

109TH CONGRESS
2^D SESSION

S. 3421

AN ACT

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,*

1 **SECTION 1. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR**
2 **MEDICAL FACILITY PROJECTS.**

3 The Secretary of Veterans Affairs may carry out the
4 following major medical facility projects in fiscal year
5 2006, with each project to be carried out in the amount
6 specified for that project:

7 (1) Restoration, new construction or replace-
8 ment of the medical center facility for the Depart-
9 ment of Veterans Affairs Medical Center, New Orle-
10 ans, Louisiana, due to damage from Hurricane
11 Katrina in an amount not to exceed \$636,000,000.
12 The Secretary is authorized to carry out the project
13 as a collaborative effort consistent with the New Or-
14 leans Collaborative Opportunities Study Group Re-
15 port dated June 12, 2006.

16 (2) Restoration of the Department of Veterans
17 Affairs Medical Center, Biloxi, Mississippi, and con-
18 solidation of services performed at the Department
19 of Veterans Affairs Medical Center, Gulfport, Mis-
20 sissippi, in an amount not to exceed \$310,000,000.

21 (3) Replacement of the Department of Veterans
22 Affairs Medical Center, Denver, Colorado, in an
23 amount not to exceed \$98,000,000.

1 **SEC. 2. EXTENSION OF AUTHORIZATION FOR MAJOR MED-**
2 **ICAL FACILITY CONSTRUCTION PROJECTS**
3 **AUTHORIZED UNDER CAPITAL ASSET RE-**
4 **ALIGNMENT INITIATIVE.**

5 Notwithstanding subsection (d) of section 221 of the
6 Veterans Health Care, Capital Asset, and Business Im-
7 provement Act of 2003 (Public Law 108–170; 117 Stat.
8 2050), the Secretary of Veterans Affairs may enter into
9 contracts before September 30, 2009, to carry out each
10 major medical facility project, as originally authorized by
11 such section 221, as follows with each project to be carried
12 out in the amount specified for that project:

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

17 (2) Consolidation of clinical and administrative
18 functions of the Department of Veterans Affairs
19 Medical Center in Cleveland, Ohio, and the Depart-
20 ment of Veterans Affairs Medical Center in
21 Brecksville, Ohio, in an amount not to exceed
22 \$102,300,000.

23 (3) Construction of the Extended Care Building
24 at the Department of Veterans Affairs Medical Cen-
25 ter in Des Moines, Iowa, in an amount not to exceed
26 \$25,000,000.

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

5 (5) Correction of patient privacy deficiencies at
6 the Department of Veterans Affairs Medical Center,
7 Gainesville, Florida, in an amount not to exceed
8 \$85,200,000.

9 (6) 7th and 8th Floor Wards Modernization ad-
10 dition at the Department of Veterans Affairs Med-
11 ical Center, Indianapolis, Indiana, in an amount not
12 to exceed \$27,400,000.

13 (7) Construction of a new Medical Center Facil-
14 ity at the Department of Veterans Affairs Medical
15 Center, Las Vegas, Nevada, in an amount not to ex-
16 ceed \$406,000,000.

17 (8) Construction of an Ambulatory Surgery/
18 Outpatient Diagnostic Support Center in the Gulf
19 South Submarket of Veterans Integrated Service
20 Network (VISN) 8 and completion of Phase I land
21 purchase, Lee County, Florida, in an amount not to
22 exceed \$65,100,000.

23 (9) Seismic Corrections-Buildings 7 & 126 at
24 the Department of Veterans Affairs Medical Center,

1 Long Beach, California, in an amount not to exceed
2 \$107,845,000.

3 (10) Seismic Corrections-Buildings 500 & 501
4 at the Department of Veterans Affairs Medical Cen-
5 ter, Los Angeles, California, in an amount not to ex-
6 ceed \$79,900,000.

7 (11) Construction of a New Medical Center fa-
8 cility in the Orlando, Florida, area in an amount not
9 to exceed \$377,700,000.

10 (12) Consolidation of Campuses at the Univer-
11 sity Drive and H. John Heinz III divisions, Pitts-
12 burgh, Pennsylvania, in an amount not to exceed
13 \$189,205,000.

14 (13) Ward Upgrades and Expansion at the De-
15 partment of Veterans Affairs Medical Center, San
16 Antonio, Texas, in an amount not to exceed
17 \$19,100,000.

18 (14) Seismic Corrections-Building 1, Phase 1
19 Design at the Department of Veterans Affairs Med-
20 ical Center, San Juan, Puerto Rico, in an amount
21 not to exceed \$15,000,000.

22 (15) Construction of a Spinal Cord Injury Cen-
23 ter at the Department of Veterans Affairs Medical
24 Center, Syracuse, New York, in an amount not to
25 exceed \$53,900,000.

1 (16) Upgrade Essential Electrical Distribution
2 Systems at the Department of Veterans Affairs
3 Medical Center, Tampa, Florida, in an amount not
4 to exceed \$49,000,000.

5 (17) Expansion of the Spinal Cord Injury Cen-
6 ter addition at the Department of Veterans Affairs
7 Medical Center, Tampa, Florida, in an amount not
8 to exceed \$7,100,000.

9 (18) Blind Rehabilitation and Psychiatric Bed
10 renovation and new construction project at the De-
11 partment of Veterans Affairs Medical Center, Tem-
12 ple, Texas, in an amount not to exceed \$56,000,000.

13 **SEC. 3. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MED-**
14 **ICAL FACILITY PROJECTS.**

15 The Secretary of Veterans Affairs may carry out the
16 following major medical facility projects in fiscal year
17 2007 in the amount specified for each project:

18 (1) Seismic Corrections, Nursing Home Care
19 Unit and Dietetics at the Department of Veterans
20 Affairs Medical Center, American Lake, Wash-
21 ington, in an amount not to exceed \$38,220,000.

22 (2) Replacement of Operating Suite at the De-
23 partment of Veterans Affairs Medical Center, Co-
24 lumbia, Missouri, in an amount not to exceed
25 \$25,830,000.

1 (3) Construction of a new clinical addition at
2 the Department of Veterans Affairs Medical Center,
3 Fayetteville, Arkansas, in an amount not to exceed
4 \$56,163,000.

5 (4) Construction of Spinal Cord Injury Center
6 at the Department of Veterans Affairs Medical Cen-
7 ter, Milwaukee, Wisconsin, in an amount not to ex-
8 ceed \$32,500,000.

9 (5) Medical facility improvements and cemetery
10 expansion of Jefferson Barracks at the Department
11 of Veterans Affairs Medical Center, St. Louis, Mis-
12 souri, in an amount not to exceed \$69,053,000.

13 **SEC. 4. AUTHORIZATION OF FISCAL YEAR 2006 MAJOR MED-**
14 **ICAL FACILITY LEASES.**

15 The Secretary of Veterans Affairs may carry out the
16 following major medical facility leases in fiscal year 2006
17 at the locations specified, and in an amount for each lease
18 not to exceed the amount shown for such location:

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

21 (2) For an outpatient clinic, Evansville, Illinois,
22 \$8,989,000.

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

1 **SEC. 5. AUTHORIZATION OF FISCAL YEAR 2007 MAJOR MED-**
2 **ICAL FACILITY LEASES.**

3 The Secretary of Veterans Affairs may carry out the
4 following major medical facility leases in fiscal year 2007
5 at the locations specified, and in an amount for each lease
6 not to exceed the amount shown for such location:

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

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

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

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

15 (5) For an outpatient clinic, Parma, Ohio,
16 \$5,032,000.

17 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) AUTHORIZATION OF APPROPRIATIONS FOR FIS-
19 CAL YEAR 2006 MAJOR MEDICAL FACILITY PROJECTS.—
20 There is authorized to be appropriated to the Secretary
21 of Veterans Affairs for fiscal year 2006 for the Construc-
22 tion, Major Projects, account, \$1,044,000,000 for the
23 projects authorized in section 1.

24 (b) AUTHORIZATION OF APPROPRIATIONS FOR
25 MAJOR MEDICAL FACILITY PROJECTS UNDER CAPITAL
26 ASSET REALIGNMENT INITIATIVE.—

1 (1) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated for the Sec-
3 retary of Veterans Affairs for fiscal year 2007 for
4 the Construction, Major Projects, account,
5 \$1,750,120,000 for the projects whose authorization
6 is extended by section 2.

7 (2) AVAILABILITY.—Amounts appropriated pur-
8 suant to the authorization of appropriations in para-
9 graph (1) shall remain available until September 30,
10 2009.

11 (c) AUTHORIZATION OF APPROPRIATIONS FOR FIS-
12 CAL YEAR 2007 MAJOR MEDICAL FACILITY PROJECTS.—

13 There is authorized to be appropriated to the Secretary
14 of Veterans Affairs for fiscal year 2007 for the Construc-
15 tion, Major Projects, account, \$221,766,000 for the
16 projects authorized in section 3.

17 (d) AUTHORIZATION OF APPROPRIATIONS FOR
18 MAJOR MEDICAL FACILITY LEASES.—

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

24 (2) FISCAL YEAR 2007 LEASES.—There is au-
25 thorized to be appropriated for the Secretary of Vet-

1 erans Affairs for fiscal year 2007 for the Medical
2 Care account, \$26,642,000 for the leases authorized
3 in section 5.

4 (e) LIMITATION.—The projects authorized in sections
5 1 and 2 may only be carried out using—

6 (1) funds appropriated for fiscal year 2006 or
7 2007 pursuant to the authorization of appropria-
8 tions in subsections (a), (b), and (c) of this section;

9 (2) funds available for Construction, Major
10 Projects, for a fiscal year before fiscal year 2006
11 that remain available for obligation;

12 (3) funds available for Construction, Major
13 Projects, for a fiscal year after fiscal year 2006 or
14 2007 that are available for obligation; and

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

18 **SEC. 7. INCREASE IN THRESHOLD FOR MAJOR MEDICAL**
19 **FACILITY PROJECTS.**

20 (a) INCREASE.—Section 8104(a)(3)(A) of title 38,
21 United States Code, is amended by striking “\$7,000,000”
22 and inserting “\$10,000,000”.

23 (b) EFFECTIVE DATE.—The amendment made by
24 subsection (a) shall take effect on October 1, 2006, and

1 shall apply with respect to any fiscal year beginning on
2 or after that date.

3 **SEC. 8. EXPANSION OF ELIGIBILITY UNDER SURVIVORS'**
4 **AND DEPENDENTS EDUCATIONAL ASSIST-**
5 **ANCE PROGRAM.**

6 (a) ELIGIBILITY FOR DEPENDENTS OF
7 SERVICEMEMBERS.—

8 (1) CHILDREN.—Section 3501(a)(1)(A) of title
9 38, United States Code, is amended—

10 (A) in clause (ii) by striking “or” at the
11 end;

12 (B) by redesignating clause (iii) as clause
13 (iv); and

14 (C) by inserting after clause (ii) the fol-
15 lowing clause (iii):

16 “(iii) is hospitalized or receiving outpatient
17 medical care, services, or treatment pending
18 discharge from the active military, naval, or air
19 service for a total disability permanent in na-
20 ture resulting from a service-connected dis-
21 ability (as determined by the Secretary), or”.

22 (2) SPOUSES.—Subparagraph (D) of section
23 3501(a)(1) of such title is amended to read as fol-
24 lows:

1 “(D)(i) the spouse of any veteran who has a
2 total disability permanent in nature resulting from a
3 service-connected disability,

4 “(ii) the spouse of any person who is hospital-
5 ized or receiving outpatient medical care, services, or
6 treatment pending discharge from the active mili-
7 tary, naval, or air service for a total disability per-
8 manent in nature resulting from a service-connected
9 disability (as determined by the Secretary), or

10 “(iii) the surviving spouse of a veteran who died
11 while a disability so evaluated was in existence,”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) DURATION OF ASSISTANCE.—Section 3511
14 of such title is amended—

15 (A) in subsection (a)(1), by striking “both
16 sections 3501(a)(1)(D)(i) and
17 3501(a)(1)(D)(ii)” and inserting “sections
18 3501(a)(1)(D)(i), 3501(a)(1)(D)(ii), and
19 3501(a)(1)(D)(iii)”;

20 (B) in subsection (b)(2), by striking
21 “3501(a)(1)(A)(iii)” and inserting
22 “3501(a)(1)(A)(iv)”;

23 (C) in subsection (c), by striking
24 “3501(a)(1)(A)(iii), 3501(a)(1)(C), or
25 3501(a)(1)(D)(i)” and inserting

1 “3501(a)(1)(A)(iv), 3501(a)(1)(C),
2 3501(a)(1)(D)(i), or 3501(a)(1)(D)(ii)”.

3 (2) PERIOD OF ELIGIBILITY.—Section 3512 of
4 such title is amended—

5 (A) in subsection (a)(6), by striking
6 “3501(a)(1)(A)(iii)” and inserting
7 “3501(a)(1)(A)(iv)”;

8 (B) in subsection (b)(1)(A), by striking
9 “3501(a)(1)(D)(i), or 3501(a)(1)(D)(ii) of this
10 title.” and all that follows through the end, and
11 inserting the following: “or 3501(a)(1)(D) of
12 this title. In the case of a surviving spouse
13 made eligible by clause (iii) of section
14 3501(a)(1)(D), the 10-year period may not be
15 reduced by any earlier period during which the
16 person otherwise was eligible for educational as-
17 sistance under this chapter as a spouse de-
18 scribed in clause (i) or (ii) of that section.”;
19 and

20 (C) in subsection (d), by striking “vet-
21 eran” and inserting “person”.

22 (3) EFFECTIVE DATES.—Section 5113(b)(3) of
23 such title is amended by adding at the end the fol-
24 lowing new subparagraph:

1 “(D) The term ‘veteran’ includes a person as
2 described in sections 3501(a)(1)(A)(iii) and
3 3501(a)(1)(D)(ii) of this title.”.

Passed the Senate September 26, 2006.

Attest:

Secretary.

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AN ACT

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