2) An identification of the categories of spe-  
23 cialty care furnished by the Department for which  
24 there were delays of more than three months be-  
25 tween the scheduling date of appointments and ap-

1 pointments in each Veterans Integrated Service Net-  
2 work.

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

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

12 **SEC. 605. TECHNICAL CLARIFICATION.**

13 Section 8111(d)(2) is amended by inserting before  
14 the period at the end of the last sentence the following:  
15 “and shall be available for any purpose authorized by this  
16 section”.

Amend the title so as to read: “A bill 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.”.