

SEC. 502. TECHNICAL CORRECTION TO LISTING OF CERTAIN HYBRID POSITIONS IN VETERANS HEALTH ADMINISTRATION.

Section 7401(3) is amended—

(1) by striking “and dental technologists” and inserting “technologists, dental hygienists, dental assistants”; and

(2) by striking “technicians, therapeutic radiologic technicians, and social workers” and inserting “technologists, therapeutic radiologic technologists, social workers, blind rehabilitation specialists, and blind rehabilitation outpatient specialists”.

SEC. 503. UNDER SECRETARY FOR HEALTH.

Section 305(a)(2) is amended—

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

(2) in subparagraph (A), by striking “and in health-care” and inserting “or in health-care”.

TITLE VI—OTHER MATTERS

SEC. 601. EXTENSION AND CODIFICATION OF AUTHORITY FOR RECOVERY AUDITS.

Section 1703 is amended by adding at the end the following new subsection:

“(d)(1) The Secretary shall conduct a program of recovery audits for fee basis contracts and other medical services contracts for the care of veterans under this section, and for beneficiaries under sections 1781, 1782, and 1783 of this title, with respect to overpayments resulting from processing or billing errors or fraudulent charges in payments for non-Department care and services. The program shall be conducted by contract.

“(2) Amounts collected, by setoff or otherwise, as the result of an audit under the program conducted under this subsection shall be available for the purposes for which funds are currently available to the Secretary for medical care and for payment to a contractor of a percentage of the amount collected as a result of an audit carried out by the contractor.

“(3) The Secretary shall allocate all amounts collected under this subsection with respect to a designated geographic service area of the Veterans Health Administration, net of payments to the contractor, to that region.

“(4) The authority of the Secretary under this subsection terminates on September 30, 2008.”.

SEC. 602. INVENTORY OF MEDICAL WASTE MANAGEMENT ACTIVITIES AT DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES.

(a) **INVENTORY.**—The Secretary of Veterans Affairs shall establish and maintain a national inventory of medical waste management activities in the health care facilities of the Department of Veterans Affairs. The inventory shall include the following:

(1) A statement of the current national policy of the Department on managing and disposing of medical waste, including regulated medical waste in all its forms.

(2) A description of the program of each geographic service area of the Department to manage and dispose of medical waste, including general medical waste and regulated medical waste, with a description of the primary methods used in those programs and the associated costs of those programs, with cost information shown separately for in-house costs (including full-time equivalent employees) and contract costs.

(b) **REPORT.**—Not later than June 30, 2005, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on medical waste management activities in the facilities of the Department of Veterans Affairs. The report shall include the following:

(1) The inventory established under subsection (a), including all the matters specified in that subsection.

(2) A listing of each violation of medical waste management and disposal regulations reported at any health care facility of the Department over the preceding five years by any Federal or State agency, along with an explanation of any remedial or other action taken by the Secretary in response to each such reported violation.

(3) A description of any plans to modernize, consolidate, or otherwise improve the management of medical waste and disposal programs at health care facilities of the Department, including the projected costs associated with such plans and any barriers to achieving goals associated with such plans.

(4) An assessment or evaluation of the available methods of disposing of medical waste and identification of which of those methods are more desirable from an environmental perspective in that they would be least likely to result in contamination of air or water or otherwise cause future cleanup problems.

SEC. 603. INCLUSION OF ALL ENROLLED VETERANS AMONG PERSONS ELIGIBLE TO USE CANTEENS OPERATED BY VETERANS' CANTEN SERVICE.

The text of section 7803 is amended to read as follows:

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

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

“(2) other veterans who are enrolled under section 1705 of this title.

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

“(1) personnel of the Department and recognized veterans' organizations who are employed at a facility at which canteen services are provided and to other persons so employed;

“(2) the families of persons referred to in paragraph (1) who reside at the facility; and

“(3) relatives and other persons while visiting a person specified in this section.”.

SEC. 604. ANNUAL REPORTS ON WAITING TIMES FOR APPOINTMENTS FOR SPECIALTY CARE.

(a) **ANNUAL REPORTS.**—Not later than January 31 each year through 2007, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on waiting times for appointments for specialty health care from the Department of Veterans Affairs under chapter 17 of title 38, United States Code, during the preceding year.

(b) **REPORT ELEMENTS.**—Each report under subsection (a) shall specify, for the year covered by the report, the following:

(1) A tabulation of the number of veterans whose appointment for specialty health care furnished by the Department was more than three months after the date of the scheduling of such appointment, and the waiting times of such veterans for such appointments, for each category of specialty care furnished by the Department, broken out by Veterans Integrated Service Network.

(2) An identification of the categories of specialty care furnished by the Department for which there were delays of more than three months between the scheduling date of appointments and appointments in each Veterans Integrated Service Network.

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

(c) **CERTIFICATION ON REPORT INFORMATION.**—The Comptroller General of the

United States shall certify to the committees of Congress referred to in subsection (a) whether or not each report under this section is accurate.

SEC. 605. TECHNICAL CLARIFICATION.

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

SA 4049. Mr. FRIST (for Mr. SPECTER) proposed an amendment to the bill H.R. 3936, to amend title 38, United States Code, to increase the authorization of appropriations for grants to benefit homeless veterans, to improve programs for management and administration of veterans' facilities and health care programs, and for other purposes; as follows:

Amend the title so as to read: “A bill to amend title 38, United States Code, to increase the authorization of appropriations for grants to benefit homeless veterans, to improve programs for management and administration of veterans' facilities and health care programs, and for other purposes.”.

DEPARTMENT OF VETERANS AFFAIRS REAL PROPERTY AND FACILITIES MANAGEMENT IMPROVEMENT ACT OF 2004

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 718, S. 2485.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2485) 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.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert part shown in italic.)

S. 2485

[SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.]

[(a) **SHORT TITLE.**—This Act may be cited as the “Department of Veterans Affairs Real Property and Facilities Management Improvement Act of 2004”.

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

[SEC. 2. AUTHORITY TO USE PROJECT FUNDS TO CONSTRUCT OR RELOCATE SURFACE PARKING INCIDENTAL TO A CONSTRUCTION OR NON-RECURRING MAINTENANCE PROJECT.]

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

[(“j) Funds in a construction account or capital account that are available for a construction project or non-recurring maintenance project may be used for the construction or relocation of a surface parking lot incidental to such project.”.]

[SEC. 3. IMPROVEMENTS OF ENHANCED-USE LEASE AUTHORITIES.]

[(a) BUSINESS PLAN CRITERIA.—Section 8162 is amended—

[(1) in subsection (a)(2)(B), by striking “the Under Secretary for Health for applying the consideration under such a lease to the provision of medical care and services” and inserting “one of the Under Secretaries for applying the consideration under such a lease to the programs and activities of the Department”; and

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

[(b) CONSIDERATION OF PROPOSALS FOR LEASES.—(1) Section 8163 is amended—

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

[(B) in subsection (b), by striking “of the proposed designation and of the hearing” in the matter preceding paragraph (1) and inserting “on the proposed lease and the hearing to the congressional veterans’ affairs committees and to the public”; and

[(C) in subsection (c)—

[(i) in paragraph (1)—

[(I) by striking “to designate the property involved” and inserting “to enter into an enhanced-use lease of the property involved”; and

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

[(ii) in paragraph (2), by striking “90-day” and inserting “45-day”; and

[(iii) by striking paragraph (4).

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

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

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

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

[(c) DISPOSAL AUTHORITY.—Section 8164 is amended—

[(1) in subsection (a)—

[(A) by striking “by requesting the Administrator of General Services to dispose of the property pursuant to subsection (b)”;

[(B) by striking the last sentence;

[(2) in subsection (b)—

[(A) by striking “and the Administrator of General Services jointly determine” and inserting “determines”;

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

[(3) in subsection (c), by striking “90 days” and inserting “45 days”.

[(d) USE OF PROCEEDS.—Section 8165 is amended—

[(1) in subsection (a)—

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

[(B) by redesignating paragraph (2) as paragraph (3);

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

“(2) Funds received by the Department under an enhanced-use lease implementing a business plan proposed by the Under Secretary for Benefits or the Under Secretary for Memorial Affairs and remaining after any deduction from such funds under subsection (b) shall be credited to applicable appropriations of the Veterans Benefits Administration or National Cemetery Administration, as the case may be.”; and

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

[(2) in subsection (b)—

[(A) by inserting “(1)” after “(b)”

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

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

“(2) The Secretary may also deduct from the proceeds of any enhanced-use lease an amount to reimburse applicable appropriations of the Department for any expenses incurred by the Secretary in the development of additional enhanced-use leases. Amounts so deducted shall be utilized to reimburse such appropriations.”; and

[(3) by striking subsection (c).

[SEC. 4. DISPOSAL OF REAL PROPERTY OF THE DEPARTMENT OF VETERANS AFFAIRS.]

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

“§ 8122A. Disposal of real property

“(a) IN GENERAL.—(1) To the extent provided in advance in appropriations Acts, the Secretary may, in accordance with this section and sections 8122 and 8164 of this title, dispose of real property of the Department, including land and structures and equipment associated with such property, that is under the jurisdiction or control of the Secretary by—

“(A) transfer to or exchange with another department or agency of the Federal Government;

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

“(C) conveyance to or exchange with any private person or entity.

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

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

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

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

“(b) TREATMENT OF PROCEEDS.—Proceeds from the transfer, exchange, or conveyance of real property under subsection (a) shall be deposited in the Capital Asset Fund under subsection (c).

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

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

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

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

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

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

“(e) USE OF AMOUNTS IN FUND.—Subject to the provisions of appropriations Acts, amounts in the Fund shall be available for purposes as follows and in the following order of priority:

“(1) For costs of the Department in disposing of real property, including costs associated with demolition, environmental clean-up, maintenance and repair, improvements to facilitate disposal, and associated administrative expenses.

“(2) For costs of the Department associated with proposed disposals of real property of the Department.

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

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

“(1) A statement of each disposal of real property to be undertaken in such fiscal year that is valued in excess of the major medical facility project threshold specified in section 8104(a)(3)(A) of this title.

“(2) A description of each disposal of real property that was completed in the fiscal year ending in the year before such report is submitted.”.

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

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

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

[(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Veterans Affairs for fiscal year 2005, \$10,000,000 for deposit in the Capital Asset Fund under section 8122A(c) of title 38, United States Code (as added by subsection (a)).

[SEC. 5. MODIFICATION OF OTHER REAL PROPERTY DISPOSAL AUTHORITIES.]

[(a) GENERAL LIMITATIONS ON DISPOSAL.—Paragraph (2) of subsection (a) of section 8122 is amended to read as follows:

“(2) Except as provided in paragraph (3) of this subsection, the Secretary may not during any fiscal year dispose of real property owned by the United States and under the jurisdiction and control of the Secretary that has an estimated value in excess of the major medical facility project threshold specified in subsection 8104(a)(3)(A) of this title unless—

“(A) the disposal is described in the budget justification documents submitted to Congress each year with the budget of the President for the fiscal year beginning in such year (as submitted pursuant to section 1105 of title 31);

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

“(C) the net proceeds of the disposal are deposited in the Capital Asset Fund under section 8122A(c) of this title.”.

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

[(1) by inserting “(1)” after “(d)”;

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

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

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

“(ii) a period of 30 days elapses after notice under clause (i) during which period no other department or agency of the Federal Government expresses an interest in assuming jurisdiction of the property under the condition of paying the Secretary the fair market value of the property, as determined by the Secretary, of the property.

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

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

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

“(B) the Secretary—

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

“(ii) publishes in the Federal Register notice of an intent to dispose of the property; and

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

“(C) a period of 30 days elapses after notice under subparagraph (B)(i) during which period no other department or agency of the Federal Government expresses an interest in assuming jurisdiction of the property under the condition of paying the Secretary the fair market value of the property, as determined by the Secretary, of the property; and

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

[SEC. 6. TERMINATION OF NURSING HOME REVOLVING FUND.]

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

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

“(b) **CONFORMING AMENDMENT.**—Section 8165(a)(3), as redesignated by section 3(d)(1)(D) of this Act, is further amended by striking “nursing home revolving fund” and inserting “Capital Asset Fund under section 1822A of this title”.

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

[SEC. 7. INAPPLICABILITY OF LIMITATION ON USE OF ADVANCE PLANNING FUND TO AUTHORIZED MAJOR MEDICAL FACILITY PROJECTS.]

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

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

[SEC. 8. LEASE OF CERTAIN NATIONAL CEMETERY ADMINISTRATION PROPERTY.]

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

“§ 2412. Lease of land and buildings

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

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

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

“(2) Notwithstanding section 1302 of title 40 or any other provision of law, a lease under subsection (a) to any public or nonprofit organization may provide for the maintenance, protection, or restoration of the leased property by the lessee, as a part or all of the consideration for the lease.

“(d) **NOTICE.**—Before entering into a lease under subsection (a), the Secretary shall give appropriate public notice of the intention of the Secretary to enter into the lease in a newspaper of general circulation in the community in which the lands or buildings concerned are located.

“(e) **NATIONAL CEMETERY ADMINISTRATION FACILITIES OPERATION FUND.**—(1) There is established on the book of the Treasury an account to be known as the ‘National Cemetery Administration Facilities Operation Fund’ (in this section referred to as the ‘Fund’).

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

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

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

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

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

“(3) Amounts in the Fund shall be available to cover costs incurred by the National Cemetery Administration in the operation and maintenance of property of the Administration.

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

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

“‘2412. Lease of land and buildings.’”

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Department of Veterans Affairs Real Property and Facilities Management Improvement Act of 2004”.

(b) **TABLE OF CONTENTS.**—The table of contents for 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 authorized 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.

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

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of 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.

(a) **RESTATEMENT AND ENHANCEMENT OF GENERAL PROPERTY DISPOSAL AUTHORITIES.**—Subchapter II of chapter 81 is amended by inserting after section 8122 the following new section:

“§ 8122A. Disposal of real property

“(a) **AUTHORITY TO DISPOSE OF REAL PROPERTY.**—To the extent provided in advance in appropriations Acts, the Secretary may dispose of real property of the Department, including land and structures and equipment associated with such property, that is under the jurisdiction or control of the Secretary by—

“(1) transfer to or exchange with another department or agency of the Federal Government;

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

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

“(b) **INAPPLICABILITY OF CERTAIN DISPOSAL REQUIREMENTS.**—The Secretary may exercise the authority in subsection (a) without regard to the following provisions of law:

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

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

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

“(d) **DISPOSAL PROCEDURES.**—(1) Except as provided in paragraph (3), the Secretary may not during any fiscal year dispose of real property (including land and structures and equipment associated with such property) owned by the United States and administered by the Secretary that has an estimated value in excess of

the major medical facility project threshold specified in section 8104(a)(3)(A) of this title unless—

“(A) the disposal is described in the budget justification documents submitted to Congress with the budget of the President for the fiscal year beginning in such year (as submitted pursuant to section 1105 of title 31);

“(B) the Secretary—

“(i) notifies the Administrator of General Services of an intent to dispose of the property; “(ii) publishes in the Federal Register notice of an intent to dispose of the property; and “(iii) notifies the committees of an intent to dispose of the property;

“(C) a period of 30 days elapses after notice under subparagraph (B)(i) during which period no other department or agency of the Federal Government expresses an interest in assuming jurisdiction of the property under the condition of paying the Secretary the fair market value of the property, as determined by the Secretary, of the property; and

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

“(2) Except as provided in paragraph (3), the Secretary may dispose of real property (including land and structures and equipment associated with such property) owned by the United States and administered by the Secretary that has an estimated value less than the major medical facility project threshold specified in section 8104(a)(3)(A) of this title if—

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

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

“(C) a period of 30 days elapses after notice under subparagraph (A) during which period no other department or agency of the Federal Government expresses an interest in assuming jurisdiction of the property under the condition of paying the Secretary the fair market value of the property, as determined by the Secretary, of the property.

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

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

“(i) the Secretary has determined that the State has provided sufficient assurance that it has the resources (including any resources which are reasonably likely to be available to the State under subchapter III of chapter 81 of this title and section 1741 of this title) necessary to construct and operate a State home nursing or domiciliary care facility; and

“(ii) the transfer is made subject to the conditions that—

“(I) the property be used by the State for a nursing-home or domiciliary care facility in accordance with the conditions and limitations applicable to State home facilities constructed with assistance under subchapter III of chapter 81 of this title; and

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

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

“(i) the Secretary submits to the committees, not later than June 1 of the year in which the transfer is proposed to be made (or the year preceding that year), a report providing notice of the proposed transfer; and

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

“(D) A transfer under this paragraph shall be made under such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

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

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

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

“(1) A statement of each disposal of real property to be undertaken in such fiscal year that is valued in excess of the major medical facility project threshold specified in section 8104(a)(3)(A) of this title.

“(2) A description of each disposal of real property that was completed in the fiscal year ending in the year before such report is submitted.”

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

“§8122B. Capital Asset Fund

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

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

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

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

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

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

“(c) **USE OF AMOUNTS IN FUND.**—Subject to the provisions of appropriations Acts, amounts in the Fund shall be available for purposes as follows and in the following order of priority:

“(1) For costs of the Department in disposing of real property under sections 8122A and 8164 of this title, including costs associated with demolition, environmental clean-up, maintenance and repair, improvements to facilitate disposal, and associated administrative expenses.

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

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

(c) **REPEAL OF SUPERSEDED AUTHORITIES.**—(1) Section 8122 is amended—

(A) in subsection (a)—

(i) by striking “(1)”; and

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

(B) by striking subsection (d).

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

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

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

(1) in the item relating to section 8122, by striking “and dispose of”; and

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

“8122A. Disposal of real property.

“8122B. Capital Asset Fund.”

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

SEC. 102. IMPROVEMENTS OF ENHANCED-USE LEASE AUTHORITIES.

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

(1) in subsection (a)(2)(B), by striking “the Under Secretary for Health for applying the consideration under such a lease to the provision of medical care and services” and inserting “one of the Under Secretaries for applying the consideration under such a lease to the programs and activities of the Department”; and

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

(b) **INAPPLICABILITY OF CERTAIN DISPOSAL REQUIREMENTS.**—Section 8164 is amended—

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

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

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

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

“(2) Section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411).”

(c) **USE OF PROCEEDS.**—Section 8165(a) is amended—

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

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph (2):

“(2) Funds received by the Department under an enhanced-use lease implementing a business plan proposed by the Under Secretary for Benefits or the Under Secretary for Memorial Affairs and remaining after any deduction from such funds under subsection (b) shall be credited to applicable appropriations of the Veterans Benefits Administration or National Cemetery Administration, as the case may be.”; and

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

SEC. 103. AUTHORITY TO USE PROJECT FUNDS TO CONSTRUCT OR RELOCATE SURFACE PARKING INCIDENTAL TO A CONSTRUCTION OR NON-RECURRING MAINTENANCE PROJECT.

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

“(j) Funds in a construction account or capital account that are available for a construction project or non-recurring maintenance project may be used for the construction or relocation of a surface parking lot incidental to such project.”

SEC. 104. LIMITATION ON IMPLEMENTATION OF MISSION CHANGES FOR VETERANS HEALTH ADMINISTRATION HEALTH CARE FACILITIES.

Section 8110 is amended—

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

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

“(e)(1) The Secretary may not implement a mission change for a medical facility (other than a mission change prescribed by the Secretary in the Capital Asset Realignment for Enhanced Services (CARES) initiative) until 90 days after the date on which the Secretary submits to the committees written notice of the mission change.

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

“(A) Closure of the facility.

“(B) Consolidation of the facility.

“(C) An administrative reorganization of the facility covered by section 510(b) of this title.

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

“(A) an assessment of the impact of the mission change on the population of veterans served by the facility;

“(B) a description of the availability and quality of health care, including long-term care, mental health care, and substance abuse programs, available in the area served by the facility;

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

“(D) an analysis of any alternatives to the mission change proposed by the community in which the facility is located, organizations recognized by the Secretary under section 5902 of this title, organizations that represent Department employees in such community, or the Department.

“(4) In the case of a mission change covered by paragraph (1) that is also an administrative reorganization covered by section 510(b) of this title, both this subsection and such section 510(b) shall apply with respect to the implementation of such mission change.”

SEC. 105. TERMINATION OF NURSING HOME REVOLVING FUND.

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

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

(b) **TRANSFER OF UNOBLIGATED BALANCES TO CAPITAL ASSET FUND.**—Any unobligated balances in the nursing home revolving under section 8116 of title 38, United States Code, as of the date of the enactment of this Act shall be deposited in the Capital Asset Fund under section 8122B of title 38, United States Code (as added by section 103(b) of this Act).

SEC. 106. INAPPLICABILITY OF LIMITATION ON USE OF ADVANCE PLANNING FUND TO AUTHORIZED MAJOR MEDICAL FACILITY PROJECTS.

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

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

SEC. 107. LEASE OF CERTAIN NATIONAL CEMETERY ADMINISTRATION PROPERTY.

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

“§2412. Lease of land and buildings

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

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

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

“(2) Notwithstanding section 1302 of title 40 or any other provision of law, a lease under subsection (a) to any public or nonprofit organization may provide for the maintenance, protection, or restoration of the leased property by the lessee, as a part or all of the consideration for the lease.

“(d) **NOTICE.**—Before entering into a lease under subsection (a), the Secretary shall give appropriate public notice of the intention of the Secretary to enter into the lease in a newspaper of general circulation in the community in which the lands or buildings concerned are located.

“(e) **NATIONAL CEMETERY ADMINISTRATION FACILITIES OPERATION FUND.**—(1) There is established on the book of the Treasury an account to be known as the ‘National Cemetery Administration Facilities Operation Fund’ (in this section referred to as the ‘Fund’).

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

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

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

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

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

“(3) Amounts in the Fund shall be available to cover costs incurred by the National Cemetery Administration in the operation and maintenance of property of the Administration.

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

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item: “2412. Lease of land and buildings.”

Subtitle B—Transfers of Property

SEC. 111. TRANSFER OF JURISDICTION, GENERAL SERVICES ADMINISTRATION PROPERTY, BOISE, IDAHO.

(a) **TRANSFER.**—The Administrator of General Services shall transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs the parcel of real property, including any improvements thereon, consisting of approximately 2.3 acres located at the General Services Administration facility immediately north of the Army Reserve facility in Boise, Idaho.

(b) **UTILIZATION.**—The Secretary of Veterans Affairs shall utilize the property transferred under subsection (a) 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 prisoner since the American Revolution and more than 89,000 members have been listed as missing.

(2) The Department of Defense continues to locate and identify the remains of members of the Armed Forces who have been missing in action since the Korean and Vietnam Wars.

(3) The United States currently lacks a national memorial dedicated to the bravery and sacrifice of those members of the Armed Forces who have been held as prisoners of war and listed as missing in action.

(4) An appropriate memorial to former prisoners of war and members of the Armed Forces listed as missing in action, including those who remain unaccounted for, is under construction at Riverside National Cemetery in Riverside, California.

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

(b) **DESIGNATION.**—The memorial to former prisoners of war and members of the Armed Forces listed as missing in action that is under construction at Riverside National Cemetery in Riverside, California, is hereby designated as the Prisoner of War/Missing in Action National Memorial.

(c) **EFFECT OF DESIGNATION.**—The national memorial designated by this section is not a unit of the National Park System, and the designation of the national memorial shall not be construed to require or permit Federal funds (other than any funds provided for as of the date of the enactment of this Act) to be expended for any purpose related to the national memorial.

Subtitle D—Other Matters

SEC. 131. FIRST OPTION FOR COMMONWEALTH OF KENTUCKY ON LOUISVILLE DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, KENTUCKY.

(a) **REQUIREMENT.**—Upon determining to convey, lease, or otherwise dispose of the Louisville Department of Veterans Affairs Medical Center, Kentucky, or any portion thereof, the Secretary of Veterans Affairs shall engage in negotiations for the conveyance, lease, or other disposal of the Medical Center or portion thereof solely with the Commonwealth of Kentucky.

(b) **DURATION OF REQUIREMENT.**—The requirement for negotiations under subsection (a) shall remain in effect for one year after the date of the commencement of the negotiations.

(c) **SCOPE OF NEGOTIATIONS.**—The negotiations under subsection (a) shall address the utilization of the Medical Center, or portion thereof, by the Commonwealth of Kentucky for the primary purpose of the provision of services for veterans and related activities, but may address or result in the utilization of the Medical Center, or portion thereof, by the Commonwealth of Kentucky for other purposes.

TITLE II—BENEFITS MATTERS

SEC. 201. PROHIBITION ON COLLECTION OF CO-PAYMENTS FOR HOSPICE CARE.

Section 1710B(c)(2) is amended—

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

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

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

SEC. 202. EXPANSION AND PERMANENT EXTENSION OF AUTHORITY FOR COUNSELING AND TREATMENT FOR SEXUAL TRAUMA.

(a) **PERMANENT EXTENSION.**—Subsection (a) of section 1720D is amended—

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

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

(b) **COUNSELING FOR RESERVES.**—Such section is further amended—

(1) in subsection (a)—

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

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2) In operating the program under paragraph (1), the Secretary shall also provide counseling and appropriate care and services to former members of the Reserves who the Secretary determines require such counseling and care and services to overcome psychological trauma, which in the judgment of such a mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while

such individual was a member of the Reserves not serving on active duty.”;

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

(3) by striking “that veteran” each place it appears and inserting “that individual”; and

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

SEC. 203. TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS PER DIEM PAYMENTS TO STATE HOMES FOR VETERANS.

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

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

SEC. 204. CARE FOR NEWBORN CHILDREN OF WOMEN VETERANS RECEIVING MATERNITY CARE.

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

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

“The Secretary may furnish care to a newborn child of a woman veteran who is receiving maternity care furnished by the Department for up to 14 days after the birth of the child if the veteran delivered the child in a Department facility or in a non-Department facility pursuant to a Department contract for the delivery services.”.

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

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

SEC. 205. CENTERS FOR RESEARCH, EDUCATION, AND CLINICAL ACTIVITIES ON BLAST INJURIES OF VETERANS.

(a) **IN GENERAL.**—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

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

“(a) **PURPOSE.**—The purpose of this section is to provide for the improvement of the provision of health care services and related rehabilitation and education services to eligible veterans suffering from multiple traumas associated with a blast injury through—

“(1) the conduct of research to support the provision of such services in accordance with the most current evidence on blast injuries;

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

“(3) the development of improved models and systems for the furnishing of services by the Department for blast injuries.

“(b) **ESTABLISHMENT.**—(1) The Secretary shall establish and operate at least one, but not more than three, centers for research, education, and clinical activities on blast injuries.

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

“(A) research on blast injury to support the provision of services in accordance with the most current evidence on blast injuries, with such research to specifically address injury epidemiology and cost, functional outcomes, blast injury taxonomy and measurement system, and longitudinal outcomes;

“(B) the development of a rehabilitation program for blast injuries, including referral protocol, post-acute assessment, and coordination of comprehensive treatment services;

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

“(D) the creation of innovative models for education and outreach on health-care and re-

lated rehabilitation and education services on blast injuries, with such education and outreach to target those who have sustained a blast injury and health care providers and researchers in the Veterans Health Administration, the Department of Defense, and the Department of Homeland Security;

“(E) the development of educational tools and products on blast injuries, and the maintenance of such tools and products in a resource clearinghouse that can serve as resources for the Veterans Health Administration, the Department of Defense, the Department of Homeland Security, and other departments and agencies of the Federal Government;

“(F) the development of interdisciplinary training programs on the provision of health care and rehabilitation care services for blast injuries that provide an integrated understanding of the continuum of care for such injuries to the broad range of providers of such services, including first responders, acute-care providers, and rehabilitation service providers; and

“(G) the implementation of strategies for improving the medical diagnostic coding of blast injuries in the Department to reliably identify veterans with blast injuries and track outcomes over time.

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

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

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

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

“(C) the peer review panel established under subsection (e) makes the determination specified in subsection (e)(3) with respect to that proposal.

“(5) The authority of the Secretary to establish and operate centers under this section is subject to the appropriation of funds for that purpose.

“(c) **PROPOSAL REQUIREMENTS.**—A proposal submitted for the designation of a center under this section shall—

“(1) provide for close collaboration in the establishment and operation of the center, and for the provision of care and the conduct of research and education at the center, by a Department facility or facilities (in this subsection referred to as the ‘collaborating facilities’) in the same geographic area that have a mission centered on the care of individuals with blast injuries and a Department facility in that area which has a mission of providing tertiary medical care;

“(2) provide that not less than 50 percent of the funds appropriated for the center for support of clinical care, research, and education will be provided to the collaborating facilities with respect to the center; and

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

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

“(1) An arrangement with an affiliated accredited medical school or university that provides education and training in disaster preparedness, homeland security, and biodefense.

“(2) Comprehensive and effective treatment services for head injury, spinal cord injury, audiology, amputation, gait and balance, and mental health.

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

“(A) into the evaluation of innovative approaches to the rehabilitation of blast injuries; or

“(B) into the treatment of blast injuries.

“(4) The capability to evaluate effectively the activities of the center, including activities relating to the evaluation of specific efforts to improve the quality and effectiveness of services on blast injuries that are provided by the Department at or through individual facilities.

“(e) **DEPARTMENTAL SUPPORT ON EVALUATION OF CENTER PROPOSALS.**—(1) In order to provide advice to assist the Secretary and the Under Secretary for Health to carry out their responsibilities under this section, the official within the central office of the Veterans Health Administration responsible for blast injury matters shall establish a peer review panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the designation of centers under this section.

“(2) The panel shall consist of experts in the fields of research, education and training, and clinical care on blast injuries. Members of the panel shall serve as consultants to the Department.

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

“(4) The panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

“(f) **AWARD OF FUNDING.**—Clinical and scientific investigation activities at each center established under this section—

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

“(2) shall receive priority in the award of funding from such amounts insofar as funds are awarded from such amounts to projects and activities relating to blast injuries.

“(g) **DISSEMINATION OF INFORMATION.**—(1) The Under Secretary for Health shall ensure that information produced by the centers established under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Administration.

“(2) Information shall be disseminated under this subsection through publications, through programs of continuing medical and related education provided through regional medical education centers under subchapter VI of chapter 74 of this title, and through other means. Such programs of continuing medical education shall receive priority in the award of funding.

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

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There are authorized to be appropriated to the Department of Veterans Affairs for the centers established under this section amounts as follows:

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

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

“(2) In addition to amounts authorized to be appropriated by paragraph (1) for a fiscal year, the Under Secretary for Health shall allocate to each center established under this section, from other funds authorized to be appropriated for such fiscal year for the Department generally for medical and for medical and prosthetics research, such additional amounts as the Under

Secretary for Health determines appropriate to carry out the purpose of this section.”.

(2) The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7326, the following new item: “7327. Centers for research, education, and clinical activities on blast injuries.”.

(b) DESIGNATION OF CENTERS.—The Secretary of Veterans Affairs shall designate at least one center for research, education, and clinical activities on blast injuries as required by section 7327 of title 38, United States Code (as added by subsection (a)), not later than January 1, 2005.

(c) ANNUAL REPORTS.—(1) Not later than February 1 of each of 2006, 2007, and 2008, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the status and activities during the previous fiscal year of the center for research, education, and clinical activities on blast injuries established under section 7327 of title 38, United States Code (as so added). Each such report shall include the following:

(A) A description of the activities carried out at each center, and the funding provided for such activities.

(B) A description of the advances made at each of the participating facilities of each center in research, education and training, and clinical activities on blast injuries.

(C) A description of the actions taken by the Under Secretary for Health pursuant to subsection (g) of that section (as so added) to disseminate information derived from such activities throughout the Veterans Health Administration.

(D) The assessment of the Secretary of the effectiveness of the centers in fulfilling the purposes of the centers.

SEC. 206. EXTENSION OF VARIOUS AUTHORITIES RELATING TO VETERANS BENEFITS.

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

(b) PILOT PROGRAMS RELATING TO LONG-TERM CARE.—Section 102(h) of the Veterans Millennium Health Care and Benefits Act (Public Law 106-117; 38 U.S.C. 1710B note) is amended by striking “the date that is three years after the date of the commencement of that pilot program” and inserting “December 31, 2005”.

SEC. 207. ANNUAL REPORTS ON WAITING TIMES FOR APPOINTMENTS FOR HEALTH CARE AND SERVICES.

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

“§1730A. Annual reports on waiting times for appointments for care and services

“(a) ANNUAL REPORTS.—Not later than January 31 each year, the Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report on the waiting times of veterans for appointments for care and services from the Department under this chapter during the preceding year.

“(b) REPORT ELEMENTS.—Each report under subsection (a) shall specify, for the year covered by the report, the following:

“(1) A tabulation of the waiting time of veterans for appointments with the Department for each category of primary or specialty care or services furnished by the Department, broken out by particular Department facility and by Veterans Integrated Service Network.

“(2) An identification of the categories of specialty care or services for which there are lengthy delays for appointments at particular Department facilities or throughout particular Veterans Integrated Service Networks, and, for each category so identified, recommendations for the reallocation of personnel, financial, and other resources to address such delays.”.

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

“1730A. Annual reports on waiting times for appointments for care and services.”.

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.”.

Mr. SPECTER. Mr. President, I have sought recognition to comment on a substitute amendment I propose to make to S. 2485, the “Veterans Health Programs Improvements Act of 2004,” as part of my request that the bill, as so amended, be approved by the Senate. The underlying bill, S. 2485, was reported by the Senate Committee on Veterans’ Affairs on July 20, 2004, and is explained in detail in Senate Report 108-358. My comments at this time are limited to explaining how the proposed substitute amendment, which reflects a bipartisan agreement between Senate and House Veterans’ Affairs Committees on veterans’ medical benefits-related issues, differs from the provisions of S. 2485, as reported.

The House has approved a number of bills—H.R. 1318, H.R. 4231, H.R. 4248, H.R. 4317, H.R. 4608, H.R. 4768, and H.R. 4836—that overlap with provisions drawn from various Senate bills that are contained in S. 2485, as reported. The language of the substitute amendment, in some cases, fine tunes language to harmonize these overlapping provisions without significant or substantive modification. Further, the substitute amendment adds provisions that are drawn from House-approved bills that had not been considered by the Senate. Among those provisions are measures which will assist the Department of Veterans Affairs—VA—and State veterans homes in procuring needed nursing services; provisions which authorize VA major medical facility leases and grant programs to assist providers of services to homeless veterans; and measures requiring VA reports on historic properties and medical waste management activities. Also included are VA facility “naming” provisions which, in addition to a measure already approved by the Veterans’ Committee, would name VA facilities in Amarillo, TX; Peoria, IL; Lufkin, TX; and Sunnyside, Queens, NY. All of these additional provisions, and all clarifications and modifications to language contained in the reported bill, are outlined in the “Explanatory Statement” which I will append to this statement.

Each of the additions to S. 2485 that have resulted from negotiations with our colleagues in the House are all useful and productive. The bill as it would be modified by the managers’ amendment, then, merits the Senate’s approval.

I yield the floor and ask unanimous consent that the Explanatory Statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT ON S. 2485, AS AMENDED

S. 2485, as amended, (hereinafter, the “Compromise Agreement”) reflects a negotiated agreement reached by the House of Representatives and Senate Committees on Veterans’ Affairs concerning provisions from a number of bills considered by the House and the Senate during the 108th Congress. Legislative provisions contained in the compromise were derived from: H.R. 1318, H.R. 4231, H.R. 4248, H.R. 4317, H.R. 4608, H.R. 4658, H.R. 4768, H.R. 4836, and S. 2485, as reported by the Senate Committee on Veterans’ Affairs on July 20, 2004 (hereinafter, “S. 2485, as reported”).

The House and Senate Committees on Veterans’ Affairs have prepared the following explanation of the Compromise Agreement. Differences between the provisions of the Compromise Agreement and the related provisions originally contained in House or Senate bills are noted, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—ASSISTANCE TO HOMELESS VETERANS

SEC. 101—AUTHORIZATION OF APPROPRIATIONS

Current Law

Public Law 107-95, the Homeless Veterans Comprehensive Assistance Act of 2001, authorized appropriations of \$75 million per year for a program to make grants to providers of comprehensive services for homeless veterans. The program expires on September 30, 2005.

House Bill

Section 2 of H.R. 4248, as reported on June 9, 2004, would increase the annual authorized appropriation for this program to \$100 million and extends the program through September 30, 2008.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

Section 101 of the Compromise Agreement increases the authorization level to \$99,000,000 and removes the section from the House Bill that would have extended this program through 2008.

TITLE II—VETERANS LONG-TERM CARE PROGRAMS

SEC. 201—ASSISTANCE FOR HIRING AND RETENTION OF NURSES AT STATE VETERANS HOMES

Current Law

Subchapter V, chapter 17 of title 38, United States Code, authorizes the Department of Veterans Affairs (hereinafter, “VA”) to make payments to State homes for veterans receiving care in a State home.

House Bill

Section 5 of H.R. 4231, as amended, would amend subchapter V, chapter 17 of title 38, United States Code, to add a new section 1744 to authorize the Secretary of Veterans Affairs (hereinafter, “the Secretary”) to make payments to States for the purpose of assisting State homes in the hiring and retention of registered nurses.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

Section 201 of the Compromise Agreement follows the House language.

SEC. 202—TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS PER DIEM PAYMENTS TO STATE HOMES FOR VETERANS

Current Law

Section 1741 of title 38, United States Code, establishes criteria for VA payments to

State homes for veterans receiving care in a State home.

House Bill

The House Bill contains no comparable provision.

Senate Bill

Section 203 of S. 2485, as reported, would amend section 1741 of title 38, United States Code, to add a new subsection (e) to clarify that *per diem* payments made by VA to State veterans' homes would not be used to offset or reduce other third party payments made to assist veterans.

Compromise Agreement

Section 202 of the Compromise Agreement follows the Senate language.

SEC. 203—EXTENSION OF AUTHORITY TO PROVIDE CARE UNDER LONG-TERM CARE PILOT PROGRAMS

Current Law

Section 102 of Public Law 106-117, The Veterans Millennium Health Care and Benefits Act, directed VA to carry-out three pilot programs over a three-year period to determine the feasibility and practicability of different models for providing long-term care. The authority for the pilot program expires on December 31, 2004.

House Bill

Section 107 of H.R. 4768, as amended, would extend VA's authority to provide health care services under the long-term care pilot programs authorized in Public Law 106-117 until December 31, 2005.

Senate Bill

Section 206 of S. 2485, as reported, would extend VA's authority to provide health care services under the long-term care pilot programs authorized in Public Law 106-117 until December 31, 2005.

Compromise Agreement

Section 203 of the Compromise Agreement follows the language of the House and Senate Bills.

SEC. 204—PROHIBITION ON COLLECTION OF COPAYMENTS FOR HOSPICE CARE

Current Law

Section 1710B(c) of title 38, United States Code, requires certain veterans to pay a copayment for extended care services furnished under Section 1710B.

House Bill

The House Bills contain no comparable provision.

Senate Bill

Section 201 of S. 2485, as reported, would exempt all veterans being furnished hospice care under Section 1710B from copayment obligations that would otherwise apply.

Compromise Agreement

Section 204 of the Compromise Agreement follows the Senate language.

TITLE-III MEDICAL CARE

SEC. 301—SEXUAL TRAUMA COUNSELING PROGRAM

Current Law

Public Law 103-452 authorized VA to provide counseling services to servicemembers who were victims of sexual trauma while on active duty in service. This authority expires on December 31, 2004.

House Bill

H.R. 4248 would make permanent the program authorized under Public Law 103-452 to provide sexual trauma counseling services to former service-members.

Senate Bill

S. 2485, as reported, would make permanent the program authorized under Public Law 103-452, and expand the authority to include the treatment of former Members of

the Reserves who were victims of sexual trauma while on active duty for training.

Compromise Agreement

Section 301 of the Compromise Agreement makes VA's authority to provide sexual trauma counseling services permanent and extends the authority to include former Reserves and Guard members who were victims of sexual trauma while on active duty for training.

SEC. 302 CENTERS FOR RESEARCH, EDUCATION, AND CLINICAL ACTIVITY ON COMPLEX MULTI-TRAUMA ASSOCIATED WITH COMBAT INJURIES

Current Law

No similar provision exists under current law.

House Bill

The House Bills contained no comparable provision.

Senate Bill

Section 205 of S. 2485, as reported, would establish at VA, in collaboration with the Department of Defense, at least one, but not more than three, War-Related Blast Injury Centers. These centers would provide comprehensive rehabilitation programs, targeted education and outreach programs, and research initiatives.

Compromise Agreement

Section 203 of the Compromise Agreement authorizes centers for research, education, and clinical activities to improve the rehabilitation services available to veterans suffering from complex multi-trauma associated with combat injuries. The Compromise Agreement incorporates successful current VA practices, including cooperation with the Department of Defense, the treatment of traumatic brain injuries, and VA's conception for the future of combat-injury rehabilitation.

SEC. 303—ENHANCEMENT OF MEDICAL PREPAREDNESS OF DEPARTMENT

Current Law

Public Law 107-287, the Department of Veterans Affairs Emergency Preparedness Act of 2002, requires the Secretary to establish four Medical Emergency Preparedness Research Centers. These centers have not been established.

House Bill

Section 202 of H.R. 4768, as amended, would amend chapter 73, of title 38, United States Code to add a new section 7327, to direct the Secretary to take a series of specific actions to establish four Medical Emergency Preparedness Research Centers by dates certain.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

Section 303 of the Compromise Agreement follows section 202(a) through (c) of the House language, but does not include section 202(d) of the House bill that would have provided a rule of construction.

TITLE IV—MEDICAL FACILITIES MANAGEMENT AND ADMINISTRATION SUB-TITLE A—MAJOR MEDICAL FACILITY LEASES

SEC. 401—MAJOR MEDICAL FACILITY LEASES

Current Law

Section 8104(a)(2) of title 38, United States Code, prohibits VA from obligating or expending more than \$600,000 per year for a lease unless that lease has been specifically authorized by law.

House Bill

Section 101 of H.R. 4768 would authorize major medical facility leases in the following locations and amounts: (1) Greenville,

North Carolina, Outpatient Clinic, \$1,220,000; (2) Wilmington, North Carolina, Outpatient Clinic, \$1,320,000; (3) Oakland, California, Outpatient Clinic, \$1,700,000; (4) Toledo, Ohio, Outpatient Clinic, \$1,200,000; (5) Crown Point, Indiana, Outpatient Clinic, \$850,000; and (6) Denver, Colorado, Health Administration Center, \$1,950,000; (7) Norfolk, Virginia, Outpatient Clinic, \$1,250,000; (8) Summerfield, Florida, Marion County Outpatient Clinic, \$1,230,000; (9) Knoxville, Tennessee, Outpatient Clinic, \$850,000; (10) Fort Worth, Texas, Tarrant County Outpatient Clinic, \$3,900,000; (11) Plano, Texas, Collin County Outpatient Clinic, \$3,300,000; (12) San Antonio, Texas, Northeast Central Bexar County Outpatient Clinic, \$1,400,000; (13) Corpus Christi, Texas, Outpatient Clinic, \$1,200,000; (14) Harlingen, Texas, Outpatient Clinic, \$650,000; (15) San Diego, California, North County Outpatient Clinic, \$1,300,000; and (16) San Diego, California, South County Outpatient Clinic, \$1,100,000.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

Section 401 of the Compromise Agreement follows the House language.

SEC. 402—AUTHORIZATION OF APPROPRIATIONS

Current Law

Section 8104(a)(2) of title 38, United States Code, prohibits VA from obligating or expending more than \$600,000 per year for a lease unless that lease has been specifically authorized by law.

House Bill

Section 101 of H.R. 4768 authorized \$24,420,000 to carry out major medical facility leases.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

Section 402 of the Compromise Agreement follows the House language.

SEC. 403—AUTHORITY FOR LONG-TERM LEASE IN DENVER, COLORADO

Current Law

Section 8104(a)(2) of title 38, United States Code, prohibits VA from obligating or expending more than \$600,000 per year for a lease unless that lease has been specifically authorized by law.

House Bill

Section 101 of H.R. 4768 authorizes VA to enter into a long-term lease of up to 75 years for land to construct a new VA Medical Facility on the Fitzsimons Campus of the University of Colorado, Aurora, Colorado.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

Section 403 of the Compromise Agreement follows the House language. The authority provided in this section is permissive and intended by the Committees to foster good-faith negotiations between the partners to this agreement. In the event that the Secretary of Veterans Affairs determines the terms or conditions of the lease not to be in the best interest of the United States, the Secretary should propose an alternative strategy to Congress.

Subtitle B—Facilities Management

SEC. 411—DEPARTMENT OF VETERANS AFFAIRS CAPITAL ASSET FUND

Current Law

Under current law, the Secretary is authorized to dispose of property administered

by VA and retain the proceeds from such a disposal, but only if: (1) the property is considered excess to the needs of VA; (2) there is no use for it in providing services to homeless veterans; and (3) the property is valued at less than \$50,000 or, in cases where it is valued at more than \$50,000, the disposal was proposed in the most recent budget submitted to Congress by the President. In the event property is so transferred, all proceeds must be deposited into the Nursing Home Revolving Fund. Funds in the Nursing Home Revolving Fund may only be used for the construction, acquisition, or alteration of nursing home facilities.

House Bill

Section 102 of the H.R. 4768 would amend chapter 81 of title 38, United States Code, to add a new section 8118 to provide the Secretary with new authority to transfer by sale, exchange or lease unneeded real property currently in VA's portfolio. It would establish a new "Capital Asset Fund" to finance actions taken to facilitate the transferring of real property, including demolition, environmental restoration, maintenance and repair, and historic preservation and administrative expenses. Section 102 would also establish "fair market value" as the basis for property transfers. Further, it would require the Secretary to include in each year's budget submission to Congress a report of both the uses of the Capital Asset Fund and descriptive information on each completed, pending and planned property disposal. Finally, Section 102 would repeal the Nursing Home Revolving Fund in section 8116 of title 38, United States Code.

All of the authorities extended to the Secretary, as outlined above, would be contingent upon the Secretary certifying that VA facilities maintain long-term care capacity as required by section 1710B(b) of title 38, United States Code.

Senate Bill

Section 101 of S. 2485, as reported, would authorize VA for 5 years to dispose of excess real property by sale, transfer or exchange to a Federal agency, a State or political subdivision of a State, or to any public or private entity. Such transfers would not be subject to restrictions currently in force. Further, the Committee bill would allow VA to retain the proceeds generated by such disposals of property in a new Capital Asset Fund rather than the Nursing Home Revolving Fund. Funds in the new account could be used to perform non-recurring maintenance, develop construction proposals, or dispose of other VA property.

Compromise Agreement

The Compromise Agreement follows the House language except that the contingencies upon which the House authorization rested are no longer included. Instead, the Compromise Agreement makes the transfer of funds from, and elimination of, the Nursing Home Revolving Fund contingent on the Secretary certifying that VA facilities maintain long-term care capacity as required by section 1710B(b) of title 38, United States Code. All other authorities would take effect immediately.

SEC. 412—ANNUAL REPORT TO CONGRESS ON INVENTORY OF DEPARTMENT OF VETERANS AFFAIRS HISTORIC PROPERTY

Current Law

No similar provision exists under current law.

House Bill

Section 103 of H.R. 4768 would require VA to establish a national inventory of historic VA properties and would require reports to Congress over several years on the status of such properties.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

The Compromise Agreement follows the House language.

SEC. 413—AUTHORITY TO ACQUIRE AND TRANSFER REAL PROPERTY FOR USE FOR HOMELESS VETERANS

Current Law

Section 8103 of title 38, United States Code, authorizes the Secretary to acquire such land as is necessary for the purpose of providing medical services.

House Bill

The House Bills contains no comparable provision.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

The Compromise Agreement permits the Secretary to acquire land, in the District of Columbia, suitable for providing services to homeless veterans if the Secretary has identified a homeless assistance provider that is prepared to acquire the property from the Secretary promptly following the acquisition of the land by the Secretary.

SEC. 414—LIMITATION ON IMPLEMENTATION OF MISSION CHANGES FOR SPECIFIED VETERANS HEALTH ADMINISTRATION FACILITIES

Current Law

Section 401 of Public Law 108-193, the "Veterans Health Care Authorities Extension and Improvement Act of 2003," requires VA to notify Congress of facility closings proposed under the Capital Asset Realignment for Enhanced Services initiative, and prohibits such closings from occurring until the lapse of 60 days following the notification or 30 days of continuous session of Congress, whichever is longer.

House Bill

The House Bills contains no comparable provision.

Senate Bill

Section 104 of S. 2485, as reported, would prohibit the Secretary from implementing a mission change for a medical facility (other than a mission change prescribed by the Secretary in his Capital Asset Realignment for Enhanced Services initiative Final Report) until 90 days after the date on which the Secretary submits to the Committees on Veterans' Affairs written notice of the mission change.

Compromise Agreement

Section 414 of the Compromise Agreement prohibits the Secretary from implementing a mission change until the lapse of 60 days following notification or 30 days of continuous session of Congress, whichever is longer, at VA Medical Centers in the following locations: Boston, Massachusetts; New York City, New York; Big Springs, Texas; Dublin, Georgia; Montgomery, Alabama; Louisville, Kentucky; Muscogee (including the outpatient clinic in Tulsa), Oklahoma; Poplar Bluff, Missouri; Ft. Wayne, Indiana; Waco, Texas; Walla Walla, Washington.

SEC. 415—AUTHORITY TO USE PROJECT FUNDS TO CONSTRUCT OR RELOCATE SURFACE PARKING INCIDENTAL TO A CONSTRUCTION OR NON-RECURRING MAINTENANCE PROJECT

Current Law

Under current law, all money spent for the construction of VA parking lots must be derived from the Parking Revolving Fund which receives all of its deposits from fees charged for parking. VA may not spend "construction" funds on parking lots be-

cause those funds are not drawn from the Parking Revolving Fund.

House Bill

Section 104 of H.R. 4768 would authorize the use of funds in a construction or capital account for the relocation of a surface parking facility if the relocation is necessitated by a construction or non-recurring maintenance project.

Senate Bill

Section 103 of S. 2485, as reported, would authorize the use of funds in a construction or capital account for the relocation of a surface parking facility if the relocation is necessitated by a construction or non-recurring maintenance project.

Compromise Agreement

Section 415 of the Compromise Agreement follows the language of the House and Senate Bills.

SEC. 416—INAPPLICABILITY OF LIMITATION ON USE OF ADVANCE PLANNING FUNDS TO AUTHORIZED MAJOR MEDICAL FACILITY PROJECTS

Current Law

Under current law, VA may not spent more than \$500,000 from its Advanced Planning Fund for the development of a construction proposal unless it notifies Congress of its intention to do so and waits for a period of 30 days.

House Bill

Section 105 of H.R. 4768 would provide more flexibility to VA by eliminating the "notice and wait" provision if the project VA is planning has already been authorized by law.

Senate Bill

Section 105 of S. 2485, as reported, also would eliminate the "notice and wait" provision if the project VA is planning has already been authorized by law.

Compromise Agreement

Section 416 of the Compromise Agreement follows the language of the House and Senate Bills.

SEC. 417—ENHANCEMENT TO ENHANCE-USE LEASE AUTHORITY

Current Law

Under current law, VA is authorized to lease real property administered by VA to non-Federal entities in cases where VA determines that such a lease will advance the mission of VA and enhance the use of the property. In making the determination to enter into such an "enhanced-use lease", VA may only consider the needs of the Veterans Health Administration as outlined in business plans set forth by the Under Secretary for Health. Further, Section 8166 of title 38, United States Code, provides the Secretary permissive authority to disregard State and local laws relating to building codes, permits or inspections that would regulate or restrict construction, alternation, repair, remodeling or improvement of VA property associated with an enhanced-use lease under section 8162 of title 38, United States Code.

House Bill

Section 106 of H.R. 4758 would add to existing exemptions from State and local laws for enhanced-use leases any land-use laws.

Senate Bill

Section 102 of S. 2485, as reported, would allow VA, as part of making a determination to enter into an enhanced-use lease, to consider the needs of the Veterans Benefits Administration or the National Cemetery Administration, as outlined in business plans developed by the respective Under Secretaries of those Administrations.

Compromise Agreement

Section 417 of the Compromise Agreement includes the language from the House Bill.

SEC. 418—FIRST OPTION FOR COMMONWEALTH OF KENTUCKY ON DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, LOUISVILLE, KENTUCKY

Current Law

Under current law, VA generally may not transfer any property to a State unless VA receives compensation equal to the fair market value of the property and the transfer, as proposed, is described in the VA budget for the fiscal year within which the proposed transfer will take place. However, VA may transfer property to a State for use as a State nursing home or domiciliary.

House Bill

The House Bills contains no comparable provision.

Senate Bill

Section 131 of S. 2485, as reported, would require VA for one year, if it determines that it will convey, lease, or otherwise dispose of all or part of the Louisville VA Medical Center, to negotiate for the conveyance, lease, or other disposal of the Medical Center to the Commonwealth of Kentucky for its use to provide services for veterans or for other purposes. The bill would not relieve the Commonwealth from the burden of paying fair market value for the land.

Compromise Agreement

Section 418 of the Compromise Agreement follows the Senate language.

SEC. 419—TRANSFER OF JURISDICTION, GENERAL SERVICES ADMINISTRATION PROPERTY, BOISE, IDAHO

Current Law

No similar provision exists under current law.

House Bill

The House Bills contains no comparable provision.

Senate Bill

Section 111 of S. 2485, as reported, would direct the transfer of certain land in Boise, Idaho, administered by the General Services Administration to VA.

Compromise Agreement

Section 419 of the Compromise Agreement follows the Senate language.

Subtitle C—Designation of Facilities

SEC. 421—THOMAS E. CREEK DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Current Law

No similar provision exists under current law.

House Bill

H.R. 4836 would designate the Department of Veterans Affairs Medical Center in Amarillo, Texas, the “Thomas E. Creek Department of Veterans Affairs Medical Center”.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

Section 421 of the Compromise Agreement follows the House language.

SEC. 422—JAMES J. PETERS DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Current Law

No similar provision exists under current law.

House Bill

The House Bills contain no comparable provision.

Senate Bill

Section 121 of S. 2485, as reported, would designate the Department of Veterans Affairs Medical Center in the Bronx, New York, the “James J. Peters Department of Veterans Affairs Medical Center”

Compromise Agreement

Section 422 of the Compromise Agreement follows the Senate language.

SEC. 423—BOB MICHEL DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Current Law

No similar provision exists under current law.

House Bill

H.R. 4608 would designate the Department of Veterans Affairs outpatient clinic in Peoria, Illinois, the “Bob Michel Department of Veterans Affairs Outpatient Clinic”.

Senate Bill

S. 2596 would designate the Department of Veterans Affairs outpatient clinic in Peoria, Illinois, the “Bob Michel Department of Veterans Affairs Outpatient Clinic”.

Compromise Agreement

Section 423 of the Compromise Agreement follows the language of the House and Senate Bills.

SEC. 424.—CHARLES WILSON DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Current Law

No similar provision exists under current law.

House Bill

H.R. 4317 would designate the Department of Veterans Affairs outpatient clinic in Lufkin Texas the “Charles Wilson Department of Veterans Affairs Outpatient Clinic”.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

Section 424 of the Compromise Agreement follows the House language.

SEC. 425—THOMAS P. NOONAN, JR. DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Current Law

No similar provision exists under current law.

House Bill

H.R. 1318 would designate the Department of Veterans Affairs outpatient clinic in Sunnyside, Queens, New York, the “Thomas P. Noonan, Jr. Department of Veterans Affairs Outpatient Clinic”.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Bill

Section 425 of the Compromise Agreement follows the House language.

TITLE V—PERSONNEL ADMINISTRATION

SEC. 501—PILOT PROGRAM TO STUDY INNOVATIVE RECRUITMENT TOOLS TO ADDRESS NURSING SHORTAGES AT DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES

Current Law

No similar provision exists under current law.

House Bill

Section 2 of H.R. 4231 would establish a pilot program within VA to study the use of outside recruitment, advertising and communications agencies, and the use of interactive and online technologies, to improve VA's program for recruiting nursing personnel.

Senate Bill

The Senate bill contains no comparable provision.

Compromise Agreement

Section 501 of the Compromise Agreement follows the House language.

SEC. 502—CORRECTION TO LISTING OF CERTAIN HYBRID POSITIONS IN THE VETERANS HEALTH ADMINISTRATION

Current Law

Section 7401 of title 38, United States Code, authorizes VA to appoint medical care personnel, under title 5, United States Code, or title 38, United States Code, depending on the duties of such personnel.

House Bill

Section 4 of H.R. 4231, as amended, would authorize the appointment under title 38, United States Code, of blind rehabilitation specialists and blind rehabilitation outpatient specialists.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

Section 502 of the Compromise Agreement follows the House language.

SEC. 503 UNDER SECRETARY FOR HEALTH

Current Law

Section 305(A)(2) of title 38, United States Code, requires that the Under Secretary for Health be a “doctor of medicine.”

House Bill

Section 7 of H.R. 4231, as amended, would repeal the requirement that VA's Under Secretary for Health be a medical doctor.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

Section 503 of the Compromise Agreement follows the House language.

TITLE VI—OTHER MATTERS

SEC 601—EXTENSION AND CODIFICATION OF AUTHORITY FOR RECOVERY AUDITS

Current Law

Public Law 108-199, the “Fiscal Year 2004 VA-HUD and Independent Agencies Appropriations Act,” requires VA to conduct a program of recovery audits for fee basis contracts and other medical services contracts for the care of veterans.

House Bill

The House Bill contains no comparable provision.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

Section 601 of the Compromise Agreement requires VA to enter into a contract with a private entity or entities to conduct a program of recovery audits for fee basis contracts and other medical services contracts for the care of veterans. The requirement expires on September 30, 2008.

The Committee is concerned that third-party health insurers are not following the regular process for handling third-party claim appeals throughout the Veterans Health Administration. The Committee encourages the Secretary to assist third-party insurers in processing disputed claims. Further, the Committee encourages the Secretary, should he deem it to be in the interest of the United States, to use an automated and electronic system of downloading information in a standardized format to ensure third-party insurer compliance with the rules and regulations of dispute resolution through the appeals process.

SEC. 602—INVENTORY OF MEDICAL WASTE MANAGEMENT ACTIVITIES AT DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE FACILITIES

Current Law

No similar provision exists under current law.

House Bill

Section 401 of H.R. 4658 requires the Secretary to establish and maintain an inventory of medical waste management activities in VA medical facilities and submit a report on such activities by April 15, 2005.

Senate Bill

The Senate bill contains no comparable provision.

Compromise Agreement

Section 602 of the Compromise Agreement follows the House language, except that the required report would be due on June 30, 2005.

SEC. 603—INCLUSION OF ALL ENROLLED VETERANS AMONG PERSONS ELIGIBLE TO USE CANTEENS OPERATED BY VETERANS' CANTEEN SERVICE

Current Law

Section 7803 of title 38, United States Code, defines those persons eligible to use the Veterans' Canteen Service.

House Bill

Section 201 of H.R. 4768, as amended, would expand the definition of persons eligible to use the Veterans' Canteen Service to include all individuals enrolled in VA health care under section 1705 of title 38, United States Code, or such individuals' families, and persons employed at VA facilities.

Senate Bill

The Senate bill contains no comparable provision.

Compromise Agreement

Section 603 of the Compromise Agreement follows the House language.

SEC. 604—ANNUAL REPORTS ON WAITING TIMES FOR APPOINTMENTS FOR SPECIALTY CARE

Current Law

No similar provision exists under current law.

House Bill

The House bills contain no comparable provision.

Senate Bill

Section 207 of S. 2485, as reported, would require VA to report annually on patient appointment waiting times, including specialty and primary care services.

Compromise Agreement

Section 604 of the Compromise Agreement requires the Secretary to report, not later than January 31 of each year through 2007, on veterans waiting more than 3 months for scheduled appointments in specialty care clinics and on the reasons for such delays. Further, the Compromise Agreement requires the Comptroller General to certify the accuracy of the report submitted under this section.

SEC. 605—TECHNICAL CLARIFICATION

Current Law

Section 8111 of title 38, United States Code, requires the Secretary and the Secretary of Defense to enter into agreements and contracts for the mutually beneficial sharing of health care resources. Section 8111 also establishes a fund, known as the "DOD-VA Health Care Sharing Incentive Fund," to provide incentives to enter into such sharing initiatives.

House Bill

Section 6 of H.R. 4231, as amended, makes the established DOD-VA Health Care Sharing Incentive Fund available for any purpose authorized by section 8111.

Senate Bill

The Senate Bill contains no comparable provision.

Compromise Agreement

Section 605 of the Compromise Agreement follows the House language.

Mr. FRIST. Mr. President, I ask unanimous consent that the substitute amendment at the desk be agreed to, the committee amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the Veterans' Affairs Committee then be discharged from further consideration of H.R. 3936, and the Senate proceed to its immediate consideration. I further ask consent that all after the enacting clause be stricken, and the text of S. 2485, as amended, be inserted in lieu thereof; the bill, as amended, be read a third time and passed, the amendment to the title, as amended, be agreed to, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

I ask unanimous consent that S. 2485 be returned to the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4048) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment, as amended, was agreed to.

The bill (H.R. 3936), as amended, was read the third time and passed.

The amendment (No. 4049) was agreed to, as follows:

AMENDMENT NO. 4049

Amend the title so as to read: "A bill to amend title 38, United States Code, to increase the authorization of appropriations for grants to benefit homeless veterans, to improve programs for management and administration of veterans' facilities and health care programs, and for other purposes."

GRANTING A FEDERAL CHARTER TO THE NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 788, S. 2938.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2938) to grant a Federal charter to the National American Indian Veterans, Incorporated.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, all with no intervening action or debate, and that any statements related to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2938) was read the third time and passed, as follows:

S. 2938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER FOR NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1503 the following new chapter:

"CHAPTER 1504—NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED

"Sec.

"150401. Organization.

"150402. Purposes.

"150403. Membership.

"150404. Board of directors.

"150405. Officers.

"150406. Nondiscrimination.

"150407. Powers.

"150408. Exclusive right to name, seals, emblems, and badges.

"150409. Restrictions.

"150410. Duty to maintain tax-exempt status.

"150411. Records and inspection.

"150412. Service of process.

"150413. Liability for acts of officers and agents.

"150414. Failure to comply with requirements.

"150415. Annual report.

"§ 150401. Organization

"The National American Indian Veterans, Incorporated, a nonprofit corporation organized in the United States (in this chapter referred to as the 'corporation'), is a federally chartered corporation.

"§ 150402. Purposes

"The purposes of the corporation are those stated in its articles of incorporation, constitution, and bylaws, and include a commitment—

"(1) to uphold and defend the Constitution of the United States while respecting the sovereignty of the American Indian, Alaska Native, and Native Hawaiian Nations;

"(2) to unite under one body all American Indian, Alaska Native, and Native Hawaiian veterans who served in the Armed Forces of United States;

"(3) to be an advocate on behalf of all American Indian, Alaska Native, and Native Hawaiian veterans without regard to whether they served during times of peace, conflict, or war;

"(4) to promote social welfare (including educational, economic, social, physical, cultural values, and traditional healing) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence, contributions, and self-identity of American Indian veterans;

"(5) to serve as an advocate for the needs of American Indian, Alaska Native, and Native Hawaiian veterans, their families, or survivors in their dealings with all Federal and State government agencies;

"(6) to promote, support, and utilize research, on a nonpartisan basis, pertaining to the relationship between the American Indian, Alaska Native, and Native Hawaiian veterans and American society; and

"(7) to provide technical assistance to the 12 regional areas without veterans committees or organizations and programs by—

"(A) providing outreach service to those Tribes in need; and

"(B) training and educating Tribal Veterans Service Officers for those Tribes in need.

"§ 150403. Membership

"Subject to section 150406 of this title, eligibility for membership in the corporation, and the rights and privileges of members, shall be as provided in the constitution and by-laws of the corporation.

"§ 150404. Board of directors

"Subject to section 150406 of this title, the board of directors of the corporation, and the