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108TH CONGRESS
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S. 2485

[Report No. 108–358]

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.

IN THE SENATE OF THE UNITED STATES

JUNE 1, 2004

Mr. SPECTER (by request) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

SEPTEMBER 27, 2004

Reported by Mr. SPECTER, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**
 2 **UNITED STATES CODE.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
 4 “Department of Veterans Affairs Real Property and Fa-
 5 cilities Management Improvement Act of 2004”.

6 (b) **REFERENCES TO TITLE 38 UNITED STATES**
 7 **CODE.**—Except as otherwise expressly provided, whenever
 8 in this Act an amendment or repeal is expressed in terms
 9 of an amendment to, or repeal of, a section or other provi-
 10 sion, the reference shall be considered to be made to a
 11 section or other provision of title 38, United States Code.

12 **SEC. 2. AUTHORITY TO USE PROJECT FUNDS TO CON-**
 13 **STRUCT OR RELOCATE SURFACE PARKING**
 14 **INCIDENTAL TO A CONSTRUCTION OR NON-**
 15 **RECURRING MAINTENANCE PROJECT.**

16 Section 8109 is amended by adding at the end the
 17 following new subsection:

18 “(j) Funds in a construction account or capital ac-
 19 count that are available for a construction project or non-
 20 recurring maintenance project may be used for the con-
 21 struction or relocation of a surface parking lot incidental
 22 to such project.”.

23 **SEC. 3. IMPROVEMENTS OF ENHANCED-USE LEASE AU-**
 24 **THORITIES.**

25 (a) **BUSINESS PLAN CRITERIA.**—Section 8162 is
 26 amended—

1 (1) in subsection (a)(2)(B), by striking “the
 2 Under Secretary for Health for applying the consid-
 3 eration under such a lease to the provision of med-
 4 ical care and services” and inserting “one of the
 5 Under Secretaries for applying the consideration
 6 under such a lease to the programs and activities of
 7 the Department”; and

8 (2) in subsection (b)(4)(A), by striking “on the
 9 leased property”.

10 (b) CONSIDERATION OF PROPOSALS FOR LEASES.—

11 (1) Section 8163 is amended—

12 (A) in subsection (a), by striking the first sen-
 13 tence and inserting the following new sentence: “If
 14 the Secretary proposes to enter into an enhanced-use
 15 lease with respect to certain property, the Secretary
 16 shall conduct a public hearing before entering into
 17 the lease.”;

18 (B) in subsection (b), by striking “of the pro-
 19 posed designation and of the hearing” in the matter
 20 preceding paragraph (1) and inserting “on the pro-
 21 posed lease and the hearing to the congressional vet-
 22 erans’ affairs committees and to the public”; and

23 (C) in subsection (c)—

24 (i) in paragraph (1)—

1 (I) by striking “to designate the prop-
 2 erty involved” and inserting “to enter into
 3 an enhanced-use lease of the property in-
 4 volved”; and

5 (II) by striking “to so designate the
 6 property” and inserting “to enter into the
 7 lease”;

8 (ii) in paragraph (2), by striking “90-day”
 9 and inserting “45-day”; and
 10 (iii) by striking paragraph (4).

11 (2)(A) The heading of such section is amended to
 12 read as follows:

13 **“§ 8163. Proposals for property to be leased”.**

14 (B) The table of sections at the beginning of chapter
 15 81 is amended by striking the item relating to section
 16 8163 and inserting the following new item:

“8163. Proposals for property to be leased.”.

17 (c) DISPOSAL AUTHORITY.—Section 8164 is amend-
 18 ed—

19 (1) in subsection (a)—

20 (A) by striking “by requesting the Admin-
 21 istrator of General Services to dispose of the
 22 property pursuant to subsection (b)”;

23 (B) by striking the last sentence;

24 (2) in subsection (b)—

1 (A) by striking “and the Administrator of
2 General Services jointly determine” and insert-
3 ing “determines”; and

4 (B) by striking “and the Administrator
5 consider” and inserting “considers”; and

6 (3) in subsection (e), by striking “90 days” and
7 inserting “45 days”.

8 (d) USE OF PROCEEDS.—Section 8165 is amended—
9 (1) in subsection (a)—

10 (A) in paragraph (1), by striking “Funds
11 received” and inserting “Except as provided in
12 paragraph (2), funds received”;

13 (B) by redesignating paragraph (2) as
14 paragraph (3);

15 (C) by inserting after paragraph (1) the
16 following new paragraph (2):

17 “(2) Funds received by the Department under an en-
18 hanced-use lease implementing a business plan proposed
19 by the Under Secretary for Benefits or the Under Sec-
20 retary for Memorial Affairs and remaining after any de-
21 duction from such funds under subsection (b) shall be
22 credited to applicable appropriations of the Veterans Ben-
23 efits Administration or National Cemetery Administra-
24 tion, as the case may be.”; and

1 (D) in paragraph (3), as so redesignated,
 2 by striking “nursing home revolving fund” and
 3 inserting “Capital Asset Fund established
 4 under section 8122A of this title”;
 5 (2) in subsection (b)—

6 (A) by inserting “(1)” after “(b)”

7 (B) in paragraph (1), as so designated, by
 8 striking “for that fiscal year”; and

9 (C) by adding at the end the following new
 10 paragraph:

11 “(2) The Secretary may also deduct from the pro-
 12 ceeds of any enhanced-use lease an amount to reimburse
 13 applicable appropriations of the Department for any ex-
 14 penses incurred by the Secretary in the development of
 15 additional enhanced-use leases. Amounts so deducted shall
 16 be utilized to reimburse such appropriations.”; and

17 (3) by striking subsection (c).

18 **SEC. 4. DISPOSAL OF REAL PROPERTY OF THE DEPART-**
 19 **MENT OF VETERANS AFFAIRS.**

20 (a) IN GENERAL.—(1) Subchapter II of chapter 81
 21 is amended by inserting after section 8122 the following
 22 new section:

23 **“§ 8122A. Disposal of real property**

24 “(a) IN GENERAL.—(1) To the extent provided in ad-
 25 vance in appropriations Acts, the Secretary may, in ac-

1 cordance with this section and sections 8122 and 8164
 2 of this title, dispose of real property of the Department,
 3 including land and structures and equipment associated
 4 with such property, that is under the jurisdiction or con-
 5 trol of the Secretary by—

6 “(A) transfer to or exchange with another de-
 7 partment or agency of the Federal Government;

8 “(B) conveyance to or exchange with a State or
 9 a political subdivision of a State, an Indian tribe, or
 10 other public entity; or

11 “(C) conveyance to or exchange with any pri-
 12 vate person or entity.

13 “(2) The Secretary may exercise the authority in
 14 paragraph (1) notwithstanding the following provisions of
 15 law:

16 “(A) Sections 521, 522, and 541 through 545
 17 of title 40.

18 “(B) Section 501 of the McKinney-Vento
 19 Homeless Assistance Act (42 U.S.C. 11411).

20 “(3) In any transfer, exchange, or conveyance of real
 21 property under this subsection, the Secretary shall obtain
 22 consideration in an amount equal to the fair market value
 23 of the property, as determined by the Secretary.

24 “(b) TREATMENT OF PROCEEDS.—Proceeds from the
 25 transfer, exchange, or conveyance of real property under

1 subsection (a) shall be deposited in the Capital Asset Fund
 2 under subsection (c).

3 ~~“(c) CAPITAL ASSET FUND.—There is established on~~
 4 ~~the books of the Treasury of the United States a revolving~~
 5 ~~fund known as the Capital Asset Fund (in this section~~
 6 ~~referred to as the ‘Fund’).~~

7 ~~“(d) ELEMENTS OF FUND.—The Fund shall consist~~
 8 ~~of the following:~~

9 ~~“(1) Amounts authorized to be appropriated to~~
 10 ~~the Fund.~~

11 ~~“(2) Proceeds from the transfer, exchange, or~~
 12 ~~conveyance of real property under subsection (a)~~
 13 ~~that are deposited in the Fund under subsection (b).~~

14 ~~“(3) Funds to be deposited in the Fund under~~
 15 ~~section 8165(a)(3) of this title.~~

16 ~~“(4) Any other amounts specified for transfer~~
 17 ~~to or deposit in the Fund by law.~~

18 ~~“(e) USE OF AMOUNTS IN FUND.—Subject to the~~
 19 ~~provisions of appropriations Acts, amounts in the Fund~~
 20 ~~shall be available for purposes as follows and in the fol-~~
 21 ~~lowing order of priority:~~

22 ~~“(1) For costs of the Department in disposing~~
 23 ~~of real property, including costs associated with~~
 24 ~~demolition, environmental clean-up, maintenance~~

1 and repair, improvements to facilitate disposal, and
 2 associated administrative expenses.

3 ~~“(2) For costs of the Department associated~~
 4 ~~with proposed disposals of real property of the De-~~
 5 ~~partment.~~

6 ~~“(3) For costs of non-recurring capital projects~~
 7 ~~of the Department.~~

8 ~~“(f) REPORTS.—The Secretary shall include with the~~
 9 ~~budget justification documents submitted to Congress~~
 10 ~~each year with the budget of the President for the fiscal~~
 11 ~~year beginning in such year (as submitted pursuant to sec-~~
 12 ~~tion 1105 of title 31) a report setting forth the following:~~

13 ~~“(1) A statement of each disposal of real prop-~~
 14 ~~erty to be undertaken in such fiscal year that is val-~~
 15 ~~ued in excess of the major medical facility project~~
 16 ~~threshold specified in section 8104(a)(3)(A) of this~~
 17 ~~title.~~

18 ~~“(2) A description of each disposal of real prop-~~
 19 ~~erty that was completed in the fiscal year ending in~~
 20 ~~the year before such report is submitted.”.~~

21 ~~(2) The table of sections at the beginning of such~~
 22 ~~chapter is amended by inserting after the item relating~~
 23 ~~to section 8122 the following new item:~~

~~“8122A. Disposal of real property.”.~~

1 (b) CONFORMING AMENDMENT.—Section 8164(a) is
 2 amended in the second sentence by inserting “or 1822A”
 3 after “section 8122”.

4 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
 5 authorized to be appropriated for the Department of Vet-
 6 erans Affairs for fiscal year 2005, \$10,000,000 for deposit
 7 in the Capital Asset Fund under section 1822A(c) of title
 8 38, United States Code (as added by subsection (a)).

9 **SEC. 5. MODIFICATION OF OTHER REAL PROPERTY DIS-**
 10 **POSAL AUTHORITIES.**

11 (a) GENERAL LIMITATIONS ON DISPOSAL.—Para-
 12 graph (2) of subsection (a) of section 8122 is amended
 13 to read as follows:

14 “(2) Except as provided in paragraph (3) of this sub-
 15 section, the Secretary may not during any fiscal year dis-
 16 pose of real property owned by the United States and
 17 under the jurisdiction and control of the Secretary that
 18 has an estimated value in excess of the major medical fa-
 19 cility project threshold specified in subsection
 20 8104(a)(3)(A) of this title unless—

21 “(A) the disposal is described in the budget jus-
 22 tification documents submitted to Congress each
 23 year with the budget of the President for the fiscal
 24 year beginning in such year (as submitted pursuant
 25 to section 1105 of title 31);

1 “(B) the Department receives consideration for
2 the real property equal to the fair market value of
3 the property; as determined by the Secretary; and

4 “(C) the net proceeds of the disposal are depos-
5 ited in the Capital Asset Fund under section
6 8122A(e) of this title.”.

7 (b) DISPOSAL PROCEDURES.—Subsection (d) of such
8 section is amended—

9 (1) by inserting “(1)” after “(d)”; and

10 (2) by adding at the end the following new
11 paragraphs:

12 “(2)(A) In the case of property (including land and
13 structures and equipment associated with such property)
14 that has an estimated value less than the major medical
15 facility project threshold specified in section
16 8104(a)(3)(A) of this title, the Secretary may dispose of
17 the property if—

18 “(i) the Secretary notifies the Administrator of
19 General Services of an intent to dispose of the prop-
20 erty; and

21 “(ii) a period of 30 days elapses after notice
22 under clause (i) during which period no other de-
23 partment or agency of the Federal Government ex-
24 presses an interest in assuming jurisdiction of the
25 property under the condition of paying the Secretary

1 the fair market value of the property, as determined
 2 by the Secretary, of the property.

3 ~~“(B) In disposing of property under subparagraph~~
 4 ~~(A), the Secretary shall publish a notice of sale in the real~~
 5 ~~estate section of a local newspaper of general circulation~~
 6 ~~serving the market in which the property is located.~~

7 ~~“(3) In the case of property (including land and~~
 8 ~~structures and equipment associated with such property)~~
 9 ~~that has an estimated value in excess of the major medical~~
 10 ~~facility project threshold specified in section~~
 11 ~~8104(a)(3)(A) of this title, the Secretary may dispose of~~
 12 ~~the property if—~~

13 ~~“(A) the Secretary complies with subsection~~
 14 ~~(a)(2) with respect to the property;~~

15 ~~“(B) the Secretary—~~

16 ~~“(i) notifies the Administrator of General~~
 17 ~~Services of an intent to dispose of the property;~~

18 ~~“(ii) publishes in the Federal Register no-~~
 19 ~~tice of an intent to dispose of the property; and~~

20 ~~“(iii) notifies the committees of an intent~~
 21 ~~to dispose of the property;~~

22 ~~“(C) a period of 30 days elapses after notice~~
 23 ~~under subparagraph (B)(i) during which period no~~
 24 ~~other department or agency of the Federal Govern-~~
 25 ~~ment expresses an interest in assuming jurisdiction~~

1 of the property under the condition of paying the
 2 Secretary the fair market value of the property, as
 3 determined by the Secretary, of the property; and
 4 “(D) a period of 60 days elapses after notice
 5 under subparagraph (B)(iii).”.

6 **SEC. 6. TERMINATION OF NURSING HOME REVOLVING**
 7 **FUND.**

8 (a) **TERMINATION.**—(1) Section 8116 is repealed.
 9 (2) The table of sections at the beginning of chapter
 10 81 is amended by striking the item relating to section
 11 8116.

12 (b) **CONFORMING AMENDMENT.**—Section
 13 8165(a)(3), as redesignated by section 3(d)(1)(D) of this
 14 Act, is further amended by striking “nursing home revolv-
 15 ing fund” and inserting “Capital Asset Fund under sec-
 16 tion 1822A of this title”.

17 (c) **TRANSFER OF UNOBLIGATED BALANCES TO CAP-**
 18 **ITAL ASSET FUND.**—Any unobligated balances in the
 19 nursing home revolving under section 8116 of title 38,
 20 United States Code, as of the date of the enactment of
 21 this Act shall be deposited in the Capital Asset Fund
 22 under section 8122A of title 38, United States Code (as
 23 added by section 4(a) of this Act).

1 **SEC. 7. INAPPLICABILITY OF LIMITATION ON USE OF AD-**
 2 **VANCE PLANNING FUND TO AUTHORIZED**
 3 **MAJOR MEDICAL FACILITY PROJECTS.**

4 Section 8104 is amended by adding at the end the
 5 following new subsection:

6 “(g) The limitation specified in subsection (f) shall
 7 not apply to projects for which funds have already been
 8 authorized by law in accordance with subsection (a)(2).”.

9 **SEC. 8. LEASE OF CERTAIN NATIONAL CEMETERY ADMINIS-**
 10 **TRATION PROPERTY.**

11 (a) **IN GENERAL.**—Chapter 24 is amended by adding
 12 at the end the following new section:

13 **“§ 2412. Lease of land and buildings**

14 “(a) **LEASE AUTHORIZED.**—The Secretary may lease
 15 any undeveloped land and unused or underutilized build-
 16 ings, or parts or parcels thereof, belonging to the United
 17 States and part of the National Cemetery Administration.

18 “(b) **TERM.**—The term of a lease under subsection
 19 (a) may not exceed 10 years.

20 “(c) **LEASE TO PUBLIC OR NONPROFIT ORGANIZA-**
 21 **TIONS.**—(1) A lease under subsection (a) to any public
 22 or nonprofit organization may be made without regard to
 23 the provisions of section 3709 of the Revised Statutes (41
 24 U.S.C. 5).

25 “(2) Notwithstanding section 1302 of title 40 or any
 26 other provision of law, a lease under subsection (a) to any

1 public or nonprofit organization may provide for the main-
 2 tenance, protection, or restoration of the leased property
 3 by the lessee, as a part or all of the consideration for the
 4 lease.

5 “(d) NOTICE.—Before entering into a lease under
 6 subsection (a), the Secretary shall give appropriate public
 7 notice of the intention of the Secretary to enter into the
 8 lease in a newspaper of general circulation in the commu-
 9 nity in which the lands or buildings concerned are located.

10 “(e) NATIONAL CEMETERY ADMINISTRATION FA-
 11 CILITIES OPERATION FUND.—(1) There is established on
 12 the book of the Treasury an account to be known as the
 13 ‘National Cemetery Administration Facilities Operation
 14 Fund’ (in this section referred to as the ‘Fund’).

15 “(2) The Fund shall consist of the following:

16 “(A) Amounts authorized to be appropriated to
 17 the Fund.

18 “(B) Proceeds from the lease of land or build-
 19 ings under this section.

20 “(C) Proceeds of agricultural licenses of lands
 21 of the National Cemetery Administration.

22 “(D) Any other amounts authorized for deposit
 23 in the Fund by law.

24 “(3) Amounts in the Fund shall be available to cover
 25 costs incurred by the National Cemetery Administration

1 in the operation and maintenance of property of the Ad-
 2 ministration.

3 “(4) Amounts in the Fund shall remain available
 4 until expended.”

5 (b) CLERICAL AMENDMENT.—The table of sections
 6 at the beginning of such chapter is amended by adding
 7 at the end the following new item:

“2412. Lease of land and buildings.”

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

9 (a) *SHORT TITLE.*—This Act may be cited as the “De-
 10 partment of Veterans Affairs Real Property and Facilities
 11 Management Improvement Act of 2004”.

12 (b) *TABLE OF CONTENTS.*—The table of contents for
 13 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

TITLE I—REAL PROPERTY AND FACILITIES MATTERS

Subtitle A—Real Property and Facilities Administration

Sec. 101. Restatement and enhancement of real property disposal authorities.

Sec. 102. Improvements of enhanced-use lease authorities.

*Sec. 103. Authority to use project funds to construct or relocate surface parking
 incidental to a construction or non-recurring maintenance
 project.*

*Sec. 104. Limitation on implementation of mission changes for Veterans Health
 Administration health care facilities.*

Sec. 105. Termination of nursing home revolving fund.

*Sec. 106. Inapplicability of limitation on use of advance planning fund to au-
 thorized major medical facility projects.*

Sec. 107. Lease of certain National Cemetery Administration property.

Subtitle B—Transfers of Property

*Sec. 111. Transfer of jurisdiction, General Services Administration property,
 Boise, Idaho.*

Subtitle C—Designation of Facilities

Sec. 121. Designation of Department of Veterans Affairs Medical Center, Bronx, New York, as James J. Peters Department of Veterans Affairs Medical Center.

Sec. 122. Designation of Prisoner of War/Missing in Action National Memorial, Riverside National Cemetery, Riverside, California.

Subtitle D—Other Matters

Sec. 131. First option for Commonwealth of Kentucky on Louisville Department of Veterans Affairs Medical Center, Kentucky.

TITLE II—BENEFITS MATTERS

Sec. 201. Prohibition on collection of copayments for hospice care.

Sec. 202. Expansion and permanent extension of authority for counseling and treatment for sexual trauma.

Sec. 203. Treatment of Department of Veterans Affairs per diem payments to State homes for veterans.

Sec. 204. Care for newborn children of women veterans receiving maternity care.

Sec. 205. Centers for research, education, and clinical activities on blast injuries of veterans.

Sec. 206. Extension of various authorities relating to veterans benefits.

Sec. 207. Annual reports on waiting times for appointments for health care and services.

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

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

7 **TITLE I—REAL PROPERTY AND**
 8 **FACILITIES MATTERS**

9 **Subtitle A—Real Property and**
 10 **Facilities Administration**

11 **SEC. 101. RESTATEMENT AND ENHANCEMENT OF REAL**
 12 **PROPERTY DISPOSAL AUTHORITIES.**

13 *(a) RESTATEMENT AND ENHANCEMENT OF GENERAL*
 14 *PROPERTY DISPOSAL AUTHORITIES.—Subchapter II of*

1 *chapter 81 is amended by inserting after section 8122 the*
 2 *following new section:*

3 **“§ 8122A. Disposal of real property**

4 “(a) *AUTHORITY TO DISPOSE OF REAL PROPERTY.—*
 5 *To the extent provided in advance in appropriations Acts,*
 6 *the Secretary may dispose of real property of the Depart-*
 7 *ment, including land and structures and equipment associ-*
 8 *ated with such property, that is under the jurisdiction or*
 9 *control of the Secretary by—*

10 “(1) *transfer to or exchange with another depart-*
 11 *ment or agency of the Federal Government;*

12 “(2) *conveyance to or exchange with a State or*
 13 *a political subdivision of a State, an Indian tribe, or*
 14 *another public entity; or*

15 “(3) *conveyance to or exchange with any private*
 16 *person or entity.*

17 “(b) *INAPPLICABILITY OF CERTAIN DISPOSAL RE-*
 18 *QUIREMENTS.—The Secretary may exercise the authority in*
 19 *subsection (a) without regard to the following provisions of*
 20 *law:*

21 “(1) *Sections 521, 522, and 541 through 545 of*
 22 *title 40.*

23 “(2) *Section 501 of the McKinney-Vento Home-*
 24 *less Assistance Act (42 U.S.C. 11411).*

1 “(c) *LIMITATION ON DETERMINATION OF PROPERTY*
 2 *TO BE EXCESS.*—Real property under the jurisdiction of
 3 the Secretary may not be declared excess by the Secretary
 4 and disposed of by the General Services Administration or
 5 any other entity of the Federal Government unless the Sec-
 6 retary determines that the property is no longer needed by
 7 the Department in carrying out its functions and is not
 8 suitable for use for the provision of services to homeless vet-
 9 erans by the Department or by another entity under an
 10 enhanced-use lease of such property under section 8162 of
 11 this title.

12 “(d) *DISPOSAL PROCEDURES.*—(1) Except as provided
 13 in paragraph (3), the Secretary may not during any fiscal
 14 year dispose of real property (including land and structures
 15 and equipment associated with such property) owned by the
 16 United States and administered by the Secretary that has
 17 an estimated value in excess of the major medical facility
 18 project threshold specified in section 8104(a)(3)(A) of this
 19 title unless—

20 “(A) the disposal is described in the budget jus-
 21 tification documents submitted to Congress with the
 22 budget of the President for the fiscal year beginning
 23 in such year (as submitted pursuant to section 1105
 24 of title 31);

25 “(B) the Secretary—

1 “(i) notifies the Administrator of General
2 Services of an intent to dispose of the property;

3 “(ii) publishes in the Federal Register no-
4 tice of an intent to dispose of the property; and

5 “(iii) notifies the committees of an intent to
6 dispose of the property;

7 “(C) a period of 30 days elapses after notice
8 under subparagraph (B)(i) during which period no
9 other department or agency of the Federal Govern-
10 ment expresses an interest in assuming jurisdiction of
11 the property under the condition of paying the Sec-
12 retary the fair market value of the property, as deter-
13 mined by the Secretary, of the property; and

14 “(D) a period of 60 days elapses after notice
15 under subparagraph (B)(iii).

16 “(2) Except as provided in paragraph (3), the Sec-
17 retary may dispose of real property (including land and
18 structures and equipment associated with such property)
19 owned by the United States and administered by the Sec-
20 retary that has an estimated value less than the major med-
21 ical facility project threshold specified in section
22 8104(a)(3)(A) of this title if—

23 “(A) the Secretary notifies the committees and
24 the Administrator of General Services of an intent to
25 dispose of the property;

1 “(B) the Secretary publishes a notice of sale in
2 the real estate section of a local newspaper of general
3 circulation serving the market in which the property
4 is located; and

5 “(C) a period of 30 days elapses after notice
6 under subparagraph (A) during which period no
7 other department or agency of the Federal Govern-
8 ment expresses an interest in assuming jurisdiction of
9 the property under the condition of paying the Sec-
10 retary the fair market value of the property, as deter-
11 mined by the Secretary, of the property.

12 “(3)(A) Notwithstanding paragraphs (1) and (2) or
13 any other provision of law relating to the disposition of
14 real property by the United States and subject to subpara-
15 graph (B), the Secretary may transfer to a State for use
16 as the site of a State nursing-home or domiciliary facility
17 real property owned by the United States and administered
18 by the Secretary that the Secretary determines to be excess
19 to the needs of the Department.

20 “(B) A transfer of real property may not be made
21 under this paragraph unless—

22 “(i) the Secretary has determined that the State
23 has provided sufficient assurance that it has the re-
24 sources (including any resources which are reasonably
25 likely to be available to the State under subchapter

1 *III of chapter 81 of this title and section 1741 of this*
 2 *title) necessary to construct and operate a State home*
 3 *nursing or domiciliary care facility; and*

4 *“(ii) the transfer is made subject to the condi-*
 5 *tions that—*

6 *“(I) the property be used by the State for a*
 7 *nursing-home or domiciliary care facility in ac-*
 8 *cordance with the conditions and limitations ap-*
 9 *plicable to State home facilities constructed with*
 10 *assistance under subchapter III of chapter 81 of*
 11 *this title; and*

12 *“(II) if the property is used at any time for*
 13 *any other purpose, all right, title, and interest in*
 14 *and to the property shall revert to the United*
 15 *States.*

16 *“(C) A transfer of real property may not be made*
 17 *under this paragraph until—*

18 *“(i) the Secretary submits to the committees, not*
 19 *later than June 1 of the year in which the transfer*
 20 *is proposed to be made (or the year preceding that*
 21 *year), a report providing notice of the proposed trans-*
 22 *fer; and*

23 *“(ii) a period of 90 consecutive days elapses after*
 24 *the report is received by the committees.*

1 “(D) *A transfer under this paragraph shall be made*
 2 *under such additional terms and conditions as the Sec-*
 3 *retary considers appropriate to protect the interests of the*
 4 *United States.*

5 “(e) *CONSIDERATION.—In any transfer, exchange, or*
 6 *conveyance under the authority in this section (other than*
 7 *a transfer described in subsection (d)(3)), the Secretary*
 8 *shall obtain consideration in amount equal to the fair mar-*
 9 *ket value of the property, as determined by the Secretary.*

10 “(f) *TREATMENT OF PROCEEDS.—Proceeds from the*
 11 *transfer, exchange, or conveyance of real property under*
 12 *this section shall be deposited in the Capital Asset Fund*
 13 *under section 8122B of this title.*

14 “(g) *REPORTS.—The Secretary shall include with the*
 15 *budget justification documents submitted to Congress each*
 16 *year with the budget of the President for the fiscal year*
 17 *beginning in such year (as submitted pursuant to section*
 18 *1105 of title 31) a report setting forth the following:*

19 “(1) *A statement of each disposal of real prop-*
 20 *erty to be undertaken in such fiscal year that is val-*
 21 *ued in excess of the major medical facility project*
 22 *threshold specified in section 8104(a)(3)(A) of this*
 23 *title.*

1 “(2) *A description of each disposal of real prop-*
 2 *erty that was completed in the fiscal year ending in*
 3 *the year before such report is submitted.*”.

4 **(b) CAPITAL ASSET FUND.**—Subchapter II of chapter
 5 81, as amended by subsection (a), is further amended by
 6 inserting after section 8122A the following new section:

7 **“§ 8122B. Capital Asset Fund**

8 “(a) *CAPITAL ASSET FUND.*—There is established on
 9 the books of the Treasury of the United States a revolving
 10 fund known as the Capital Asset Fund (in this section re-
 11 ferred to as the ‘Fund’).

12 “(b) *ELEMENTS OF FUND.*—The Fund shall consist of
 13 the following:

14 “(1) *Amounts authorized to be appropriated to*
 15 *the Fund.*

16 “(2) *Proceeds from the transfer, exchange, or*
 17 *conveyance of real property under subsection (a) of*
 18 *section 8122A of this title that are deposited in the*
 19 *Fund under subsection (f) of such section.*

20 “(3) *Funds to be deposited in the Fund under*
 21 *section 8165(a)(3) of this title.*

22 “(4) *Any other amounts specified for transfer to*
 23 *or deposit in the Fund by law.*

24 “(c) *USE OF AMOUNTS IN FUND.*—Subject to the pro-
 25 visions of appropriations Acts, amounts in the Fund shall

1 *be available for purposes as follows and in the following*
 2 *order of priority:*

3 “(1) *For costs of the Department in disposing of*
 4 *real property under sections 8122A and 8164 of this*
 5 *title, including costs associated with demolition, envi-*
 6 *ronmental clean-up, maintenance and repair, im-*
 7 *provements to facilitate disposal, and associated ad-*
 8 *ministrative expenses.*

9 “(2) *For costs of the Department associated with*
 10 *proposed disposals of real property of the Department*
 11 *under such sections.*

12 “(3) *For costs of non-recurring capital projects*
 13 *of the Department.”.*

14 (c) *REPEAL OF SUPERSEDED AUTHORITIES.*—(1) *Sec-*
 15 *tion 8122 is amended—*

16 (A) *in subsection (a)—*

17 (i) *by striking “(1)”;* and

18 (ii) *by striking paragraphs (2) and (3); and*

19 (B) *by striking subsection (d).*

20 (2) *The heading of such section is amended by striking*
 21 ***“and dispose of”.***

22 (d) *CONFORMING AMENDMENT.*—*Section 8164(a) is*
 23 *amended by striking “section 8122” and inserting “section*
 24 *8122A”.*

1 (e) *CLERICAL AMENDMENTS.*—*The table of sections at*
 2 *the beginning of chapter 81 is amended—*

3 (1) *in the item relating to section 8122, by strik-*
 4 *ing “and dispose of”; and*

5 (2) *by inserting after the item relating to section*
 6 *8122 the following new items:*

“8122A. Disposal of real property.

“8122B. Capital Asset Fund.”.

7 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 8 *authorized to be appropriated for the Department of Vet-*
 9 *erans Affairs for fiscal year 2005, \$10,000,000 for deposit*
 10 *in the Capital Asset Fund under section 1822B of title 38,*
 11 *United States Code (as added by subsection (b)).*

12 **SEC. 102. IMPROVEMENTS OF ENHANCED-USE LEASE AU-**
 13 **THORITIES.**

14 (a) *BUSINESS PLAN CRITERIA.*—*Section 8162 is*
 15 *amended—*

16 (1) *in subsection (a)(2)(B), by striking “the*
 17 *Under Secretary for Health for applying the consider-*
 18 *ation under such a lease to the provision of medical*
 19 *care and services” and inserting “one of the Under*
 20 *Secretaries for applying the consideration under such*
 21 *a lease to the programs and activities of the Depart-*
 22 *ment”; and*

23 (2) *in subsection (b)(4)(A), by striking “on the*
 24 *leased property”.*

1 (b) *INAPPLICABILITY OF CERTAIN DISPOSAL REQUIRE-*
 2 *MENTS.*—Section 8164 is amended—

3 (1) *by redesignating subsections (b) and (c) as*
 4 *subsection (c) and (d), respectively; and*

5 (2) *by inserting after subsection (a) the following*
 6 *new subsection (b):*

7 “(b) *The Secretary may dispose of property under this*
 8 *section without regard to the following provisions of law:*

9 “(1) *Sections 521, 522, and 541 through 545 of*
 10 *title 40.*

11 “(2) *Section 501 of the McKinney-Vento Home-*
 12 *less Assistance Act (42 U.S.C. 11411).”.*

13 (c) *USE OF PROCEEDS.*—Section 8165(a) is amend-
 14 *ed—*

15 (1) *in paragraph (1), by striking “Funds re-*
 16 *ceived” and inserting “Except as provided in para-*
 17 *graph (2), funds received”;*

18 (2) *by redesignating paragraph (2) as para-*
 19 *graph (3);*

20 (3) *by inserting after paragraph (1) the fol-*
 21 *lowing new paragraph (2):*

22 “(2) *Funds received by the Department under an en-*
 23 *hanced-use lease implementing a business plan proposed by*
 24 *the Under Secretary for Benefits or the Under Secretary*
 25 *for Memorial Affairs and remaining after any deduction*

1 *from such funds under subsection (b) shall be credited to*
 2 *applicable appropriations of the Veterans Benefits Admin-*
 3 *istration or National Cemetery Administration, as the case*
 4 *may be.”; and*

5 *(4) in paragraph (3), as so redesignated, by*
 6 *striking “nursing home revolving fund” and inserting*
 7 *“Capital Asset Fund under section 8122B of this*
 8 *title”.*

9 **SEC. 103. AUTHORITY TO USE PROJECT FUNDS TO CON-**
 10 **STRUCT OR RELOCATE SURFACE PARKING IN-**
 11 **CIDENTAL TO A CONSTRUCTION OR NON-RE-**
 12 **CURRING MAINTENANCE PROJECT.**

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

15 *“(j) Funds in a construction account or capital ac-*
 16 *count that are available for a construction project or non-*
 17 *recurring maintenance project may be used for the construc-*
 18 *tion or relocation of a surface parking lot incidental to such*
 19 *project.”.*

20 **SEC. 104. LIMITATION ON IMPLEMENTATION OF MISSION**
 21 **CHANGES FOR VETERANS HEALTH ADMINIS-**
 22 **TRATION HEALTH CARE FACILITIES.**

23 *Section 8110 is amended—*

24 *(1) by redesignating subsections (e) and (f) as*
 25 *subsections (f) and (g), respectively; and*

1 (2) *by inserting after subsection (d) the following*
 2 *new subsection (e):*

3 “(e)(1) *The Secretary may not implement a mission*
 4 *change for a medical facility (other than a mission change*
 5 *prescribed by the Secretary in the Capital Asset Realign-*
 6 *ment for Enhanced Services (CARES) initiative) until 90*
 7 *days after the date on which the Secretary submits to the*
 8 *committees written notice of the mission change.*

9 “(2) *For purposes of this subsection, a mission change*
 10 *for a medical facility shall consist of any of the following:*

11 “(A) *Closure of the facility.*

12 “(B) *Consolidation of the facility.*

13 “(C) *An administrative reorganization of the fa-*
 14 *cility covered by section 510(b) of this title.*

15 “(3) *Written notice of a mission change for a medical*
 16 *facility under paragraph (1) shall include—*

17 “(A) *an assessment of the impact of the mission*
 18 *change on the population of veterans served by the fa-*
 19 *cility;*

20 “(B) *a description of the availability and qual-*
 21 *ity of health care, including long-term care, mental*
 22 *health care, and substance abuse programs, available*
 23 *in the area served by the facility;*

1 “(C) an assessment of the impact of the mission
2 change on the economy of the community in which the
3 facility is located; and

4 “(D) an analysis of any alternatives to the mis-
5 sion change proposed by the community in which the
6 facility is located, organizations recognized by the
7 Secretary under section 5902 of this title, organiza-
8 tions that represent Department employees in such
9 community, or the Department.

10 “(4) In the case of a mission change covered by para-
11 graph (1) that is also an administrative reorganization cov-
12 ered by section 510(b) of this title, both this subsection and
13 such section 510(b) shall apply with respect to the imple-
14 mentation of such mission change.”.

15 **SEC. 105. TERMINATION OF NURSING HOME REVOLVING**
16 **FUND.**

17 (a) *TERMINATION.*—(1) Section 8116 is repealed.

18 (2) *The table of sections at the beginning of chapter*
19 *81 is amended by striking the item relating to section 8116.*

20 (b) *TRANSFER OF UNOBLIGATED BALANCES TO CAP-*
21 *ITAL ASSET FUND.*—*Any unobligated balances in the nurs-*
22 *ing home revolving under section 8116 of title 38, United*
23 *States Code, as of the date of the enactment of this Act shall*
24 *be deposited in the Capital Asset Fund under section 8122B*

1 *of title 38, United States Code (as added by section 103(b)*
 2 *of this Act).*

3 **SEC. 106. INAPPLICABILITY OF LIMITATION ON USE OF AD-**
 4 **VANCE PLANNING FUND TO AUTHORIZED**
 5 **MAJOR MEDICAL FACILITY PROJECTS.**

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

8 *“(g) The limitation specified in subsection (f) shall not*
 9 *apply to projects for which funds have already been author-*
 10 *ized by law in accordance with subsection (a)(2).”.*

11 **SEC. 107. LEASE OF CERTAIN NATIONAL CEMETERY ADMIN-**
 12 **ISTRATION PROPERTY.**

13 *(a) IN GENERAL.—Chapter 24 is amended by adding*
 14 *at the end the following new section:*

15 **“§ 2412. Lease of land and buildings**

16 *“(a) LEASE AUTHORIZED.—The Secretary may lease*
 17 *any undeveloped land and unused or underutilized build-*
 18 *ings, or parts or parcels thereof, belonging to the United*
 19 *States and part of the National Cemetery Administration.*

20 *“(b) TERM.—The term of a lease under subsection (a)*
 21 *may not exceed 10 years.*

22 *“(c) LEASE TO PUBLIC OR NONPROFIT ORGANIZA-*
 23 *TIONS.—(1) A lease under subsection (a) to any public or*
 24 *nonprofit organization may be made without regard to the*

1 *provisions of section 3709 of the Revised Statutes (41*
 2 *U.S.C. 5).*

3 “(2) *Notwithstanding section 1302 of title 40 or any*
 4 *other provision of law, a lease under subsection (a) to any*
 5 *public or nonprofit organization may provide for the main-*
 6 *tenance, protection, or restoration of the leased property by*
 7 *the lessee, as a part or all of the consideration for the lease.*

8 “(d) *NOTICE.—Before entering into a lease under sub-*
 9 *section (a), the Secretary shall give appropriate public no-*
 10 *tice of the intention of the Secretary to enter into the lease*
 11 *in a newspaper of general circulation in the community*
 12 *in which the lands or buildings concerned are located.*

13 “(e) *NATIONAL CEMETERY ADMINISTRATION FACILI-*
 14 *TIES OPERATION FUND.—(1) There is established on the*
 15 *book of the Treasury an account to be known as the ‘Na-*
 16 *tional Cemetery Administration Facilities Operation Fund’*
 17 *(in this section referred to as the ‘Fund’).*

18 “(2) *The Fund shall consist of the following:*

19 “(A) *Amounts authorized to be appropriated to*
 20 *the Fund.*

21 “(B) *Proceeds from the lease of land or buildings*
 22 *under this section.*

23 “(C) *Proceeds of agricultural licenses of lands of*
 24 *the National Cemetery Administration.*

1 “(D) *Any other amounts authorized for deposit*
2 *in the Fund by law.*

3 “(3) *Amounts in the Fund shall be available to cover*
4 *costs incurred by the National Cemetery Administration in*
5 *the operation and maintenance of property of the Adminis-*
6 *tration.*

7 “(4) *Amounts in the Fund shall remain available until*
8 *expended.*”.

9 (b) *CLERICAL AMENDMENT.—The table of sections at*
10 *the beginning of such chapter is amended by adding at the*
11 *end the following new item:*

 “2412. *Lease of land and buildings.*”.

12 ***Subtitle B—Transfers of Property***

13 ***SEC. 111. TRANSFER OF JURISDICTION, GENERAL SERV-*** 14 ***ICES ADMINISTRATION PROPERTY, BOISE,*** 15 ***IDAHO.***

16 (a) *TRANSFER.—The Administrator of General Serv-*
17 *ices shall transfer, without reimbursement, to the adminis-*
18 *trative jurisdiction of the Secretary of Veterans Affairs the*
19 *parcel of real property, including any improvements there-*
20 *on, consisting of approximately 2.3 acres located at the*
21 *General Services Administration facility immediately north*
22 *of the Army Reserve facility in Boise, Idaho.*

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

Subtitle C—Designation of Facilities

SEC. 121. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, BRONX, NEW YORK, AS JAMES J. PETERS DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER.

The Department of Veterans Affairs medical center in the Bronx, New York, shall after the date of the enactment of this Act be known and designated as the “James J. Peters Department of Veterans Affairs Medical Center”. Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the James J. Peters Department of Veterans Affairs Medical Center.

SEC. 122. DESIGNATION OF PRISONER OF WAR/MISSING IN ACTION NATIONAL MEMORIAL, RIVERSIDE NATIONAL CEMETERY, RIVERSIDE, CALIFORNIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The most reliable statistics regarding the number of members of the United States Armed Forces who have been held as prisoners of war or listed as missing in action indicate that more than 586,000 members of the Armed Forces have been taken

1 *prisoner since the American Revolution and more*
2 *than 89,000 members have been listed as missing.*

3 *(2) The Department of Defense continues to lo-*
4 *cate and identify the remains of members of the*
5 *Armed Forces who have been missing in action since*
6 *the Korean and Vietnam Wars.*

7 *(3) The United States currently lacks a national*
8 *memorial dedicated to the bravery and sacrifice of*
9 *those members of the Armed Forces who have been*
10 *held as prisoners of war and listed as missing in ac-*
11 *tion.*

12 *(4) An appropriate memorial to former prisoners*
13 *of war and members of the Armed Forces listed as*
14 *missing in action, including those who remain unac-*
15 *counted for, is under construction at Riverside Na-*
16 *tional Cemetery in Riverside, California.*

17 *(5) The memorial will honor all those members*
18 *of the Armed Forces who have been held as prisoners*
19 *of war or listed as missing in action and is dedicated*
20 *to the memory of those members who remain missing*
21 *in action.*

22 *(b) DESIGNATION.—The memorial to former prisoners*
23 *of war and members of the Armed Forces listed as missing*
24 *in action that is under construction at Riverside National*

1 Cemetery in Riverside, California, is hereby designated as
 2 the Prisoner of War/Missing in Action National Memorial.

3 (c) *EFFECT OF DESIGNATION.*—The national memo-
 4 rial designated by this section is not a unit of the National
 5 Park System, and the designation of the national memorial
 6 shall not be construed to require or permit Federal funds
 7 (other than any funds provided for as of the date of the
 8 enactment of this Act) to be expended for any purpose re-
 9 lated to the national memorial.

10 ***Subtitle D—Other Matters***

11 ***SEC. 131. FIRST OPTION FOR COMMONWEALTH OF KEN-***
 12 ***TUCKY ON LOUISVILLE DEPARTMENT OF VET-***
 13 ***ERANS AFFAIRS MEDICAL CENTER, KEN-***
 14 ***TUCKY.***

15 (a) *REQUIREMENT.*—Upon determining to convey,
 16 lease, or otherwise dispose of the Louisville Department of
 17 Veterans Affairs Medical Center, Kentucky, or any portion
 18 thereof, the Secretary of Veterans Affairs shall engage in
 19 negotiations for the conveyance, lease, or other disposal of
 20 the Medical Center or portion thereof solely with the Com-
 21 monwealth of Kentucky.

22 (b) *DURATION OF REQUIREMENT.*—The requirement
 23 for negotiations under subsection (a) shall remain in effect
 24 for one year after the date of the commencement of the nego-
 25 tiations.

1 (c) *SCOPE OF NEGOTIATIONS.*—*The negotiations under*
 2 *subsection (a) shall address the utilization of the Medical*
 3 *Center, or portion thereof, by the Commonwealth of Ken-*
 4 *tucky for the primary purpose of the provision of services*
 5 *for veterans and related activities, but may address or re-*
 6 *sult in the utilization of the Medical Center, or portion*
 7 *thereof, by the Commonwealth of Kentucky for other pur-*
 8 *poses.*

9 ***TITLE II—BENEFITS MATTERS***

10 ***SEC. 201. PROHIBITION ON COLLECTION OF COPAYMENTS*** 11 ***FOR HOSPICE CARE.***

12 *Section 1710B(c)(2) is amended—*

13 (1) *in subparagraph (A), by striking “or” at the*
 14 *end;*

15 (2) *by redesignating subparagraph (B) as sub-*
 16 *paragraph (C); and*

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

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

21 ***SEC. 202. EXPANSION AND PERMANENT EXTENSION OF AU-*** 22 ***THORITY FOR COUNSELING AND TREATMENT*** 23 ***FOR SEXUAL TRAUMA.***

24 (a) *PERMANENT EXTENSION.*—*Subsection (a) of sec-*
 25 *tion 1720D is amended—*

1 (1) in paragraph (1), by striking “During the
2 period through December 31, 2004, the Secretary”
3 and inserting “The Secretary”; and

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

6 (b) *COUNSELING FOR RESERVES*.—Such section is fur-
7 ther amended—

8 (1) in subsection (a)—

9 (A) by redesignating paragraph (2), as
10 amended by subsection (a)(2) of this section, as
11 paragraph (3); and

12 (B) by inserting after paragraph (1) the fol-
13 lowing new paragraph (2):

14 “(2) In operating the program under paragraph (1),
15 the Secretary shall also provide counseling and appropriate
16 care and services to former members of the Reserves who
17 the Secretary determines require such counseling and care
18 and services to overcome psychological trauma, which in the
19 judgment of such a mental health professional, resulted from
20 a physical assault of a sexual nature, battery of a sexual
21 nature, or sexual harassment which occurred while such in-
22 dividual was a member of the Reserves not serving on active
23 duty.”;

1 (2) by striking “a veteran” each place it appears
 2 (other than subsection (b)(1)) and inserting “an indi-
 3 vidual”;

4 (3) by striking “that veteran” each place it ap-
 5 pears and inserting “that individual”; and

6 (4) in subsection (c), by inserting “and other in-
 7 dividuals” after “veterans” each place it appears.

8 **SEC. 203. TREATMENT OF DEPARTMENT OF VETERANS AF-**
 9 **FAIRS PER DIEM PAYMENTS TO STATE HOMES**
 10 **FOR VETERANS.**

11 Section 1741 is amended by adding at the end the fol-
 12 lowing new subsection:

13 “(e) Payments to States pursuant to this section shall
 14 not be considered a liability of a third party, or otherwise
 15 be utilized to offset or reduce any other payment made to
 16 assist veterans.”.

17 **SEC. 204. CARE FOR NEWBORN CHILDREN OF WOMEN VET-**
 18 **ERANS RECEIVING MATERNITY CARE.**

19 (a) *AUTHORITY TO FURNISH.*—Subchapter VIII of
 20 chapter 17 is amended by adding at the end the following
 21 new section:

22 **“§ 1786. Care for newborn children of women veterans**
 23 **receiving maternity care**

24 “The Secretary may furnish care to a newborn child
 25 of a woman veteran who is receiving maternity care fur-

1 nished by the Department for up to 14 days after the birth
 2 of the child if the veteran delivered the child in a Depart-
 3 ment facility or in a non-Department facility pursuant to
 4 a Department contract for the delivery services.”.

5 (b) CLERICAL AMENDMENT.—The table of sections at
 6 the beginning of chapter 17 is amended by adding at the
 7 end following new item:

“1786. Care for newborn children of women veterans receiving maternity care.”.

8 **SEC. 205. CENTERS FOR RESEARCH, EDUCATION, AND CLIN-**
 9 **ICAL ACTIVITIES ON BLAST INJURIES OF VET-**
 10 **ERANS.**

11 (a) IN GENERAL.—(1) Subchapter II of chapter 73 is
 12 amended by adding at the end the following new section:
 13 **“§ 7327. Centers for research, education, and clinical**
 14 **activities on blast injuries**

15 “(a) PURPOSE.—The purpose of this section is to pro-
 16 vide for the improvement of the provision of health care
 17 services and related rehabilitation and education services
 18 to eligible veterans suffering from multiple traumas associ-
 19 ated with a blast injury through—

20 “(1) the conduct of research to support the provi-
 21 sion of such services in accordance with the most cur-
 22 rent evidence on blast injuries;

23 “(2) the education and training of health care
 24 personnel of the Department; and

1 “(3) *the development of improved models and*
2 *systems for the furnishing of services by the Depart-*
3 *ment for blast injuries.*

4 “(b) *ESTABLISHMENT.—(1) The Secretary shall estab-*
5 *lish and operate at least one, but not more than three, cen-*
6 *ters for research, education, and clinical activities on blast*
7 *injuries.*

8 “(2) *Each center shall function as a center for—*

9 “(A) *research on blast injury to support the pro-*
10 *vision of services in accordance with the most current*
11 *evidence on blast injuries, with such research to spe-*
12 *cifically address injury epidemiology and cost, func-*
13 *tional outcomes, blast injury taxonomy and measure-*
14 *ment system, and longitudinal outcomes;*

15 “(B) *the development of a rehabilitation pro-*
16 *gram for blast injuries, including referral protocol,*
17 *post-acute assessment, and coordination of com-*
18 *prehensive treatment services;*

19 “(C) *the development of protocols to optimize*
20 *linkages between the Department and the Department*
21 *of Defense on matters relating to research, education,*
22 *and clinical activities on blast injuries;*

23 “(D) *the creation of innovative models for edu-*
24 *cation and outreach on health-care and related reha-*
25 *bilitation and education services on blast injuries,*

1 *with such education and outreach to target those who*
2 *have sustained a blast injury and health care pro-*
3 *viders and researchers in the Veterans Health Admin-*
4 *istration, the Department of Defense, and the Depart-*
5 *ment of Homeland Security;*

6 “(E) *the development of educational tools and*
7 *products on blast injuries, and the maintenance of*
8 *such tools and products in a resource clearinghouse*
9 *that can serve as resources for the Veterans Health*
10 *Administration, the Department of Defense, the De-*
11 *partment of Homeland Security, and other depart-*
12 *ments and agencies of the Federal Government;*

13 “(F) *the development of interdisciplinary train-*
14 *ing programs on the provision of health care and re-*
15 *habilitation care services for blast injuries that pro-*
16 *vide an integrated understanding of the continuum of*
17 *care for such injuries to the broad range of providers*
18 *of such services, including first responders, acute-care*
19 *providers, and rehabilitation service providers; and*

20 “(G) *the implementation of strategies for im-*
21 *proving the medical diagnostic coding of blast inju-*
22 *ries in the Department to reliably identify veterans*
23 *with blast injuries and track outcomes over time.*

1 “(3) *The Secretary shall designate a center or centers*
 2 *under this section upon the recommendation of the Under*
 3 *Secretary for Health.*

4 “(4) *The Secretary may designate a center under this*
 5 *section only if—*

6 “(A) *the proposal submitted for the designation*
 7 *of the center meets the requirements of subsection (c);*

8 “(B) *the Secretary makes the finding described*
 9 *in subsection (d); and*

10 “(C) *the peer review panel established under sub-*
 11 *section (e) makes the determination specified in sub-*
 12 *section (e)(3) with respect to that proposal.*

13 “(5) *The authority of the Secretary to establish and*
 14 *operate centers under this section is subject to the appro-*
 15 *priation of funds for that purpose.*

16 “(c) *PROPOSAL REQUIREMENTS.—A proposal sub-*
 17 *mitted for the designation of a center under this section*
 18 *shall—*

19 “(1) *provide for close collaboration in the estab-*
 20 *lishment and operation of the center, and for the pro-*
 21 *vision of care and the conduct of research and edu-*
 22 *cation at the center, by a Department facility or fa-*
 23 *cilities (in this subsection referred to as the ‘collabo-*
 24 *rating facilities’) in the same geographic area that*
 25 *have a mission centered on the care of individuals*

1 *with blast injuries and a Department facility in that*
2 *area which has a mission of providing tertiary med-*
3 *ical care;*

4 “(2) *provide that not less than 50 percent of the*
5 *funds appropriated for the center for support of clin-*
6 *ical care, research, and education will be provided to*
7 *the collaborating facilities with respect to the center;*
8 *and*

9 “(3) *provide for a governance arrangement*
10 *among the facilities described in paragraph (1) with*
11 *respect to the center that ensures that the center will*
12 *be established and operated in a manner aimed at*
13 *improving the quality of care for blast injuries at the*
14 *collaborating facilities with respect to the center.*

15 “(d) *FINDINGS RELATING TO PROPOSALS.—The find-*
16 *ing referred to in subsection (b)(4)(B) with respect to a pro-*
17 *posal for the designation of a site as a location of a center*
18 *under this section is a finding by the Secretary, upon the*
19 *recommendation of the Under Secretary for Health, that the*
20 *facilities submitting the proposal have developed (or may*
21 *reasonably be anticipated to develop) each of the following:*

22 “(1) *An arrangement with an affiliated accred-*
23 *ited medical school or university that provides edu-*
24 *cation and training in disaster preparedness, home-*
25 *land security, and biodefense.*

1 “(2) *Comprehensive and effective treatment serv-*
 2 *ices for head injury, spinal cord injury, audiology,*
 3 *amputation, gait and balance, and mental health.*

4 “(3) *The ability to attract scientists who have*
 5 *demonstrated achievement in research—*

6 “(A) *into the evaluation of innovative ap-*
 7 *proaches to the rehabilitation of blast injuries; or*

8 “(B) *into the treatment of blast injuries.*

9 “(4) *The capability to evaluate effectively the ac-*
 10 *tivities of the center, including activities relating to*
 11 *the evaluation of specific efforts to improve the qual-*
 12 *ity and effectiveness of services on blast injuries that*
 13 *are provided by the Department at or through indi-*
 14 *vidual facilities.*

15 “(e) *DEPARTMENTAL SUPPORT ON EVALUATION OF*
 16 *CENTER PROPOSALS.—(1) In order to provide advice to as-*
 17 *sist the Secretary and the Under Secretary for Health to*
 18 *carry out their responsibilities under this section, the offi-*
 19 *cial within the central office of the Veterans Health Admin-*
 20 *istration responsible for blast injury matters shall establish*
 21 *a peer review panel to assess the scientific and clinical*
 22 *merit of proposals that are submitted to the Secretary for*
 23 *the designation of centers under this section.*

24 “(2) *The panel shall consist of experts in the fields of*
 25 *research, education and training, and clinical care on blast*

1 *injuries. Members of the panel shall serve as consultants to*
 2 *the Department.*

3 “(3) *The panel shall review each proposal submitted*
 4 *to the panel by the official referred to in paragraph (1)*
 5 *and shall submit to that official its views on the relative*
 6 *scientific and clinical merit of each such proposal. The*
 7 *panel shall specifically determine with respect to each such*
 8 *proposal whether or not that proposal is among those pro-*
 9 *posals which have met the highest competitive standards of*
 10 *scientific and clinical merit.*

11 “(4) *The panel shall not be subject to the Federal Advi-*
 12 *sory Committee Act (5 U.S.C. App.).*

13 “(f) *AWARD OF FUNDING.—Clinical and scientific in-*
 14 *vestigation activities at each center established under this*
 15 *section—*

16 “(1) *may compete for the award of funding from*
 17 *amounts appropriated for the Department for medical*
 18 *and prosthetics research; and*

19 “(2) *shall receive priority in the award of fund-*
 20 *ing from such amounts insofar as funds are awarded*
 21 *from such amounts to projects and activities relating*
 22 *to blast injuries.*

23 “(g) *DISSEMINATION OF INFORMATION.—(1) The*
 24 *Under Secretary for Health shall ensure that information*
 25 *produced by the centers established under this section that*

1 *may be useful for other activities of the Veterans Health*
 2 *Administration is disseminated throughout the Administra-*
 3 *tion.*

4 “(2) *Information shall be disseminated under this sub-*
 5 *section through publications, through programs of con-*
 6 *tinuing medical and related education provided through re-*
 7 *gional medical education centers under subchapter VI of*
 8 *chapter 74 of this title, and through other means. Such pro-*
 9 *grams of continuing medical education shall receive pri-*
 10 *ority in the award of funding.*

11 “(h) *SUPERVISION.—The official within the central of-*
 12 *fice of the Veterans Health Administration responsible for*
 13 *blast injury matters shall be responsible for supervising the*
 14 *operation of the centers established under this section and*
 15 *shall provide for ongoing evaluation of the centers and their*
 16 *compliance with the requirements of this section.*

17 “(i) *AUTHORIZATION OF APPROPRIATIONS.—(1) There*
 18 *are authorized to be appropriated to the Department of Vet-*
 19 *erans Affairs for the centers established under this section*
 20 *amounts as follows:*

21 “(A) *\$3,125,000 for fiscal year 2005.*

22 “(B) *\$6,250,000 for each of fiscal years 2006*
 23 *through 2008.*

24 “(2) *In addition to amounts authorized to be appro-*
 25 *priated by paragraph (1) for a fiscal year, the Under Sec-*

1 *retary for Health shall allocate to each center established*
 2 *under this section, from other funds authorized to be appro-*
 3 *priated for such fiscal year for the Department generally*
 4 *for medical and for medical and prosthetics research, such*
 5 *additional amounts as the Under Secretary for Health de-*
 6 *termines appropriate to carry out the purpose of this sec-*
 7 *tion.”.*

8 *(2) The table of sections at the beginning of chapter*
 9 *73 is amended by inserting after the item relating to section*
 10 *7326, the following new item:*

“7327. Centers for research, education, and clinical activities on blast injuries.”.

11 *(b) DESIGNATION OF CENTERS.—The Secretary of Vet-*
 12 *erans Affairs shall designate at least one center for research,*
 13 *education, and clinical activities on blast injuries as re-*
 14 *quired by section 7327 of title 38, United States Code (as*
 15 *added by subsection (a)), not later than January 1, 2005.*

16 *(c) ANNUAL REPORTS.—(1) Not later than February*
 17 *1 of each of 2006, 2007, and 2008, the Secretary shall sub-*
 18 *mit to the Committees on Veterans’ Affairs of the Senate*
 19 *and House of Representatives a report on the status and*
 20 *activities during the previous fiscal year of the center for*
 21 *research, education, and clinical activities on blast injuries*
 22 *established under section 7327 of title 38, United States*
 23 *Code (as so added). Each such report shall include the fol-*
 24 *lowing:*

1 (A) *A description of the activities carried out at*
 2 *each center, and the funding provided for such activi-*
 3 *ties.*

4 (B) *A description of the advances made at each*
 5 *of the participating facilities of each center in re-*
 6 *search, education and training, and clinical activities*
 7 *on blast injuries.*

8 (C) *A description of the actions taken by the*
 9 *Under Secretary for Health pursuant to subsection*
 10 *(g) of that section (as so added) to disseminate infor-*
 11 *mation derived from such activities throughout the*
 12 *Veterans Health Administration.*

13 (D) *The assessment of the Secretary of the effec-*
 14 *tiveness of the centers in fulfilling the purposes of the*
 15 *centers.*

16 **SEC. 206. EXTENSION OF VARIOUS AUTHORITIES RELATING**
 17 **TO VETERANS BENEFITS.**

18 (a) *FIVE-YEAR EXTENSION OF REPORTS BY SPECIAL*
 19 *MEDICAL ADVISORY GROUP.*—Section 7312(d) is amended
 20 by striking “December 31, 2004” and inserting “December
 21 31, 2009”.

22 (b) *PILOT PROGRAMS RELATING TO LONG-TERM*
 23 *CARE.*—Section 102(h) of the Veterans Millennium Health
 24 Care and Benefits Act (Public Law 106–117; 38 U.S.C.
 25 1710B note) is amended by striking “the date that is three

1 *years after the date of the commencement of that pilot pro-*
 2 *gram” and inserting “December 31, 2005”.*

3 **SEC. 207. ANNUAL REPORTS ON WAITING TIMES FOR AP-**
 4 **POINTMENTS FOR HEALTH CARE AND SERV-**
 5 **ICES.**

6 *(a) ANNUAL REPORTS.—Subchapter III of chapter 17*
 7 *is amended by inserting after section 1730 the following*
 8 *new section:*

9 **“§1730A. Annual reports on waiting times for ap-**
 10 **pointments for care and services**

11 *“(a) ANNUAL REPORTS.—Not later than January 31*
 12 *each year, the Secretary shall submit to the Committees on*
 13 *Veterans’ Affairs of the Senate and the House of Representa-*
 14 *tives a report on the waiting times of veterans for appoint-*
 15 *ments for care and services from the Department under this*
 16 *chapter during the preceding year.*

17 *“(b) REPORT ELEMENTS.—Each report under sub-*
 18 *section (a) shall specify, for the year covered by the report,*
 19 *the following:*

20 *“(1) A tabulation of the waiting time of veterans*
 21 *for appointments with the Department for each cat-*
 22 *egory of primary or specialty care or services fur-*
 23 *nished by the Department, broken out by particular*
 24 *Department facility and by Veterans Integrated Serv-*
 25 *ice Network.*

1 “(2) *An identification of the categories of spe-*
 2 *cialty care or services for which there are lengthy*
 3 *delays for appointments at particular Department fa-*
 4 *cilities or throughout particular Veterans Integrated*
 5 *Service Networks, and, for each category so identified,*
 6 *recommendations for the reallocation of personnel, fi-*
 7 *nancial, and other resources to address such delays.”.*

8 (b) *CLERICAL AMENDMENT.—The table of sections at*
 9 *the beginning of chapter 17 is amended by inserting after*
 10 *the item relating to section 1730 the following new item:*

“1730A. Annual reports on waiting times for appointments for care and serv-
ices.”.

Amend the title so as to read: “A bill 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, to improve and extend other benefits for veterans, and for other purposes.”.

Calendar No. 718

108TH CONGRESS
2D Session

S. 2485

[Report No. 108-358]

A BILL

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.

SEPTEMBER 27, 2004

Reported with an amendment and an amendment to the title