

Union Calendar No. 116

108TH CONGRESS
1ST SESSION

H. R. 1720

[Report No. 108–210]

To authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at Department of Veterans Affairs medical centers.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2003

Mr. SIMMONS (for himself and Mr. SMITH of New Jersey) introduced the following bill; which was referred to the Committee on Veterans' Affairs

JULY 15, 2003

Additional sponsors: Mr. PORTER, Mr. LOBIONDO, and Mr. BROWN of South Carolina

JULY 15, 2003

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

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 10, 2003]

A BILL

To authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at Department of Veterans Affairs medical centers.

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.**

4 *This Act may be cited as the “Veterans Health Care*
 5 *Facilities Capital Improvement Act”.*

6 **SEC. 2. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
 7 **PROJECTS FOR PATIENT CARE IMPROVE-**
 8 **MENTS.**

9 *(a) IN GENERAL.—(1) Subject to paragraph (3), the*
 10 *Secretary of Veterans Affairs is authorized to carry out*
 11 *major medical facility projects in accordance with this sec-*
 12 *tion, using funds appropriated for fiscal year 2004 or 2005*
 13 *pursuant to subsection (e). The cost of any such project may*
 14 *not exceed—*

15 *(A) \$100,000,000 in fiscal year 2004; and*

16 *(B) \$125,000,000 in fiscal year 2005.*

17 *(2) Projects carried out under this section are not sub-*
 18 *ject to section 8104(a)(2) of title 38, United States Code.*

19 *(3) The Secretary may not award a contract by reason*
 20 *of the authorization provided by paragraph (1) until after*
 21 *the Secretary has awarded a contract for each construction*
 22 *project authorized by section 3(a) and a contract for each*
 23 *lease authorized by section 3(d).*

24 *(b) TYPE OF PROJECTS.—A project carried out under*
 25 *subsection (a) may be carried out only at a Department*

1 *of Veterans Affairs medical center and only for the purpose*
2 *of one or more of the following:*

3 *(1) Improving a patient care facility.*

4 *(2) Replacing a patient care facility.*

5 *(3) Renovating a patient care facility.*

6 *(4) Updating a patient care facility to contem-*
7 *porary standards.*

8 *(5) Establishing a new patient care facility at a*
9 *location where no Department patient care facility*
10 *exists.*

11 *(6) Improving, replacing, or renovating a re-*
12 *search facility or updating such a facility to contem-*
13 *porary standards.*

14 *(c) PURPOSE OF PROJECTS.—In selecting medical cen-*
15 *ters for projects under subsection (a), the Secretary shall*
16 *select projects to improve, replace, renovate, update, or es-*
17 *tablish facilities to achieve one or more of the following:*

18 *(1) Seismic protection improvements related to*
19 *patient safety (or, in the case of a research facility,*
20 *patient or employee safety).*

21 *(2) Fire safety improvements.*

22 *(3) Improvements to utility systems and ancil-*
23 *lary patient care facilities (including such systems*
24 *and facilities that may be exclusively associated with*
25 *research facilities).*

1 (4) *Improved accommodation for persons with*
2 *disabilities, including barrier-free access.*

3 (5) *Improvements at patient care facilities to*
4 *specialized programs of the Department, including the*
5 *following:*

6 (A) *Blind rehabilitation centers.*

7 (B) *Inpatient and residential programs for*
8 *seriously mentally ill veterans, including mental*
9 *illness research, education, and clinical centers.*

10 (C) *Residential and rehabilitation programs*
11 *for veterans with substance-use disorders.*

12 (D) *Physical medicine and rehabilitation*
13 *activities.*

14 (E) *Long-term care, including geriatric re-*
15 *search, education, and clinical centers, adult day*
16 *care centers, and nursing home care facilities.*

17 (F) *Amputation care, including facilities*
18 *for prosthetics, orthotics programs, and sensory*
19 *aids.*

20 (G) *Spinal cord injury centers.*

21 (H) *Traumatic brain injury programs.*

22 (I) *Women veterans' health programs (in-*
23 *cluding particularly programs involving privacy*
24 *and accommodation for female patients).*

1 *(J) Facilities for hospice and palliative care*
2 *programs.*

3 *(d) REVIEW PROCESS.—(1) The Secretary shall pro-*
4 *vide that, before a project is submitted to the Secretary with*
5 *a recommendation that it be approved as a project to be*
6 *carried out under the authority of this section, the project*
7 *shall be reviewed by a board within the Department of Vet-*
8 *erans Affairs that is independent of the Veterans Health*
9 *Administration and that is constituted by the Secretary to*
10 *evaluate capital investment projects. The board shall review*
11 *such project to determine the project's relevance to the med-*
12 *ical care mission of the Department and whether the project*
13 *improves, renovates, repairs, establishes, or updates facili-*
14 *ties of the Department in accordance with this section.*

15 *(2) In selecting projects to be carried out under the*
16 *authority provided by this section, the Secretary shall con-*
17 *sider the recommendations of the board under paragraph*
18 *(1). In any case in which the Secretary approves a project*
19 *to be carried out under this section that was not rec-*
20 *ommended for such approval by the board under paragraph*
21 *(1), the Secretary shall include in the report of the Sec-*
22 *retary under subsection (g)(2) notice of such approval and*
23 *the Secretary's reasons for not following the recommenda-*
24 *tion of the board with respect to that project.*

1 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
2 *authorized to be appropriated to the Secretary of Veterans*
3 *Affairs for the Construction, Major Projects, account for*
4 *projects under this section—*

5 (1) *\$500,000,000 for fiscal year 2004; and*

6 (2) *\$600,000,000 for fiscal year 2005.*

7 (f) *LIMITATION.*—*Projects may be carried out under*
8 *this section only using funds appropriated pursuant to the*
9 *authorization of appropriations in subsection (e), except*
10 *that funds appropriated for advance planning may be used*
11 *for the purposes for which appropriated in connection with*
12 *such projects.*

13 (g) *REPORTS.*—(1) *Not later than April 1, 2005, the*
14 *Comptroller General shall submit to the Committees on Vet-*
15 *erans' Affairs and on Appropriations of the Senate and*
16 *House of Representatives a report evaluating the advan-*
17 *tages and disadvantages of congressional authorization for*
18 *projects of the type described in subsection (b) through gen-*
19 *eral authorization as provided by subsection (a), rather*
20 *than through specific authorization as would otherwise be*
21 *applicable under section 8104(a)(2) of title 38, United*
22 *States Code. Such report shall include a description of the*
23 *actions of the Secretary of Veterans Affairs during fiscal*
24 *year 2004 to select and carry out projects under this section.*

1 (2) Not later than 120 days after the date on which
2 the site for the final project under this section for each such
3 fiscal year is selected, the Secretary shall submit to the com-
4 mittees referred to in paragraph (1) a report on the author-
5 ization process under this section. The Secretary shall in-
6 clude in each such report the following:

7 (A) A listing by project of each such project se-
8 lected by the Secretary under that section, together
9 with a prospectus description of the purposes of the
10 project, the estimated cost of the project, and a state-
11 ment attesting to the review of the project under sub-
12 section (c), and, if that project was not recommended
13 by the board, the Secretary's justification under sub-
14 section (d) for not following the recommendation of
15 the board.

16 (B) An assessment of the utility to the Depart-
17 ment of Veterans Affairs of that authorization process.

18 (C) Such recommendations as the Secretary con-
19 siders appropriate for future congressional policy for
20 authorizations of major and minor medical facility
21 construction projects for the Department of Veterans
22 Affairs.

23 (D) Any other matter that the Secretary con-
24 siders to be appropriate with respect to oversight by

1 *Congress of capital facilities projects of the Depart-*
2 *ment of Veterans Affairs.*

3 **SEC. 3. AUTHORIZATION OF MAJOR MEDICAL FACILITY**
4 **PROJECTS AND LEASES.**

5 *(a) PROJECT AUTHORIZATIONS.—The Secretary of*
6 *Veterans Affairs may carry out the following major medical*
7 *facility projects, with each project to be carried out in the*
8 *amount specified for that project:*

9 *(1) Construction of a new bed tower to consoli-*
10 *date two inpatient sites of care in inner city Chicago*
11 *at the West Side Division of the Department of Vet-*
12 *erans Affairs health care system in Chicago, Illinois,*
13 *in an amount not to exceed \$98,500,000.*

14 *(2) Seismic corrections to strengthen Medical*
15 *Center Building 1 of the Department of Veterans Af-*
16 *fairs health care system in San Diego, California, in*
17 *an amount not to exceed \$48,600,000.*

18 *(3) A project for (A) renovation of all inpatient*
19 *care wards at the West Haven, Connecticut, facility*
20 *of the Department of Veterans Affairs health system*
21 *in Connecticut to improve the environment of care*
22 *and enhance safety, privacy, and accessibility, and*
23 *(B) establishment of a consolidated medical research*
24 *facility at that facility, in an amount not to exceed*
25 *\$50,000,000.*

1 (4) *Construction of a medical facility on avail-*
2 *able Federal land at the Defense Supply Center, Co-*
3 *lumbus, Ohio, in an amount not to exceed*
4 *\$90,000,000.*

5 (5) *Construction of a Department of Veterans Af-*
6 *fairs-Department of Navy joint venture, comprehen-*
7 *sive outpatient medical care facility to be built on the*
8 *grounds of the Pensacola Naval Air Station, Pensa-*
9 *cola, Florida, in an amount not to exceed*
10 *\$45,000,000.*

11 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
12 *authorized to be appropriated to the Secretary of Veterans*
13 *Affairs for fiscal year 2004 for the Construction, Major*
14 *Projects, account \$332,100,000 for the projects authorized*
15 *in subsection (a).*

16 (c) *LIMITATION.—The projects authorized in sub-*
17 *section (a) may only be carried out using—*

18 (1) *funds appropriated for fiscal year 2004 pur-*
19 *suant to the authorization of appropriations in sub-*
20 *section (b);*

21 (2) *funds appropriated for Construction, Major*
22 *Projects, for a fiscal year before fiscal year 2004 that*
23 *remain available for obligation; and*

1 (3) *funds appropriated for Construction, Major*
 2 *Projects, for fiscal year 2004 for a category of activity*
 3 *not specific to a project.*

4 (d) *AUTHORIZATION OF MAJOR MEDICAL FACILITY*
 5 *LEASES.—The Secretary of Veterans Affairs may enter into*
 6 *leases as follows:*

7 (1) *For an outpatient clinic in Charlotte, North*
 8 *Carolina, in an amount not to exceed \$3,000,000.*

9 (2) *For facilities for a multi-specialty outpatient*
 10 *clinic for the Veterans Health Administration and a*
 11 *satellite office for the Veterans Benefits Administra-*
 12 *tion in Clark County, Nevada, at an annual lease*
 13 *amount not to exceed \$6,500,000.*

14 **SEC. 4. LIMITATION ON DISPOSAL OF LAKESIDE DIVISION,**
 15 **DEPARTMENT OF VETERANS AFFAIRS MED-**
 16 **ICAL FACILITIES, CHICAGO, ILLINOIS.**

17 (a) *LIMITATION.—The Secretary of Veterans Affairs*
 18 *may not make a final disposal under section 8162 of title*
 19 *38, United States Code, of the Lakeside Division facility*
 20 *of the Department of Veterans Affairs medical facilities in*
 21 *Chicago, Illinois, until the Secretary has entered into a con-*
 22 *tract for the construction project authorized by section*
 23 *3(a)(1).*

24 (b) *DEFINITION.—For purposes of this section, the*
 25 *term “disposal”, with respect to the Lakeside Division facil-*

1 *ity, includes entering into a long-term lease or sharing*
 2 *agreement under which a party other than the Secretary*
 3 *has operational control of the facility.*

4 **SEC. 5. PLANS FOR FACILITIES IN SOUTHERN NEW JERSEY**
 5 **AND FAR SOUTH TEXAS.**

6 *(a) PLAN.—(1) The Secretary of Veterans Affairs shall*
 7 *develop—*

8 *(A) a plan to establish an inpatient facility to*
 9 *meet hospital care needs of veterans who reside in*
 10 *southern New Jersey; and*

11 *(B) a plan for hospital care needs of veterans*
 12 *who reside in far south Texas.*

13 *(2) In developing the plans under paragraph (1), the*
 14 *Secretary shall, at a minimum, consider options using the*
 15 *existing authorities of section 8111 and 8153 of title 38,*
 16 *United States Code—*

17 *(A) to establish a hospital staffed and managed*
 18 *by employees of the Department, either in private or*
 19 *public facilities, including Federal facilities; or*

20 *(B) to enter into contracts with existing private*
 21 *facilities and private providers for that care.*

22 *(b) REPORTS.—The Secretary shall submit to the Com-*
 23 *mittees on Veterans' Affairs of the Senate and House of*
 24 *Representatives a report on each plan under subsection (a)*
 25 *not later than January 31, 2004.*

1 (c) *DEFINITIONS.—In this section:*

2 (1) *The term “far south Texas” means the fol-*
 3 *lowing counties of the State of Texas: Bee, Calhoun,*
 4 *Crockett, DeWitt, Dimmit, Goliad, Jackson, Victoria,*
 5 *Webb, Aransas, Duval, Jim Wells, Kleberg, Nueces,*
 6 *Refugio, San Patricio, Brooks, Cameron, Hidalgo,*
 7 *Jim Hogg, Kenedy, Starr, Willacy, and Zapata.*

8 (2) *The term “southern New Jersey” means the*
 9 *following counties of the State of New Jersey: Ocean,*
 10 *Burlington, Camden, Gloucester, Salem, Cumberland,*
 11 *Atlantic, and Cape May.*

12 **SEC. 6. INCREASE IN MAJOR MEDICAL FACILITY CON-**
 13 **STRUCTION COST THRESHOLD.**

14 Section 8104(a)(3)(A) of title 38, United States Code,
 15 is amended by striking “\$4,000,000” and inserting
 16 “\$6,000,000”.

17 **SEC. 7. NAME OF DEPARTMENT OF VETERANS AFFAIRS**
 18 **HEALTH CARE FACILITY, CHICAGO, ILLINOIS.**

19 *The Department of Veterans Affairs health care facility*
 20 *located at 820 South Damen Avenue in Chicago, Illinois,*
 21 *shall after the date of the enactment of this Act be known*
 22 *and designated as the “Jesse Brown Department of Veterans*
 23 *Affairs Medical Center”. Any reference to such facility in*
 24 *any law, map, regulation, document, paper, or other record*
 25 *of the United States shall be considered to be a reference*

1 *to the Jesse Brown Department of Veterans Affairs Medical*
 2 *Center.*

3 **SEC. 8. STUDY AND REPORT ON FEASIBILITY OF COORDINA-**
 4 **TION OF VETERANS HEALTH CARE SERVICES**
 5 **IN SOUTH CAROLINA WITH NEW UNIVERSITY**
 6 **MEDICAL CENTER.**

7 *(a) STUDY REQUIRED.—The Secretary of Veterans Af-*
 8 *fairs shall conduct a study to examine the feasibility of co-*
 9 *ordination by the Department of Veterans Affairs of its*
 10 *needs for inpatient hospital, medical care, and long-term*
 11 *care services for veterans with the pending construction of*
 12 *a new university medical center at the Medical University*
 13 *of South Carolina, Charleston, South Carolina.*

14 *(b) MATTERS TO BE INCLUDED IN STUDY.—(1) As*
 15 *part of the study under subsection (a), the Secretary shall*
 16 *consider the following:*

17 *(A) Integration with the Medical University of*
 18 *South Carolina of some or all of the services referred*
 19 *to in subsection (a) through contribution to the con-*
 20 *struction of that university's new medical facility or*
 21 *by becoming a tenant provider in that new facility.*

22 *(B) Construction by the Department of Veterans*
 23 *Affairs of a new independent inpatient or outpatient*
 24 *facility alongside or nearby the university's new facil-*
 25 *ity.*

1 (2) *In carrying out paragraph (1), the Secretary shall*
2 *consider the degree to which the Department of Veterans Af-*
3 *fairs and the university medical center would be able to*
4 *share expensive technologies and scarce specialty services*
5 *that would affect any such plans of the Secretary or the*
6 *university.*

7 (3) *In carrying out the study, the Secretary shall espe-*
8 *cially consider the applicability of the authorities under sec-*
9 *tion 8153 of title 38, United States Code (relating to shar-*
10 *ing of health care resources between the Department and*
11 *community provider organizations) to govern future ar-*
12 *rangements and relationship between the Department and*
13 *the Medical University of South Carolina.*

14 (c) *CONSULTATION WITH SECRETARY OF DEFENSE.—*
15 *The Secretary of Veterans Affairs shall consult with the Sec-*
16 *retary of Defense in carrying out the study under this sec-*
17 *tion. Such consultation shall include consideration of estab-*
18 *lishing a Department of Veterans Affairs-Department of*
19 *Defense joint health-care venture at the site referred to in*
20 *subsection (a).*

21 (d) *REPORT.—Not later than March 31, 2004, the Sec-*
22 *retary shall submit to the Committees on Veterans' Affairs*
23 *of the Senate and House of Representatives a report on the*
24 *results of the study. The report shall include the Secretary's*
25 *recommendations with respect to coordination described in*

- 1 *subsection (a), including recommendations with respect to*
- 2 *each of the matters referred to in subsection (b).*

Amend the title so as to read: “A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, establishing, and updating patient care facilities at Department of Veterans Affairs medical centers, and for other purposes.”.

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A BILL

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