

109TH CONGRESS
2^D SESSION

H. R. 5385

AN ACT

Making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 military quality of life functions of the Department of De-
6 fense, military construction, the Department of Veterans
7 Affairs, and related agencies for the fiscal year ending
8 September 30, 2007, and for other purposes, namely:

9 TITLE I

10 DEPARTMENT OF DEFENSE

11 MILITARY CONSTRUCTION, ARMY

12 (INCLUDING RESCISSION OF FUNDS)

13 For acquisition, construction, installation, and equip-
14 ment of temporary or permanent public works, military
15 installations, facilities, and real property for the Army as
16 currently authorized by law, including personnel in the
17 Army Corps of Engineers and other personal services nec-
18 essary for the purposes of this appropriation, and for con-
19 struction and operation of facilities in support of the func-
20 tions of the Commander in Chief, \$1,756,298,000, to re-
21 main available until September 30, 2011: *Provided*, That
22 of this amount, not to exceed \$220,830,000 shall be avail-
23 able for study, planning, design, architect and engineer
24 services, and host nation support, as authorized by law,
25 unless the Secretary of Defense determines that additional

1 obligations are necessary for such purposes and notifies
2 the Committees on Appropriations of both Houses of Con-
3 gress of the determination and the reasons therefor: *Pro-*
4 *vided further*, That of the funds appropriated for “Military
5 Construction, Army” under Public Law 109–114,
6 \$43,348,000 are hereby rescinded.

7 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS
8 (INCLUDING RESCISSIONS OF FUNDS)

9 For acquisition, construction, installation, and equip-
10 ment of temporary or permanent public works, naval in-
11 stallations, facilities, and real property for the Navy and
12 Marine Corps as currently authorized by law, including
13 personnel in the Naval Facilities Engineering Command
14 and other personal services necessary for the purposes of
15 this appropriation, \$1,193,834,000, to remain available
16 until September 30, 2011: *Provided*, That of this amount,
17 not to exceed \$72,857,000 shall be available for study,
18 planning, design, and architect and engineer services, as
19 authorized by law, unless the Secretary of Defense deter-
20 mines that additional obligations are necessary for such
21 purposes and notifies the Committees on Appropriations
22 of both Houses of Congress of the determination and the
23 reasons therefor: *Provided further*, That of the funds ap-
24 propriated for “Military Construction, Navy and Marine
25 Corps” under Public Law 108–132, \$30,000,000 are here-

1 by rescinded: *Provided further*, That of the funds appro-
2 priated for “Military Construction, Navy and Marine
3 Corps” under Public Law 108–324, \$8,000,000 are here-
4 by rescinded.

5 MILITARY CONSTRUCTION, AIR FORCE

6 (INCLUDING RESCISSION OF FUNDS)

7 For acquisition, construction, installation, and equip-
8 ment of temporary or permanent public works, military
9 installations, facilities, and real property for the Air Force
10 as currently authorized by law, \$1,187,550,000, to remain
11 available until September 30, 2011: *Provided*, That of this
12 amount, not to exceed \$97,504,000 shall be available for
13 study, planning, design, and architect and engineer serv-
14 ices, as authorized by law, unless the Secretary of Defense
15 determines that additional obligations are necessary for
16 such purposes and notifies the Committees on Appropria-
17 tions of both Houses of Congress of the determination and
18 the reasons therefor: *Provided further*, That of the funds
19 appropriated for “Military Construction, Air Force” under
20 Public Law 108–324, \$2,694,000 are hereby rescinded.

21 MILITARY CONSTRUCTION, DEFENSE-WIDE

22 (INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

23 For acquisition, construction, installation, and equip-
24 ment of temporary or permanent public works, installa-
25 tions, facilities, and real property for activities and agen-

1 cies of the Department of Defense (other than the military
2 departments), as currently authorized by law,
3 \$1,107,606,000, to remain available until September 30,
4 2011: *Provided*, That such amounts of this appropriation
5 as may be determined by the Secretary of Defense may
6 be transferred to such appropriations of the Department
7 of Defense available for military construction or family
8 housing as the Secretary may designate, to be merged with
9 and to be available for the same purposes, and for the
10 same time period, as the appropriation or fund to which
11 transferred: *Provided further*, That of the amount appro-
12 priated, not to exceed \$172,950,000 shall be available for
13 study, planning, design, and architect and engineer serv-
14 ices, as authorized by law, unless the Secretary of Defense
15 determines that additional obligations are necessary for
16 such purposes and notifies the Committees on Appropria-
17 tions of both Houses of Congress of the determination and
18 the reasons therefor: *Provided further*, That of the funds
19 appropriated for “Military Construction, Defense-Wide”
20 under Public Law 108–132, \$9,000,000 are hereby re-
21 scinded: *Provided further*, That of the funds appropriated
22 for “Military Construction, Defense-Wide” under Public
23 Law 108–324, \$43,000,000 are hereby rescinded: *Pro-*
24 *vided further*, That of the funds appropriated for “Military

1 Construction, Defense-Wide” under Public Law 109–114,
2 \$58,229,000 are hereby rescinded.

3 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

4 For construction, acquisition, expansion, rehabilita-
5 tion, and conversion of facilities for the training and ad-
6 ministration of the Army National Guard, and contribu-
7 tions therefor, as authorized by chapter 1803 of title 10,
8 United States Code, and Military Construction Authoriza-
9 tion Acts, \$512,873,000, to remain available until Sep-
10 tember 30, 2011.

11 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

12 For construction, acquisition, expansion, rehabilita-
13 tion, and conversion of facilities for the training and ad-
14 ministration of the Air National Guard, and contributions
15 therefor, as authorized by chapter 1803 of title 10, United
16 States Code, and Military Construction Authorization
17 Acts, \$207,088,000, to remain available until September
18 30, 2011.

19 MILITARY CONSTRUCTION, ARMY RESERVE

20 For construction, acquisition, expansion, rehabilita-
21 tion, and conversion of facilities for the training and ad-
22 ministration of the Army Reserve as authorized by chapter
23 1803 of title 10, United States Code, and Military Con-
24 struction Authorization Acts, \$167,774,000, to remain
25 available until September 30, 2011.

1 MILITARY CONSTRUCTION, NAVY RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the reserve components of the Navy and
5 Marine Corps as authorized by chapter 1803 of title 10,
6 United States Code, and Military Construction Authoriza-
7 tion Acts, \$55,158,000, to remain available until Sep-
8 tember 30, 2011.

9 MILITARY CONSTRUCTION, AIR FORCE RESERVE

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Air Force Reserve as authorized by
13 chapter 1803 of title 10, United States Code, and Military
14 Construction Authorization Acts, \$56,836,000, to remain
15 available until September 30, 2011.

16 NORTH ATLANTIC TREATY ORGANIZATION

17 SECURITY INVESTMENT PROGRAM

18 For the United States share of the cost of the North
19 Atlantic Treaty Organization Security Investment Pro-
20 gram for the acquisition and construction of military fa-
21 cilities and installations (including international military
22 headquarters) and for related expenses for the collective
23 defense of the North Atlantic Treaty Area as authorized
24 by section 2806 of title 10, United States Code, and Mili-

1 tary Construction Authorization Acts, \$200,985,000, to
2 remain available until expended.

3 FAMILY HOUSING CONSTRUCTION, ARMY

4 For expenses of family housing for the Army for con-
5 struction, including acquisition, replacement, addition, ex-
6 pansion, extension, and alteration, as authorized by law,
7 \$578,791,000, to remain available until September 30,
8 2011.

9 FAMILY HOUSING OPERATION AND MAINTENANCE,

10 ARMY

11 For expenses of family housing for the Army for op-
12 eration and maintenance, including debt payment, leasing,
13 minor construction, principal and interest charges, and in-
14 surance premiums, as authorized by law, \$674,657,000.

15 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE

16 CORPS

17 For expenses of family housing for the Navy and Ma-
18 rine Corps for construction, including acquisition, replace-
19 ment, addition, expansion, extension, and alteration, as
20 authorized by law, \$308,956,000, to remain available until
21 September 30, 2011.

22 FAMILY HOUSING OPERATION AND MAINTENANCE,

23 NAVY AND MARINE CORPS

24 For expenses of family housing for the Navy and Ma-
25 rine Corps for operation and maintenance, including debt

1 payment, leasing, minor construction, principal and inter-
2 est charges, and insurance premiums, as authorized by
3 law, \$509,126,000.

4 FAMILY HOUSING CONSTRUCTION, AIR FORCE
5 (INCLUDING RESCISSIONS OF FUNDS)

6 For expenses of family housing for the Air Force for
7 construction, including acquisition, replacement, addition,
8 expansion, extension, and alteration, as authorized by law,
9 \$1,169,138,000, to remain available until September 30,
10 2011: *Provided*, That of the funds appropriated for “Fam-
11 ily Housing Construction, Air Force” under Public Law
12 108–324, \$23,400,000 are hereby rescinded: *Provided fur-*
13 *ther*, That of the funds appropriated for “Family Housing
14 Construction, Air Force” under Public Law 109–114,
15 \$42,800,000 are hereby rescinded.

16 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
17 FORCE

18 For expenses of family housing for the Air Force for
19 operation and maintenance, including debt payment, leas-
20 ing, minor construction, principal and interest charges,
21 and insurance premiums, as authorized by law,
22 \$755,071,000.

23 FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

24 For expenses of family housing for the activities and
25 agencies of the Department of Defense (other than the

1 military departments) for construction, including acquisi-
2 tion, replacement, addition, expansion, extension, and al-
3 teration, as authorized by law, \$8,808,000, to remain
4 available until September 30, 2011.

5 FAMILY HOUSING OPERATION AND MAINTENANCE,
6 DEFENSE-WIDE

7 For expenses of family housing for the activities and
8 agencies of the Department of Defense (other than the
9 military departments) for operation and maintenance,
10 leasing, and minor construction, as authorized by law,
11 \$48,506,000.

12 DEPARTMENT OF DEFENSE FAMILY HOUSING
13 IMPROVEMENT FUND

14 For the Department of Defense Family Housing Im-
15 provement Fund, \$2,500,000, to remain available until ex-
16 pended, for family housing initiatives undertaken pursu-
17 ant to section 2883 of title 10, United States Code, pro-
18 viding alternative means of acquiring and improving mili-
19 tary family housing and supporting facilities.

20 CHEMICAL DEMILITARIZATION CONSTRUCTION,
21 DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For expenses of construction, not otherwise provided
24 for, necessary for the destruction of the United States
25 stockpile of lethal chemical agents and munitions in ac-

1 cordance with the provisions of section 1412 of the De-
2 partment of Defense Authorization Act, 1986 (50 U.S.C.
3 1521), and for the destruction of other chemical warfare
4 materials that are not in the chemical weapon stockpile,
5 as currently authorized by law, \$90,993,000, to remain
6 available until September 30, 2011: *Provided*, That such
7 amounts of this appropriation as may be determined by
8 the Secretary of Defense may be transferred to such ap-
9 propriations of the Department of Defense available for
10 military construction as the Secretary may designate, to
11 be merged with and to be available for the same purposes,
12 and for the same time period, as the appropriation to
13 which transferred.

14 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

15 1990

16 For deposit into the Department of Defense Base
17 Closure Account 1990, established by section 2906(a)(1)
18 of the Defense Base Closure and Realignment Act of 1990
19 (10 U.S.C. 2687 note), \$216,220,000, to remain available
20 until expended.

21 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

22 2005

23 For deposit into the Department of Defense Base
24 Closure Account 2005, established by section 2906A(a)(1)
25 of the Defense Base Closure and Realignment Act of 1990

1 (10 U.S.C. 2687 note), \$5,309,876,000, to remain avail-
2 able until expended.

3 BASIC ALLOWANCE FOR HOUSING, ARMY

4 For basic allowance for housing, for members of the
5 Army on active duty, \$3,687,905,000.

6 BASIC ALLOWANCE FOR HOUSING, NAVY

7 For basic allowance for housing, for members of the
8 Navy on active duty, \$4,135,061,000.

9 BASIC ALLOWANCE FOR HOUSING, MARINE CORPS

10 For basic allowance for housing, for members of the
11 Marine Corps on active duty, \$1,350,921,000.

12 BASIC ALLOWANCE FOR HOUSING, AIR FORCE

13 For basic allowance for housing, for members of the
14 Air Force on active duty, \$2,934,327,000.

15 BASIC ALLOWANCE FOR HOUSING, ARMY NATIONAL

16 GUARD

17 For basic allowance for housing, for members of the
18 Army National Guard on active duty, \$469,109,000.

19 BASIC ALLOWANCE FOR HOUSING, AIR NATIONAL

20 GUARD

21 For basic allowance for housing, for members of the
22 Air National Guard on active duty, \$277,533,000.

23 BASIC ALLOWANCE FOR HOUSING, ARMY RESERVE

24 For basic allowance for housing, for members of the
25 Army Reserve on active duty, \$347,607,000.

6 For basic allowance for housing, for members of the
7 Marine Corps Reserve on active duty, \$43,082,000.

9 For basic allowance for housing, for members of the
10 Air Force Reserve on active duty, \$76,218,000.

13 For expenses for facilities sustainment, restoration
14 and modernization of the Army, \$1,810,774,000.

For expenses for facilities sustainment, restoration
and modernization of the Navy, \$1,201,313,000.

21 For expenses for facilities sustainment, restoration
22 and modernization of the Marine Corps, \$473,141,000.

1 FACILITIES SUSTAINMENT, RESTORATION AND
2 MODERNIZATION, AIR FORCE

3 For expenses for facilities sustainment, restoration
4 and modernization of the Air Force, \$1,684,019,000.

5 FACILITIES SUSTAINMENT, RESTORATION AND
6 MODERNIZATION, DEFENSE-WIDE

7 For expenses for facilities sustainment, restoration
8 and modernization of the Department of Defense,
9 \$86,386,000.

10 FACILITIES SUSTAINMENT, RESTORATION AND
11 MODERNIZATION, ARMY NATIONAL GUARD

12 For expenses for facilities sustainment, restoration
13 and modernization of the Army National Guard,
14 \$387,882,000.

15 FACILITIES SUSTAINMENT, RESTORATION AND
16 MODERNIZATION, AIR NATIONAL GUARD

17 For expenses for facilities sustainment, restoration
18 and modernization of the Air National Guard,
19 \$255,322,000.

20 FACILITIES SUSTAINMENT, RESTORATION AND
21 MODERNIZATION, ARMY RESERVE

22 For expenses for facilities sustainment, restoration
23 and modernization of the Army Reserve, \$215,890,000.

1 FACILITIES SUSTAINMENT, RESTORATION AND
2 MODERNIZATION, NAVY RESERVE

3 For expenses for facilities sustainment, restoration
4 and modernization of the Navy Reserve, \$52,136,000.

5 FACILITIES SUSTAINMENT, RESTORATION AND
6 MODERNIZATION, MARINE CORPS RESERVE

7 For expenses for facilities sustainment, restoration
8 and modernization of the Marine Corps Reserve,
9 \$9,579,000.

10 FACILITIES SUSTAINMENT, RESTORATION AND
11 MODERNIZATION, AIR FORCE RESERVE

12 For expenses for facilities sustainment, restoration
13 and modernization of the Air Force Reserve, \$59,849,000.

14 THE DEPARTMENT OF DEFENSE ENVIRONMENTAL
15 RESTORATION ACCOUNTS

16 ENVIRONMENTAL RESTORATION, ARMY
17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Army, \$413,794,000, to
19 remain available until transferred: *Provided*, That the Sec-
20 retary of the Army shall, upon determining that such
21 funds are required for environmental restoration, reduc-
22 tion and recycling of hazardous waste, removal of unsafe
23 buildings and debris of the Department of the Army, or
24 for similar purposes, transfer the funds made available by
25 this appropriation to other appropriations made available

1 to the Department of the Army, to be merged with and
2 to be available for the same purposes and for the same
3 time period as the appropriations to which transferred:
4 *Provided further*, That upon a determination that all or
5 part of the funds transferred from this appropriation are
6 not necessary for the purposes provided herein, such
7 amounts may be transferred back to this appropriation.

8 ENVIRONMENTAL RESTORATION, NAVY

9 (INCLUDING TRANSFER OF FUNDS)

10 For the Department of the Navy, \$304,409,000, to
11 remain available until transferred: *Provided*, That the Sec-
12 retary of the Navy shall, upon determining that such
13 funds are required for environmental restoration, reduc-
14 tion and recycling of hazardous waste, removal of unsafe
15 buildings and debris of the Department of the Navy, or
16 for similar purposes, transfer the funds made available by
17 this appropriation to other appropriations made available
18 to the Department of the Navy, to be merged with and
19 to be available for the same purposes and for the same
20 time period as the appropriations to which transferred:
21 *Provided further*, That upon a determination that all or
22 part of the funds transferred from this appropriation are
23 not necessary for the purposes provided herein, such
24 amounts may be transferred back to this appropriation.

1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$423,871,000,
4 to remain available until transferred: *Provided*, That the
5 Secretary of the Air Force shall, upon determining that
6 such funds are required for environmental restoration, re-
7 duction and recycling of hazardous waste, removal of un-
8 safe buildings and debris of the Department of the Air
9 Force, or for similar purposes, transfer the funds made
10 available by this appropriation to other appropriations
11 made available to the Department of the Air Force, to be
12 merged with and to be available for the same purposes
13 and for the same time period as the appropriations to
14 which transferred: *Provided further*, That upon a deter-
15 mination that all or part of the funds transferred from
16 this appropriation are not necessary for the purposes pro-
17 vided herein, such amounts may be transferred back to
18 this appropriation.

19 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

20 (INCLUDING TRANSFER OF FUNDS)

21 For the Department of Defense, \$18,431,000, to re-
22 main available until transferred: *Provided*, That the Sec-
23 retary of Defense shall, upon determining that such funds
24 are required for environmental restoration, reduction and
25 recycling of hazardous waste, removal of unsafe buildings

1 and debris of the Department of Defense, or for similar
 2 purposes, transfer the funds made available by this appro-
 3 priation to other appropriations made available to the De-
 4 partment of Defense, to be merged with and to be avail-
 5 able for the same purposes and for the same time period
 6 as the appropriations to which transferred: *Provided fur-*
 7 *ther*, That upon a determination that all or part of the
 8 funds transferred from this appropriation are not nec-
 9 essary for the purposes provided herein, such amounts
 10 may be transferred back to this appropriation.

11 ENVIRONMENTAL RESTORATION, FORMERLY USED

12 DEFENSE SITES

13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of the Army, \$257,790,000, to
 15 remain available until transferred: *Provided*, That the Sec-
 16 retary of the Army shall, upon determining that such
 17 funds are required for environmental restoration, reduc-
 18 tion and recycling of hazardous waste, removal of unsafe
 19 buildings and debris at sites formerly used by the Depart-
 20 ment of Defense, transfer the funds made available by this
 21 appropriation to other appropriations made available to
 22 the Department of the Army, to be merged with and to
 23 be available for the same purposes and for the same time
 24 period as the appropriations to which transferred: *Pro-*
 25 *vided further*, That upon a determination that all or part

1 of the funds transferred from this appropriation are not
2 necessary for the purposes provided herein, such amounts
3 may be transferred back to this appropriation.

4 DEFENSE HEALTH PROGRAM

5 (INCLUDING RESCISSION OF FUNDS)

6 For expenses, not otherwise provided for, for medical
7 and health care programs of the Department of Defense,
8 as authorized by law, \$21,065,163,000, of which
9 \$20,218,205,000 shall be for operation and maintenance,
10 of which not to exceed one percent shall remain available
11 until September 30, 2008, and of which up to
12 \$10,638,784,000 may be available for contracts entered
13 into under the TRICARE program; of which
14 \$402,855,000, to remain available for obligation until Sep-
15 tember 30, 2009, shall be for procurement; and of which
16 \$444,103,000, to remain available for obligation until Sep-
17 tember 30, 2008, shall be for research, development, test
18 and evaluation: *Provided*, That notwithstanding any other
19 provision of law, of the amount made available under this
20 heading for research, development, test and evaluation,
21 not less than \$7,000,000 shall be available for HIV pre-
22 vention educational activities undertaken in connection
23 with U.S. military training, exercises, and humanitarian
24 assistance activities conducted primarily in African na-
25 tions: *Provided further*, That of the funds provided for

1 “Defense Health Program”, operations and maintenance
2 under title VI of Public Law 109–148, \$40,042,000 are
3 hereby rescinded.

4 ADMINISTRATIVE PROVISIONS

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 101. None of the funds made available in this
7 title shall be expended for payments under a cost-plus-a-
8 fixed-fee contract for construction, where cost estimates
9 exceed \$25,000, to be performed within the United States,
10 except Alaska, without the specific approval in writing of
11 the Secretary of Defense setting forth the reasons there-
12 for.

13 SEC. 102. Funds made available in this title for con-
14 struction shall be available for hire of passenger motor ve-
15 hicles.

16 SEC. 103. Funds made available in this title for con-
17 struction may be used for advances to the Federal High-
18 way Administration, Department of Transportation, for
19 the construction of access roads as authorized by section
20 210 of title 23, United States Code, when projects author-
21 ized therein are certified as important to the national de-
22 fense by the Secretary of Defense.

23 SEC. 104. None of the funds made available in this
24 title may be used to begin construction of new bases in

1 the United States for which specific appropriations have
2 not been made.

3 SEC. 105. None of the funds made available in this
4 title shall be used for purchase of land or land easements
5 in excess of 100 percent of the value as determined by
6 the Army Corps of Engineers or the Naval Facilities Engi-
7 neering Command, except: (1) where there is a determina-
8 tion of value by a Federal court; (2) purchases negotiated
9 by the Attorney General or the designee of the Attorney
10 General; (3) where the estimated value is less than
11 \$25,000; or (4) as otherwise determined by the Secretary
12 of Defense to be in the public interest.

13 SEC. 106. None of the funds made available in this
14 title shall be used to: (1) acquire land; (2) provide for site
15 preparation; or (3) install utilities for any family housing,
16 except housing for which funds have been made available
17 in annual Acts making appropriations for military con-
18 struction.

19 SEC. 107. None of the funds made available in this
20 title for minor construction may be used to transfer or
21 relocate any activity from one base or installation to an-
22 other, without prior notification to the Committees on Ap-
23 propriations of both Houses of Congress.

24 SEC. 108. None of the funds made available in this
25 title may be used for the procurement of steel for any con-

1 construction project or activity for which American steel pro-
2 ducers, fabricators, and manufacturers have been denied
3 the opportunity to compete for such steel procurement.

4 SEC. 109. None of the funds available to the Depart-
5 ment of Defense for military construction or family hous-
6 ing during the current fiscal year may be used to pay real
7 property taxes in any foreign nation.

8 SEC. 110. None of the funds made available in this
9 title may be used to initiate a new installation overseas
10 without prior notification to the Committees on Appro-
11 priations of both Houses of Congress.

12 SEC. 111. None of the funds made available in this
13 title may be obligated for architect and engineer contracts
14 estimated by the Government to exceed \$500,000 for
15 projects to be accomplished in Japan, in any North Atlan-
16 tic Treaty Organization member country, or in countries
17 bordering the Arabian Sea, unless such contracts are
18 awarded to United States firms or United States firms
19 in joint venture with host nation firms.

20 SEC. 112. None of the funds made available in this
21 title for military construction in the United States terri-
22 tories and possessions in the Pacific and on Kwajalein
23 Atoll, or in countries bordering the Arabian Sea, may be
24 used to award any contract estimated by the Government
25 to exceed \$1,000,000 to a foreign contractor: *Provided,*

1 That this section shall not be applicable to contract
2 awards for which the lowest responsive and responsible bid
3 of a United States contractor exceeds the lowest respon-
4 sive and responsible bid of a foreign contractor by greater
5 than 20 percent: *Provided further*, That this section shall
6 not apply to contract awards for military construction on
7 Kwajalein Atoll for which the lowest responsive and re-
8 sponsible bid is submitted by a Marshallese contractor.

9 SEC. 113. The Secretary of Defense is to inform the
10 appropriate committees of both Houses of Congress, in-
11 cluding the Committees on Appropriations, of the plans
12 and scope of any proposed military exercise involving
13 United States personnel 30 days prior to its occurring,
14 if amounts expended for construction, either temporary or
15 permanent, are anticipated to exceed \$100,000.

16 SEC. 114. Not more than 20 percent of the funds
17 made available in this title which are limited for obligation
18 during the current fiscal year shall be obligated during
19 the last two months of the fiscal year.

20 SEC. 115. Funds appropriated to the Department of
21 Defense for construction in prior years shall be available
22 for construction authorized for each such military depart-
23 ment by the authorizations enacted into law during the
24 current session of Congress.

1 SEC. 116. For military construction or family housing
2 projects that are being completed with funds otherwise ex-
3 pired or lapsed for obligation, expired or lapsed funds may
4 be used to pay the cost of associated supervision, inspec-
5 tion, overhead, engineering and design on those projects
6 and on subsequent claims, if any.

7 SEC. 117. Notwithstanding any other provision of
8 law, any funds made available to a military department
9 or defense agency for the construction of military projects
10 may be obligated for a military construction project or
11 contract, or for any portion of such a project or contract,
12 at any time before the end of the fourth fiscal year after
13 the fiscal year for which funds for such project were made
14 available, if the funds obligated for such project: (1) are
15 obligated from funds available for military construction
16 projects; and (2) do not exceed the amount appropriated
17 for such project, plus any amount by which the cost of
18 such project is increased pursuant to law.

19 SEC. 118. The Secretary of Defense is to provide the
20 Committees on Appropriations of both Houses of Congress
21 with an annual report by February 15, containing details
22 of the specific actions proposed to be taken by the Depart-
23 ment of Defense during the current fiscal year to encour-
24 age other member nations of the North Atlantic Treaty
25 Organization, Japan, Korea, and United States allies bor-

1 dering the Arabian Sea to assume a greater share of the
2 common defense burden of such nations and the United
3 States.

4 SEC. 119. In addition to any other transfer authority
5 available to the Department of Defense, proceeds depos-
6 ited to the Department of Defense Base Closure Account
7 established by section 207(a)(1) of the Defense Authoriza-
8 tion Amendments and Base Closure and Realignment Act
9 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
10 of such Act, may be transferred to the account established
11 by section 2906(a)(1) of the Defense Base Closure and
12 Realignment Act of 1990 (10 U.S.C. 2687 note), to be
13 merged with, and to be available for the same purposes
14 and the same time period as that account.

15 SEC. 120. Subject to 30 days prior notification to the
16 Committees on Appropriations of both Houses of Con-
17 gress, such additional amounts as may be determined by
18 the Secretary of Defense may be transferred to: (1) the
19 Department of Defense Family Housing Improvement
20 Fund from amounts appropriated for construction in
21 “Family Housing” accounts, to be merged with and to be
22 available for the same purposes and for the same period
23 of time as amounts appropriated directly to the Fund; or
24 (2) the Department of Defense Military Unaccompanied
25 Housing Improvement Fund from amounts appropriated

1 for construction of military unaccompanied housing in
2 “Military Construction” accounts, to be merged with and
3 to be available for the same purposes and for the same
4 period of time as amounts appropriated directly to the
5 Fund: *Provided*, That appropriations made available to
6 the Funds shall be available to cover the costs, as defined
7 in section 502(5) of the Congressional Budget Act of
8 1974, of direct loans or loan guarantees issued by the De-
9 partment of Defense pursuant to the provisions of sub-
10 chapter IV of chapter 169 of title 10, United States Code,
11 pertaining to alternative means of acquiring and improv-
12 ing military family housing, military unaccompanied hous-
13 ing, and supporting facilities.

14 SEC. 121. None of the funds made available in this
15 title may be obligated for Partnership for Peace Programs
16 in the New Independent States of the former Soviet
17 Union.

18 SEC. 122. (a) Not later than 60 days before issuing
19 any solicitation for a contract with the private sector for
20 military family housing the Secretary of the military de-
21 partment concerned shall submit to the Committees on
22 Appropriations of both Houses of Congress the notice de-
23 scribed in subsection (b).

24 (b)(1) A notice referred to in subsection (a) is a no-
25 tice of any guarantee (including the making of mortgage

1 or rental payments) proposed to be made by the Secretary
2 to the private party under the contract involved in the
3 event of—

4 (A) the closure or realignment of the installa-
5 tion for which housing is provided under the con-
6 tract;

7 (B) a reduction in force of units stationed at
8 such installation; or

9 (C) the extended deployment overseas of units
10 stationed at such installation.

11 (2) Each notice under this subsection shall specify
12 the nature of the guarantee involved and assess the extent
13 and likelihood, if any, of the liability of the Federal Gov-
14 ernment with respect to the guarantee.

15 SEC. 123. In addition to any other transfer authority
16 available to the Department of Defense, amounts may be
17 transferred from the accounts established by sections
18 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure
19 and Realignment Act of 1990 (10 U.S.C. 2687 note), to
20 the fund established by section 1013(d) of the Demonstra-
21 tion Cities and Metropolitan Development Act of 1966 (42
22 U.S.C. 3374) to pay for expenses associated with the
23 Homeowners Assistance Program. Any amounts trans-
24 ferred shall be merged with and be available for the same

1 purposes and for the same time period as the fund to
2 which transferred.

3 SEC. 124. Notwithstanding this or any other provi-
4 sion of law, funds made available in this title for operation
5 and maintenance of family housing shall be the exclusive
6 source of funds for repair and maintenance of all family
7 housing units, including general or flag officer quarters:
8 *Provided*, That not more than \$35,000 per unit may be
9 spent annually for the maintenance and repair of any gen-
10 eral or flag officer quarters without 30 days prior notifica-
11 tion to the Committees on Appropriations of both Houses
12 of Congress, except that an after-the-fact notification shall
13 be submitted if the limitation is exceeded solely due to
14 costs associated with environmental remediation that
15 could not be reasonably anticipated at the time of the
16 budget submission: *Provided further*, That the Under Sec-
17 retary of Defense (Comptroller) is to report annually to
18 the Committees on Appropriations of both Houses of Con-
19 gress all operation and maintenance expenditures for each
20 individual general or flag officer quarters for the prior fis-
21 cal year: *Provided further*, That nothing in this section
22 precludes the Secretary of a military department, after no-
23 tifying the congressional defense committees and waiting
24 21 days, from using funds derived under section 2601,
25 chapter 403, chapter 603, or chapter 903 of title 10,

1 United States Code, for the maintenance or repair of gen-
2 eral and flag officer quarters at the military service acad-
3 emy under the jurisdiction of that Secretary: *Provided fur-*
4 *ther*, That each Secretary of a military department shall
5 provide an annual report by February 15 to the congres-
6 sional defense committees on the amount of funds that
7 were derived under section 2601, chapter 403, chapter
8 603, or chapter 903 of title 10, United States Code, in
9 the previous year and were obligated for the construction,
10 improvement, repair, or maintenance of any military facil-
11 ity or infrastructure.

12 SEC. 125. None of the funds made available in this
13 title under the heading “North Atlantic Treaty Organiza-
14 tion Security Investment Program”, and no funds appro-
15 priated for any fiscal year before fiscal year 2007 for that
16 program that remain available for obligation, may be obli-
17 gated or expended for the conduct of studies of missile
18 defense.

19 SEC. 126. Whenever the Secretary of Defense or any
20 other official of the Department of Defense is requested
21 by the subcommittee on Military Quality of Life and Vet-
22 erans Affairs, and Related Agencies of the Committee on
23 Appropriations of the House of Representatives or the
24 subcommittee on Military Construction and Veterans Af-
25 fairs, and Related Agencies of the Committee on Appro-

1 priations of the Senate to respond to a question or inquiry
2 submitted by the chairman or another member of that
3 subcommittee pursuant to a subcommittee hearing or
4 other activity, the Secretary (or other official) shall re-
5 spond to the request, in writing, within 21 days of the
6 date on which the request is transmitted to the Secretary
7 (or other official).

8 SEC. 127. Amounts contained in the Ford Island Im-
9 provement Account established by subsection (h) of sec-
10 tion 2814 of title 10, United States Code, are appro-
11 priated and shall be available until expended for the pur-
12 poses specified in subsection (i)(1) of such section or until
13 transferred pursuant to subsection (i)(3) of such section.

14 SEC. 128. None of the funds made available in this
15 title, or in any Act making appropriations for military con-
16 struction which remain available for obligation, may be ob-
17 ligated or expended to carry out a military construction,
18 land acquisition, or family housing project at or for a mili-
19 tary installation approved for closure, or at a military in-
20 stallation for the purposes of supporting a function that
21 has been approved for realignment to another installation,
22 in 2005 under the Defense Base Closure and Realignment
23 Act of 1990 (part A of title XXIX of Public Law 101–
24 510; 10 U.S.C. 2687 note), unless such a project at a mili-
25 tary installation approved for realignment will support a

1 continuing mission or function at that installation or a
2 new mission or function that is planned for that installa-
3 tion, or unless the Secretary of Defense certifies that the
4 cost to the United States of carrying out such project
5 would be less than the cost to the United States of cancel-
6 ling such project, or if the project is at an active compo-
7 nent base that shall be established as an enclave or in the
8 case of projects having multi-agency use, that another
9 Government agency has indicated it will assume ownership
10 of the completed project. The Secretary of Defense may
11 not transfer funds made available as a result of this limi-
12 tation from any military construction project, land acquisi-
13 tion, or family housing project to another account or use
14 such funds for another purpose or project without the
15 prior approval of the Committees on Appropriations of
16 both Houses of Congress. This section shall not apply to
17 military construction projects, land acquisition, or family
18 housing projects for which the project is vital to the na-
19 tional security or the protection of health, safety, or envi-
20 ronmental quality: *Provided*, That the Secretary of De-
21 fense shall notify the congressional defense committees
22 within seven days of a decision to carry out such a military
23 construction project.

24 SEC. 129. During the 5-year period after appropria-
25 tions available in this Act to the Department of Defense

1 for military construction and family housing operation and
2 maintenance and construction have expired for obligation,
3 upon a determination that such appropriations will not be
4 necessary for the liquidation of obligations or for making
5 authorized adjustments to such appropriations for obliga-
6 tions incurred during the period of availability of such ap-
7 propriations, unobligated balances of such appropriations
8 may be transferred into the appropriation “Foreign Cur-
9 rency Fluctuations, Construction, Defense,” to be merged
10 with and to be available for the same time period and for
11 the same purposes as the appropriation to which trans-
12 ferred.

13 SEC. 130. None of the funds appropriated in this title
14 available for the Civilian Health and Medical Program of
15 the Uniformed Services (CHAMPUS) or TRICARE shall
16 be available for the reimbursement of any health care pro-
17 vider for inpatient mental health service for care received
18 when a patient is referred to a provider of inpatient men-
19 tal health care or residential treatment care by a medical
20 or health care professional having an economic interest in
21 the facility to which the patient is referred: *Provided*, That
22 this limitation does not apply in the case of inpatient men-
23 tal health services provided under the program for persons
24 with disabilities under subsection (d) of section 1079 of
25 title 10, United States Code, provided as partial hospital

1 care, or provided pursuant to a waiver authorized by the
2 Secretary of Defense because of medical or psychological
3 circumstances of the patient that are confirmed by a
4 health professional who is not a Federal employee after
5 a review, pursuant to rules prescribed by the Secretary,
6 which takes into account the appropriate level of care for
7 the patient, the intensity of services required by the pa-
8 tient, and the availability of that care.

9 SEC. 131. (a) The Secretary of Defense, in coordina-
10 tion with the Secretary of Health and Human Services,
11 may carry out a program to distribute surplus dental and
12 medical equipment of the Department of Defense, at no
13 cost to the Department of Defense, to Indian Health Serv-
14 ice facilities and to federally-qualified health centers (with-
15 in the meaning of section 1905(l)(2)(B) of the Social Se-
16 curity Act (42 U.S.C. 1396d(l)(2)(B))).

17 (b) In carrying out this provision, the Secretary of
18 Defense shall give the Indian Health Service a property
19 disposal priority equal to the priority given to the Depart-
20 ment of Defense and its twelve special screening programs
21 in distribution of surplus dental and medical supplies and
22 equipment.

23 SEC. 132. Notwithstanding any other provision of law
24 or regulation, the Secretary of Defense may adjust wage
25 rates for civilian employees hired for certain health care

1 occupations as authorized for the Secretary of Veterans
2 Affairs by section 7455 of title 38, United States Code.

3 SEC. 133. Notwithstanding any other provision of
4 law, that not more than 35 percent of funds provided in
5 this title for environmental remediation may be obligated
6 under indefinite delivery/indefinite quantity contracts with
7 a total contract value of \$130,000,000 or higher.

8 SEC. 134. Notwithstanding any other provision of
9 law, funds available to the Department of Defense in this
10 title shall be made available to provide transportation of
11 medical supplies and equipment, on a nonreimbursable
12 basis, to American Samoa, and funds available to the De-
13 partment of Defense in this title shall be made available
14 to provide transportation of medical supplies and equip-
15 ment, on a nonreimbursable basis, to the Indian Health
16 Service when it is in conjunction with a civil-military
17 project.

18 SEC. 135. (1) Notwithstanding any other provision
19 of law or regulation, the Secretary of Defense may exercise
20 the provisions of section 7403(g) of title 38, United States
21 Code, for occupations listed in section 7403(a)(2) of title
22 38, United States Code, as well as the following: Phar-
23 macists, Audiologists, and Dental Hygienists.

24 (2) The requirements of section 7403(g)(1)(A) of
25 title 38, United States Code, shall apply.

1 (3) The limitations of section 7403(g)(1)(B) of title
 2 38, United States Code, shall not apply.

3 TITLE II
 4 DEPARTMENT OF VETERANS AFFAIRS
 5 VETERANS BENEFITS ADMINISTRATION
 6 COMPENSATION AND PENSIONS
 7 (INCLUDING TRANSFER OF FUNDS)

8 For the payment of compensation benefits to or on
 9 behalf of veterans and a pilot program for disability ex-
 10 aminations as authorized by law (38 U.S.C. 107, chapters
 11 11, 13, 18, 51, 53, 55, and 61); pension benefits to or
 12 on behalf of veterans as authorized by law (38 U.S.C.
 13 chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and bur-
 14 ial benefits, the Reinstated Entitlement Program for Sur-
 15 vivors, emergency and other officers' retirement pay, ad-
 16 justed-service credits and certificates, payment of pre-
 17 miums due on commercial life insurance policies guaran-
 18 teed under the provisions of title IV of the Servicemembers
 19 Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other
 20 benefits as authorized by law (38 U.S.C. 107, 1312, 1977,
 21 and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122,
 22 123; 45 Stat. 735; 76 Stat. 1198), \$38,007,095,000, to
 23 remain available until expended: *Provided*, That not to ex-
 24 ceed \$28,112,000 of the amount appropriated under this
 25 heading shall be reimbursed to "General operating ex-
 26 penses" and "Medical administration" for necessary ex-

1 penses in implementing the provisions of chapters 51, 53,
 2 and 55 of title 38, United States Code, the funding source
 3 for which is specifically provided as the “Compensation
 4 and pensions” appropriation: *Provided further*, That such
 5 sums as may be earned on an actual qualifying patient
 6 basis, shall be reimbursed to “Medical care collections
 7 fund” to augment the funding of individual medical facili-
 8 ties for nursing home care provided to pensioners as au-
 9 thorized.

10 READJUSTMENT BENEFITS

11 (INCLUDING TRANSFER OF FUNDS)

12 For the payment of readjustment and rehabilitation
 13 benefits to or on behalf of veterans as authorized by law
 14 (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53,
 15 55, and 61), \$3,262,006,000, to remain available until ex-
 16 pended: *Provided*, That expenses for rehabilitation pro-
 17 gram services and assistance which the Secretary is au-
 18 thorized to provide under section 3104(a) of title 38,
 19 United States Code, other than under subsection (a)(1),
 20 (2), (5), and (11) of that section, shall be charged to this
 21 account.

22 VETERANS INSURANCE AND INDEMNITIES

23 (INCLUDING TRANSFER OF FUNDS)

24 For military and naval insurance, national service life
 25 insurance, servicemen’s indemnities, service-disabled vet-

1 erans insurance, and veterans mortgage life insurance as
2 authorized by title 38, United States Code, chapter 19;
3 70 Stat. 887; 72 Stat. 487, \$49,850,000, to remain avail-
4 able until expended.

5 VETERANS HOUSING BENEFIT PROGRAM FUND

6 PROGRAM ACCOUNT

7 (INCLUDING TRANSFER OF FUNDS)

8 For the cost of direct and guaranteed loans, such
9 sums as may be necessary to carry out the program, as
10 authorized by subchapters I through III of chapter 37 of
11 title 38, United States Code: *Provided*, That such costs,
12 including the cost of modifying such loans, shall be as de-
13 fined in section 502 of the Congressional Budget Act of
14 1974: *Provided further*, That during fiscal year 2007,
15 within the resources available, not to exceed \$500,000 in
16 gross obligations for direct loans are authorized for spe-
17 cially adapted housing loans.

18 In addition, for administrative expenses to carry out
19 the direct and guaranteed loan programs, \$153,185,000,
20 which may be transferred to and merged with the appro-
21 priation for “General operating expenses”.

1 VOCATIONAL REHABILITATION LOANS PROGRAM

2 ACCOUNT

3 (INCLUDING TRANSFER OF FUNDS)

4 For the cost of direct loans, \$67,000, as authorized
5 by chapter 31 of title 38, United States Code: *Provided*,
6 That such costs, including the cost of modifying such
7 loans, shall be as defined in section 502 of the Congres-
8 sional Budget Act of 1974: *Provided further*, That funds
9 made available under this heading are available to sub-
10 sidize gross obligations for the principal amount of direct
11 loans not to exceed \$3,369,000.

12 In addition, for administrative expenses necessary to
13 carry out the direct loan program, \$305,000, which may
14 be transferred to and merged with the appropriation for
15 “General operating expenses”.

16 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

17 ACCOUNT

18 (INCLUDING TRANSFER OF FUNDS)

19 For administrative expenses to carry out the direct
20 loan program authorized by subchapter V of chapter 37
21 of title 38, United States Code, \$615,000, which may be
22 transferred to and merged with the appropriation for
23 “General operating expenses”: *Provided*, That no new
24 loans in excess of \$30,000,000 may be made in fiscal year
25 2007.

1 GUARANTEED TRANSITIONAL HOUSING LOANS FOR
2 HOMELESS VETERANS PROGRAM ACCOUNT

3 For the administrative expenses to carry out the
4 guaranteed transitional housing loan program authorized
5 by subchapter VI of chapter 37 of title 38, United States
6 Code, not to exceed \$750,000 of the amounts appropriated
7 by this Act for “General operating expenses” and “Med-
8 ical administration” may be expended.

9 VETERANS HEALTH ADMINISTRATION
10 MEDICAL SERVICES
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses for furnishing, as authorized
13 by law, inpatient and outpatient care and treatment to
14 beneficiaries of the Department of Veterans Affairs and
15 veterans described in section 1705(a) of title 38, United
16 States Code, including care and treatment in facilities not
17 under the jurisdiction of the Department, and including
18 medical supplies and equipment and salaries and expenses
19 of health-care employees hired under title 38, United
20 States Code, and aid to State homes as authorized by sec-
21 tion 1741 of title 38, United States Code;
22 \$25,412,000,000, plus reimbursements, of which not less
23 than \$2,800,000,000 shall be expended for specialty men-
24 tal health care: *Provided*, That of the funds made available
25 under this heading, not to exceed \$1,100,000,000 shall be
26 available until September 30, 2008: *Provided further*,

1 That, notwithstanding any other provision of law, the Sec-
 2 retary of Veterans Affairs shall establish a priority for
 3 treatment for veterans who are service-connected disabled,
 4 lower income, or have special needs: *Provided further,*

5 That, notwithstanding any other provision of law, the Sec-
 6 retary of Veterans Affairs shall give priority funding for
 7 the provision of basic medical benefits to veterans in en-
 8 rollment priority groups 1 through 6: *Provided further,*

9 That, notwithstanding any other provision of law, the Sec-
 10 retary of Veterans Affairs may authorize the dispensing
 11 of prescription drugs from Veterans Health Administra-
 12 tion facilities to enrolled veterans with privately written
 13 prescriptions based on requirements established by the
 14 Secretary: *Provided further,* That the implementation of
 15 the program described in the previous proviso shall incur
 16 no additional cost to the Department of Veterans Affairs.

17 MEDICAL ADMINISTRATION

18 (INCLUDING TRANSFER OF FUNDS)

19 For necessary expenses in the administration of the
 20 medical, hospital, nursing home, domiciliary, construction,
 21 supply, and research activities, as authorized by law; ad-
 22 ministrative expenses in support of capital policy activi-
 23 ties; and administrative and legal expenses of the Depart-
 24 ment for collecting and recovering amounts owed the De-
 25 partment as authorized under chapter 17 of title 38,
 26 United States Code, and the Federal Medical Care Recov-

1 ery Act (42 U.S.C. 2651 et seq.); \$3,277,000,000, plus
2 reimbursements, of which \$250,000,000 shall be available
3 until September 30, 2008.

4 MEDICAL FACILITIES

5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses for the maintenance and op-
7 eration of hospitals, nursing homes, and domiciliary facili-
8 ties and other necessary facilities for the Veterans Health
9 Administration; for administrative expenses in support of
10 planning, design, project management, real property ac-
11 quisition and disposition, construction and renovation of
12 any facility under the jurisdiction or for the use of the
13 Department; for oversight, engineering and architectural
14 activities not charged to project costs; for repairing, alter-
15 ing, improving or providing facilities in the several hos-
16 pitals and homes under the jurisdiction of the Depart-
17 ment, not otherwise provided for, either by contract or by
18 the hire of temporary employees and purchase of mate-
19 rials; for leases of facilities; and for laundry and food serv-
20 ices, \$3,594,000,000, plus reimbursements, of which
21 \$250,000,000 shall be available until September 30, 2008.

22 MEDICAL AND PROSTHETIC RESEARCH

23 For necessary expenses in carrying out programs of
24 medical and prosthetic research and development as au-
25 thorized by chapter 73 of title 38, United States Code,

1 to remain available until September 30, 2008,
2 \$412,000,000, plus reimbursements.

3 DEPARTMENTAL ADMINISTRATION

4 GENERAL OPERATING EXPENSES

5 For necessary operating expenses of the Department
6 of Veterans Affairs, not otherwise provided for, including
7 administrative expenses in support of Department-Wide
8 capital planning, management and policy activities, uni-
9 forms or allowances therefor; not to exceed \$25,000 for
10 official reception and representation expenses; hire of pas-
11 senger motor vehicles; and reimbursement of the General
12 Services Administration for security guard services, and
13 the Department of Defense for the cost of overseas em-
14 ployee mail, \$1,480,764,000: *Provided*, That expenses for
15 services and assistance authorized under paragraphs (1),
16 (2), (5), and (11) of section 3104(a) of title 38, United
17 States Code, that the Secretary of Veterans Affairs deter-
18 mines are necessary to enable entitled veterans: (1) to the
19 maximum extent feasible, to become employable and to ob-
20 tain and maintain suitable employment; or (2) to achieve
21 maximum independence in daily living, shall be charged
22 to this account: *Provided further*, That the Veterans Bene-
23 fits Administration shall be funded at not less than
24 \$1,167,859,000: *Provided further*, That of the funds made
25 available under this heading, not to exceed \$75,000,000

1 shall be available for obligation until September 30, 2008:
2 *Provided further*, That from the funds made available
3 under this heading, the Veterans Benefits Administration
4 may purchase (one-for-one replacement basis only) up to
5 two passenger motor vehicles for use in operations of that
6 Administration in Manila, Philippines.

7 INFORMATION TECHNOLOGY SYSTEMS

8 For necessary expenses for information technology
9 systems and telecommunications support, including devel-
10 opmental information systems and operational information
11 systems; for the capital asset acquisition of information
12 technology systems, including management and related
13 contractual costs of said acquisitions, including contrac-
14 tual costs associated with operations authorized by chap-
15 ter 3109 of title 5, United States Code, \$1,302,330,000,
16 plus reimbursements, to remain available until September
17 30, 2008: *Provided*, That none of these funds may be obli-
18 gated until the Department of Veterans Affairs submits
19 to the Committees on Appropriations of both Houses of
20 Congress, and such Committees approve, a plan for ex-
21 penditure that: (1) meets the capital planning and invest-
22 ment control review requirements established by the Office
23 of Management and Budget; (2) complies with the Depart-
24 ment of Veterans Affairs enterprise architecture; (3) con-
25 forms with an established enterprise life cycle method-

1 ology; and (4) complies with the acquisition rules, require-
2 ments, guidelines, and systems acquisition management
3 practices of the Federal Government: *Provided further*,
4 That within 30 days of enactment of this Act, the Sec-
5 retary of Veterans Affairs shall submit to the Committees
6 on Appropriations of both Houses of Congress a re-
7 programming base letter which provides, by project, the
8 costs included in this appropriation.

9 NATIONAL CEMETERY ADMINISTRATION

10 For necessary expenses of the National Cemetery Ad-
11 ministration for operations and maintenance, not other-
12 wise provided for, including uniforms or allowances there-
13 for; cemeterial expenses as authorized by law; purchase
14 of one passenger motor vehicle for use in cemeterial oper-
15 ations; and hire of passenger motor vehicles,
16 \$160,733,000, of which not to exceed \$8,037,000 shall be
17 available until September 30, 2008.

18 OFFICE OF INSPECTOR GENERAL

19 For necessary expenses of the Office of Inspector
20 General in carrying out the provisions of the Inspector
21 General Act of 1978, \$69,499,000, to remain available
22 until September 30, 2008.

23 CONSTRUCTION, MAJOR PROJECTS

24 For constructing, altering, extending and improving
25 any of the facilities including parking projects under the
26 jurisdiction or for the use of the Department of Veterans

1 Affairs, or for any of the purposes set forth in sections
2 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
3 and 8122 of title 38, United States Code, including plan-
4 ning, architectural and engineering services, construction
5 management services, maintenance or guarantee period
6 services costs associated with equipment guarantees pro-
7 vided under the project, services of claims analysts, offsite
8 utility and storm drainage system construction costs, and
9 site acquisition, where the estimated cost of a project is
10 more than the amount set forth in section 8104(a)(3)(A)
11 of title 38, United States Code, or where funds for a
12 project were made available in a previous major project
13 appropriation, \$283,670,000, to remain available until ex-
14 pended, of which \$2,000,000 shall be to make reimburse-
15 ments as provided in section 13 of the Contract Disputes
16 Act of 1978 (41 U.S.C. 612) for claims paid for contract
17 disputes: *Provided*, That except for advance planning ac-
18 tivities, including needs assessments which may or may
19 not lead to capital investments, and other capital asset
20 management related activities, such as portfolio develop-
21 ment and management activities, and investment strategy
22 studies funded through the advance planning fund and the
23 planning and design activities funded through the design
24 fund, including needs assessments which may or may not
25 lead to capital investments, none of the funds appropriated

1 under this heading shall be used for any project which has
2 not been approved by the Congress in the budgetary proc-
3 ess: *Provided further*, That funds provided in this appro-
4 priation for fiscal year 2007, for each approved project
5 shall be obligated: (1) by the awarding of a construction
6 documents contract by September 30, 2007; and (2) by
7 the awarding of a construction contract by September 30,
8 2008: *Provided further*, That the Secretary of Veterans Af-
9 fairs shall promptly report in writing to the Committees
10 on Appropriations of both Houses of Congress any ap-
11 proved major construction project in which obligations are
12 not incurred within the time limitations established above:
13 *Provided further*, That none of the funds in this or any
14 other Act may be used to reduce the mission, services or
15 infrastructure, including land, of the 18 facilities on the
16 Capital Asset Realignment for Enhanced Services
17 (CARES) list requiring further study as specified by the
18 Secretary of Veterans Affairs without prior approval of the
19 Committees on Appropriations of both Houses of Con-
20 gress.

21 CONSTRUCTION, MINOR PROJECTS

22 For constructing, altering, extending, and improving
23 any of the facilities including parking projects under the
24 jurisdiction or for the use of the Department of Veterans
25 Affairs, including planning and assessments of needs

1 which may lead to capital investments, architectural and
2 engineering services, maintenance or guarantee period
3 services costs associated with equipment guarantees pro-
4 vided under the project, services of claims analysts, offsite
5 utility and storm drainage system construction costs, and
6 site acquisition, or for any of the purposes set forth in
7 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
8 8110, 8122, and 8162 of title 38, United States Code,
9 where the estimated cost of a project is equal to or less
10 than the amount set forth in section 8104(a)(3)(A) of title
11 38, United States Code, \$210,000,000, to remain avail-
12 able until expended, along with unobligated balances of
13 previous “Construction, minor projects” appropriations
14 which are hereby made available for any project where the
15 estimated cost is equal to or less than the amount set forth
16 in such section, for: (1) repairs to any of the nonmedical
17 facilities under the jurisdiction or for the use of the De-
18 partment which are necessary because of loss or damage
19 caused by any natural disaster or catastrophe; and (2)
20 temporary measures necessary to prevent or to minimize
21 further loss by such causes.

22 GRANTS FOR CONSTRUCTION OF STATE EXTENDED
23 CARE FACILITIES

24 For grants to assist States to acquire or construct
25 State nursing home and domiciliary facilities and to re-

1 model, modify or alter existing hospital, nursing home and
 2 domiciliary facilities in State homes, for furnishing care
 3 to veterans as authorized by sections 8131–8137 of title
 4 38, United States Code, \$105,000,000, to remain avail-
 5 able until expended: *Provided*, That not less than
 6 \$20,000,000 shall be available only to correct life and pa-
 7 tient safety deficiencies and minor modifications at exist-
 8 ing facilities.

9 GRANTS FOR CONSTRUCTION OF STATE VETERANS
 10 CEMETERIES

11 For grants to aid States in establishing, expanding,
 12 or improving State veterans cemeteries as authorized by
 13 section 2408 of title 38, United States Code, \$32,000,000,
 14 to remain available until expended.

15 ADMINISTRATIVE PROVISIONS
 16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 201. Any appropriation for fiscal year 2007 for
 18 “Compensation and pensions”, “Readjustment benefits”,
 19 and “Veterans insurance and indemnities” may be trans-
 20 ferred as necessary to any other of the mentioned appro-
 21 priations: *Provided*, That before a transfer may take place,
 22 the Secretary of Veterans Affairs shall request from the
 23 Committees on Appropriations of both Houses of Congress
 24 the authority to make the transfer and an approval is

1 issued, or absent a response, a period of 30 days has
2 elapsed.

3 SEC. 202. Appropriations available in this title for
4 salaries and expenses shall be available for services au-
5 thorized by section 3109 of title 5, United States Code,
6 hire of passenger motor vehicles; lease of a facility or land
7 or both; and uniforms or allowances therefore, as author-
8 ized by sections 5901–5902 of title 5, United States Code.

9 SEC. 203. No appropriations in this title (except the
10 appropriations for “Construction, major projects”, and
11 “Construction, minor projects”) shall be available for the
12 purchase of any site for or toward the construction of any
13 new hospital or home.

14 SEC. 204. No appropriations in this title shall be
15 available for hospitalization or examination of any persons
16 (except beneficiaries entitled under the laws bestowing
17 such benefits to veterans, and persons receiving such
18 treatment under sections 7901–7904 of title 5, United
19 States Code or the Robert T. Stafford Disaster Relief and
20 Emergency Assistance Act (42 U.S.C. 5121 et seq.)), un-
21 less reimbursement of cost is made to the “Medical serv-
22 ices” account at such rates as may be fixed by the Sec-
23 retary of Veterans Affairs.

24 SEC. 205. Appropriations available in this title for
25 “Compensation and pensions”, “Readjustment benefits”,

1 and “Veterans insurance and indemnities” shall be avail-
2 able for payment of prior year accrued obligations re-
3 quired to be recorded by law against the corresponding
4 prior year accounts within the last quarter of fiscal year
5 2006.

6 SEC. 206. Appropriations available in this title shall
7 be available to pay prior year obligations of corresponding
8 prior year appropriations accounts resulting from sections
9 3328(a), 3334, and 3712(a) of title 31, United States
10 Code, except that if such obligations are from trust fund
11 accounts they shall be payable from “Compensation and
12 pensions”.

13 SEC. 207. Notwithstanding any other provision of
14 law, during fiscal year 2007, the Secretary of Veterans
15 Affairs shall, from the National Service Life Insurance
16 Fund (38 U.S.C. 1920), the Veterans’ Special Life Insur-
17 ance Fund (38 U.S.C. 1923), and the United States Gov-
18 ernment Life Insurance Fund (38 U.S.C. 1955), reim-
19 burse the “General operating expenses” account for the
20 cost of administration of the insurance programs financed
21 through those accounts: *Provided*, That reimbursement
22 shall be made only from the surplus earnings accumulated
23 in an insurance program in fiscal year 2007 that are avail-
24 able for dividends in that program after claims have been
25 paid and actuarially determined reserves have been set

1 aside: *Provided further*, That if the cost of administration
2 of an insurance program exceeds the amount of surplus
3 earnings accumulated in that program, reimbursement
4 shall be made only to the extent of such surplus earnings:
5 *Provided further*, That the Secretary shall determine the
6 cost of administration for fiscal year 2007 which is prop-
7 erly allocable to the provision of each insurance program
8 and to the provision of any total disability income insur-
9 ance included in such insurance program.

10 SEC. 208. Amounts deducted from enhanced-use
11 lease proceeds to reimburse an account for expenses in-
12 curred by that account during a prior fiscal year for pro-
13 viding enhanced-use lease services, may be obligated dur-
14 ing the fiscal year in which the proceeds are received.

15 SEC. 209. Funds available in this title or funds for
16 salaries and other administrative expenses shall also be
17 available to reimburse the Office of Resolution Manage-
18 ment and the Office of Employment Discrimination Com-
19 plaint Adjudication for all services provided at rates which
20 will recover actual costs but not exceed \$31,246,000 for
21 the Office of Resolution Management and \$3,059,000 for
22 the Office of Employment and Discrimination Complaint
23 Adjudication: *Provided*, That payments may be made in
24 advance for services to be furnished based on estimated
25 costs: *Provided further*, That amounts received shall be

1 credited to “General operating expenses” for use by the
2 office that provided the service.

3 SEC. 210. No appropriations in this title shall be
4 available to enter into any new lease of real property if
5 the estimated annual rental is more than \$300,000 unless
6 the Secretary submits a report which the Committees on
7 Appropriations of both Houses of Congress approve within
8 30 days following the date on which the report is received.

9 SEC. 211. No funds of the Department of Veterans
10 Affairs shall be available for hospital care, nursing home
11 care, or medical services provided to any person under
12 chapter 17 of title 38, United States Code, for a non-serv-
13 ice-connected disability described in section 1729(a)(2) of
14 such title, unless that person has disclosed to the Sec-
15 retary of Veterans Affairs, in such form as the Secretary
16 may require, current, accurate third-party reimbursement
17 information for purposes of section 1729 of such title: *Pro-*
18 *vided*, That the Secretary may recover, in the same man-
19 ner as any other debt due the United States, the reason-
20 able charges for such care or services from any person who
21 does not make such disclosure as required: *Provided fur-*
22 *ther*, That any amounts so recovered for care or services
23 provided in a prior fiscal year may be obligated by the
24 Secretary during the fiscal year in which amounts are re-
25 ceived.

1 SEC. 212. Notwithstanding any other provision of
2 law, at the discretion of the Secretary of Veterans Affairs,
3 proceeds or revenues derived from enhanced-use leasing
4 activities (including disposal) may be deposited into the
5 “Construction, major projects” and “Construction, minor
6 projects” accounts and be used for construction (including
7 site acquisition and disposition), alterations and improve-
8 ments of any medical facility under the jurisdiction or for
9 the use of the Department of Veterans Affairs. Such sums
10 as realized are in addition to the amount provided for in
11 “Construction, major projects” and “Construction, minor
12 projects”.

13 SEC. 213. Amounts made available under “Medical
14 services” are available—

15 (1) for furnishing recreational facilities, sup-
16 plies, and equipment; and

17 (2) for funeral expenses, burial expenses, and
18 other expenses incidental to funerals and burials for
19 beneficiaries receiving care in the Department.

20 SEC. 214. Such sums as may be deposited to the
21 Medical Care Collections Fund pursuant to section 1729A
22 of title 38, United States Code, may be transferred to
23 “Medical services”, to remain available until expended for
24 the purposes of this account.

1 SEC. 215. Amounts made available for fiscal year
2 2007 under the “Medical services”, “Medical administra-
3 tion”, and “Medical facilities” accounts may be trans-
4 ferred among the accounts to the extent necessary to im-
5 plement the restructuring of the Veterans Health Admin-
6 istration accounts: *Provided*, That before a transfer may
7 take place, the Secretary of Veterans Affairs shall request
8 from the Committees on Appropriations of both Houses
9 of Congress the authority to make the transfer and an
10 approval is issued.

11 SEC. 216. Notwithstanding any other provision of
12 law, the Secretary of Veterans Affairs shall allow veterans
13 eligible under existing Department of Veterans Affairs
14 medical care requirements and who reside in Alaska to ob-
15 tain medical care services from medical facilities supported
16 by the Indian Health Service or tribal organizations. The
17 Secretary shall: (1) limit the application of this provision
18 to rural Alaskan veterans in areas where an existing De-
19 partment of Veterans Affairs facility or Veterans Affairs-
20 contracted service is unavailable; (2) require participating
21 veterans and facilities to comply with all appropriate rules
22 and regulations, as established by the Secretary; (3) re-
23 quire this provision to be consistent with Capital Asset Re-
24 alignment for Enhanced Services activities; and (4) result

1 in no additional cost to the Department of Veterans Af-
2 fairs or the Indian Health Service.

3 SEC. 217. Such sums as may be deposited to the De-
4 partment of Veterans Affairs Capital Asset Fund pursu-
5 ant to section 8118 of title 38, United States Code, may
6 be transferred to the “Construction, major projects” and
7 “Construction, minor projects” accounts, to remain avail-
8 able until expended for the purposes of these accounts.

9 SEC. 218. None of the funds available to the Depart-
10 ment of Veterans Affairs, in this Act or any other Act,
11 may be used to replace the current system by which the
12 Veterans Integrated Service Networks select and contract
13 for diabetes monitoring supplies and equipment.

14 SEC. 219. None of the funds made available in this
15 Act may be used to implement any policy prohibiting the
16 Directors of the Veterans Integrated Service Networks
17 from conducting outreach or marketing to enroll new vet-
18 erans within their respective Networks.

19 SEC. 220. The Secretary of Veterans Affairs shall
20 submit to the Committees on Appropriations of both
21 Houses of Congress a quarterly report on the financial
22 status of the Veterans Health Administration.

23 SEC. 221. Amounts made available for the “Informa-
24 tion technology systems” account may be transferred be-
25 tween projects: *Provided*, That no project may be in-

1 creased or decreased by more than \$1,000,000 of cost
2 prior to submitting a request to the Committees on Appro-
3 priations of both Houses of Congress to make the transfer
4 and an approval is issued, or absent a response, a period
5 of 30 days has elapsed.

6 SEC. 222. The authority provided by section 2011 of
7 title 38, United States Code, shall continue in effect
8 through September 30, 2007.

9 TITLE III

10 RELATED AGENCIES

11 AMERICAN BATTLE MONUMENTS COMMISSION

12 SALARIES AND EXPENSES

13 For necessary expenses, not otherwise provided for,
14 of the American Battle Monuments Commission, including
15 the acquisition of land or interest in land in foreign coun-
16 tries; purchases and repair of uniforms for caretakers of
17 national cemeteries and monuments outside of the United
18 States and its territories and possessions; rent of office
19 and garage space in foreign countries; purchase (one-for-
20 one replacement basis only) and hire of passenger motor
21 vehicles; not to exceed \$7,500 for official reception and
22 representation expenses; and insurance of official motor
23 vehicles in foreign countries, when required by law of such
24 countries, \$37,088,000, to remain available until ex-
25 pended.

1 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

2 For necessary expenses, not otherwise provided for,
3 of the American Battle Monuments Commission,
4 \$4,900,000, to remain available until expended, for pur-
5 poses authorized by section 2109 of title 36, United States
6 Code.

7 UNITED STATES COURT OF APPEALS FOR VETERANS

8 CLAIMS

9 SALARIES AND EXPENSES

10 For necessary expenses for the operation of the
11 United States Court of Appeals for Veterans Claims as
12 authorized by sections 7251–7298 of title 38, United
13 States Code, \$19,790,000, of which \$1,260,000 shall be
14 available for the purpose of providing financial assistance
15 as described, and in accordance with the process and re-
16 porting procedures set forth, under this heading in Public
17 Law 102–229.

18 DEPARTMENT OF DEFENSE—CIVIL

19 CEMETERIAL EXPENSES, ARMY

20 SALARIES AND EXPENSES

21 For necessary expenses, as authorized by law, for
22 maintenance, operation, and improvement of Arlington
23 National Cemetery and Soldiers’ and Airmen’s Home Na-
24 tional Cemetery, including the purchase of two passenger
25 motor vehicles for replacement only, and not to exceed

1 \$1,000 for official reception and representation expenses,
2 \$26,550,000, to remain available until expended. In addi-
3 tion, such sums as may be necessary for parking mainte-
4 nance, repairs and replacement, to be derived from the
5 Lease of Department of Defense Real Property for De-
6 fense Agencies account.

7 ARMED FORCES RETIREMENT HOME

8 For expenses necessary for the Armed Forces Retire-
9 ment Home to operate and maintain the Armed Forces
10 Retirement Home—Washington, District of Columbia and
11 the Armed Forces Retirement Home—Gulfport, Mis-
12 sissippi, to be paid from funds available in the Armed
13 Forces Retirement Home Trust Fund, \$54,846,000.

14 TITLE IV

15 GENERAL PROVISIONS

16 SEC. 401. No part of any appropriation contained in
17 this Act shall remain available for obligation beyond the
18 current fiscal year unless expressly so provided herein.

19 SEC. 402. Such sums as may be necessary for fiscal
20 year 2007 pay raises for programs funded by this Act shall
21 be absorbed within the levels appropriated in this Act.

22 SEC. 403. None of the funds made available in this
23 Act may be used for any program, project, or activity,
24 when it is made known to the Federal entity or official
25 to which the funds are made available that the program,

1 project, or activity is not in compliance with any Federal
2 law relating to risk assessment, the protection of private
3 property rights, or unfunded mandates.

4 SEC. 404. No part of any funds appropriated in this
5 Act shall be used by an agency of the executive branch,
6 other than for normal and recognized executive-legislative
7 relationships, for publicity or propaganda purposes, and
8 for the preparation, distribution or use of any kit, pam-
9 phlet, booklet, publication, radio, television or film presen-
10 tation designed to support or defeat legislation pending
11 before Congress, except in presentation to Congress itself.

12 SEC. 405. All departments and agencies funded under
13 this Act are encouraged, within the limits of the existing
14 statutory authorities and funding, to expand their use of
15 “E-Commerce” technologies and procedures in the con-
16 duct of their business practices and public service activi-
17 ties.

18 SEC. 406. None of the funds made available in this
19 Act may be transferred to any department, agency, or in-
20 strumentality of the United States Government except
21 pursuant to a transfer made by, or transfer authority pro-
22 vided in, this Act or any other appropriations Act.

23 SEC. 407. Unless stated otherwise, all reports and no-
24 tifications required by this Act shall be submitted to the
25 Subcommittee on Military Quality of Life and Veterans

1 Affairs, and Related Agencies of the Committee on Appro-
2 priations of the House of Representatives and the Sub-
3 committee on Military Construction and Veterans Affairs,
4 and Related Agencies of the Committee on Appropriations
5 of the Senate.

6 SEC. 408. The amounts appropriated in division B,
7 title I, chapter 7 of Public Law 109–148 under the head-
8 ings “Military Construction, Defense-Wide” and “Con-
9 struction, Major Projects” may be used only for construc-
10 tion, or modification of joint-use and/or co-located facili-
11 ties.

12 This Act may be cited as the “Military Construction,
13 Military Quality of Life and Veterans Affairs Appropria-
14 tions Act, 2007”.

Passed the House of Representatives May 19, 2006.

Attest:

Clerk.

109TH CONGRESS
2D SESSION

H. R. 5385

AN ACT

Making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.