

us to set a new direction and to be successful in our undertaking in Iraq. I join the minority leader, Senator REID, in his comments about how we ought to move forward in trying to create a bipartisan approach to achieving success in Iraq.

As I traveled around my State, and as I traveled around the country as well, I think the issue of energy independence has become an issue on which people very much want us to get beyond the rhetoric they have heard for the last 30 years. The Energy Policy Act of 2005 was one of the few bipartisan efforts that ultimately succeeded in this Congress. I hope, as we move ahead on the issue of energy, we will find ways of embracing conservation, embracing renewable energy, embracing the new technologies of today so we can in fact get our hands on energy independence, which is so critical. It is critical for our Nation from the point of view of the national security of the United States of America and the world. It is critical for our Nation in terms of our economic security, and it is critical for our Nation in terms of the environmental security which is also at stake on the issue of energy. Finally, it is critical to our country as to how we provide new opportunities for rural America as we grow our way to energy independence in this country.

Finally, I would like to make a comment on an issue which I believe continues to break the backs of the American people and bankrupt American businesses today and that is the issue of health care and the costs of health care, which have risen astronomically. We have left almost 50 million people of our country without health insurance, 77,000 in my State of Colorado alone.

I hope this institution, the Senate, working with the House of Representatives, can deliver real results for the people of the United States of America in the weeks and years ahead.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

#### MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5385, the Military Construction and Veterans Affairs and related agencies appropriations bill for 2007. I further ask consent that the committee-reported substitute be agreed to as original text for the pur-

pose of further amendment, with no points of order waived by virtue of this agreement.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5385) making appropriations for 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.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes, namely:*

#### TITLE I

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION, ARMY

##### (INCLUDING RESCISSIONS OF FUNDS)

*For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$2,172,622,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed \$199,540,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 109-114, \$43,348,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 109-13, \$125,800,000 are hereby rescinded: Provided further, That of the amount provided under this heading, \$34,800,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.*

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

##### (INCLUDING RESCISSIONS OF FUNDS)

*For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$1,238,065,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed \$71,626,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both*

*Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Navy and Marine Corps" under Public Law 108-132, \$30,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy and Marine Corps" under Public Law 108-324, \$8,000,000 are hereby rescinded.*

##### MILITARY CONSTRUCTION, AIR FORCE

##### (INCLUDING RESCISSIONS OF FUNDS)

*For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, \$1,214,885,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed \$71,381,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 108-324, \$2,694,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 109-114, \$19,816,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 109-13, \$10,800,000 are hereby rescinded.*

##### MILITARY CONSTRUCTION, DEFENSE-WIDE

##### (INCLUDING RESCISSIONS AND TRANSFER OF FUNDS)

*For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$1,162,281,000, to remain available until September 30, 2011: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed \$172,150,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 108-132, \$9,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 108-324, \$43,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 109-114, \$72,065,000 are hereby rescinded: Provided further, That of the amount provided under this heading, \$100,886,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.*

##### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

##### (INCLUDING RESCISSION OF FUNDS)

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefore, as*

authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts; \$539,804,000, to remain available until September 30, 2011: Provided, That of the funds appropriated for Military Construction, Army National Guard" under Public Law 109-114, \$2,129,000 are hereby rescinded.

#### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition; expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefore, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$252,834,000, to remain available until September 30, 2011.

#### MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$191,450,000, to remain available until September 30, 2011.

#### MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$48,408,000, to remain available until September 30, 2011.

#### MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$44,936,000, to remain available until September 30, 2011.

#### NORTH ATLANTIC TREATY ORGANIZATION

##### SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$205,985,000, to remain available until expended.

#### FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$578,791,000, to remain available until September 30, 2011.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$675,617,000.

#### FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$305,071,000, to remain available until September 30, 2011.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$498,525,000.

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

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$1,182,138,000, to remain available until September 30, 2011: Provided, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 108-324, \$23,400,000 are hereby rescinded: Provided further, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 109-114, \$42,800,000 are hereby rescinded.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and authorized by law, insurance premiums, as \$755,071,000.

#### FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$8,808,000, to remain available until September 30, 2011.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

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

#### DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, \$2,500,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

#### CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stock-pile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, \$140,993,000, to remain available until September 30, 2011, which shall be only for the Assembled Chemical Weapons Alternatives program.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$191,220,000, to remain available until expended.

#### DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$5,237,100,000, to remain available until expended.

#### ADMINISTRATIVE PROVISIONS

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

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

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

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

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea if that country has not increased its defense spending by at least 3 percent in calendar year 2005, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of

Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$750,000.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

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

SEC. 118. (a) Not later than December 1, 2006, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress a report on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries to assume a greater share of the common defense burden of such countries and the United States.

(b) The report under subsection (a) shall include a description of—

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.

(c) In this section, the term "host country" means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to

the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

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

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

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with envi-

ronmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year: Provided further, That nothing in this section precludes the Secretary of a military department, after notifying the congressional defense committees and waiting 21 days, from using funds derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, for the maintenance or repair of general and flag officer quarters at the military service academy under the jurisdiction of that Secretary: Provided further, That each Secretary of a military department shall provide an annual report by February 15 to the congressional defense committees on the amount of funds that were derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, in the previous year and were obligated for the construction, improvement, repair, or maintenance of any military facility or infrastructure.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS PROGRAMS

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38

U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$38,007,095,000, to remain available until expended: Provided, That not to exceed \$28,112,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses" and "Medical services" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical care collections fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

#### READJUSTMENT BENEFITS

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

#### VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapter 19; 70 Stat. 887; 72 Stat. 487, \$49,850,000, to remain available until expended.

#### VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2007, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$153,185,000.

#### VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$53,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$4,242,000.

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

#### NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$615,000: Provided, That no new loans in excess of \$30,000,000 may be made in fiscal year 2007.

#### GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 37 of title 38, United States Code, not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical services" may be expended.

#### VETERANS HEALTH ADMINISTRATION MEDICAL SERVICES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; and for necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$28,689,000,000, plus reimbursements: Provided, That of the funds made available under this heading) not to exceed \$1,350,000,000 shall be available until September 30, 2008: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

#### MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering and architectural activities not charged to project costs; for repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry and food services, \$3,569,000,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2008.

#### MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, to remain available until September 30, 2008, \$412,000,000, plus reimbursements, of which not less than \$15,000,000 shall be used for Gulf War Illness research.

#### NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; and hire of passenger motor vehicles, \$160,733,000, of which not to exceed \$8,037,000 shall be available until September 30, 2008.

#### DEPARTMENTAL ADMINISTRATION

##### GENERAL OPERATING EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,467,764,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than \$1,167,859,000: Provided further, That of the funds made available under this heading, not to exceed \$75,000,000 shall be available for obligation until September 30, 2008: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978, \$70,599,000, of which \$3,474,950 shall remain available until September 30, 2008.

#### CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$429,000,000, to remain available until expended, of which \$2,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities) including needs assessments which may or may

not lead to capital investments, and other capital asset management related activities, such as portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund and CARES funds, including needs assessments which may or may not lead to capital investments, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2007, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2007; and (2) by the awarding of a construction contract by September 30, 2008: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above.

#### CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities including parking projects under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$168,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131–8137 of title 38, United States Code, \$85,000,000, to remain available until expended.

#### GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

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

#### INFORMATION TECHNOLOGY SYSTEMS

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; including pay and associated cost for operations and maintenance associated staff; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations au-

thorized by chapter 3109 of title 5, United States Code, \$1,255,900,000, to remain available until September 30, 2008: Provided, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That within 60 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a re-programming base letter which provides, by project, the costs included in this appropriation.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

Sec. 201. Any appropriation for fiscal year 2007, in this Act or any other Act for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

##### (INCLUDING TRANSFER OF FUNDS)

Sec. 202. Amounts made available for fiscal year 2007, in this Act or any other Act, under the "Medical services" and "Medical facilities" accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

Sec. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefor, as authorized by sections 5901–5902 of title 5, United States Code.

Sec. 204. No appropriations in this title (except the appropriations for "Construction, major projects", and "Construction, minor projects") shall be available for the purchase of any site for the construction of any new hospital or home.

Sec. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901–7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

Sec. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2006.

Sec. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and

3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2007, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2007 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2007 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed \$31,246,000 for the Office of Resolution Management and \$3,059,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to "General operating expenses" for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental is more than \$300,000 unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 7 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, at the discretion of the Secretary of Veterans Affairs, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction,

major projects” and “Construction, minor projects” accounts and be used for construction (including site acquisition and disposition), alterations and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in “Construction, major projects” and “Construction, minor projects”.

SEC. 214. Amounts made available under “Medical services” are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to “Medical services”, to remain available until expended for the purposes of this account.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the “Construction, major projects” and “Construction, minor projects” accounts to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used for payment for E-Gov initiatives.

SEC. 219. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available under the “Medical services”, “Medical facilities”, “General operating expenses”, and “National Cemetery Administration” accounts for fiscal year 2007, may be transferred to or from the “Information technology systems” account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. For purposes of perfecting the funding sources of the Department of Veterans Affairs’ new “Information technology systems” account, funds made available for fiscal year 2007, in this or any other Act, may be transferred from the “General operating expenses”,

“National Cemetery Administration”, and “Office of Inspector General” accounts to the “Medical services” account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Amounts made available for the “Information technology systems” account may be transferred between projects: Provided, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 224. No funds in this Act may be deposited into the DOD/VA Health Care Sharing Incentive Fund.

SEC. 225. The authority provided by section 2011 of title 38, United States Code, shall continue in effect through September 30, 2007.

SEC. 226. REPORT ON USE OF LANDS AT WEST LOS ANGELES DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER. (a) REPORT.—The Secretary of Veterans Affairs shall submit to Congress a report on the master plan of the Department of Veterans Affairs relating to the use of Department lands at the West Los Angeles Department of Veterans Medical Center, California.

(b) REPORT ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The master plan referred to in that subsection, if such a plan currently exists.

(2) A current assessment of the master plan.

(3) Any proposal of the Department for a veterans park on the lands referred to in subsection (a), and an assessment of each such proposal.

(4) Any proposal to use a portion of those lands as dedicated green space, and an assessment of each such proposal.

(c) ALTERNATIVE REPORT ELEMENT.—If a master plan referred to in subsection (a) does not exist as of the date of enactment of this Act, the Secretary shall set forth in the report under that subsection, in lieu of the matters specified in paragraphs (1) and (2) of subsection (b), a plan for the development of a master plan for the use of the lands referred to in subsection (a) during the period beginning on the date of the enactment of this Act and ending 25 years later and during the period beginning on the date of the enactment of this Act and ending 50 years later. The master plan referred to in subsection (a) shall be completed prior to the adoption of the Capital Asset Realignment for Enhanced Services (CARES) plan for that property, or prior to the issuance of any enhanced use lease on the subject property. The CARES plan for the subject property shall be consistent with the master plan required by this section.

(d) LIMITATIONS ON IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary may not implement any portion of the master plan referred to in subsection (a) until 120 days after the date of the receipt by the Committees on Appropriations of the Senate and the House of Representatives of the report required by that subsection.

(2) ACTIONS OTHER THAN DIRECT VETERANS SERVICES.—In the case of any portion of the master plan referred to in subsection (a) that does not relate exclusively to direct veterans services on the site referred to in subsection (a), the Secretary may not carry out such portion of the master plan without the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(e) EXEMPTIONS.—Nothing contained in this provision shall prevent the Department of Veterans Affairs from providing maintenance, service or programs consistent with the mission of the Department.

SEC. 227. None of the funds available to the Department of Veterans Affairs, in this Act, or

any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 228. The major medical facility project for a Department of Veterans Affairs Medical Center in New Orleans, Louisiana, for which funds were appropriated for the Department of Veterans Affairs for the “Construction, major projects” account in Public Law 109-234 and Public Law 109-148 shall be treated for purposes of section 8104(b) of title 38, United States Code, as a major medical facility project that has been specifically authorized by law, and the Secretary of Veterans Affairs may obligate and expend amounts so appropriated for that account for that project for the purchase of a site including property exchange for, and new construction, restoration, or replacement of, the Department of Veterans Affairs Medical Center in New Orleans, Louisiana.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement only) and hire of passenger motor vehicles; not to exceed \$7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$37,088,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS

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

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251-7298 of title 38, United States Code, \$19,790,000: Provided, That \$1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102-29.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERY EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers’ and Airmen’s Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed \$1,000 for official reception and representation expenses, \$26,550,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$54,846,000.

## ADMINISTRATIVE PROVISIONS

SEC. 301. None of the funds in this title under the heading "American Battle Monuments Commission" shall be available for the Capital Security Costs Sharing program.

## (INCLUDING RESCISSION OF FUNDS)

SEC. 302. (a) For an additional amount for "United States Court of Appeals for Veterans Claims, Salaries and Expenses", \$500,000, to remain available until expended, for implementation of the Appellate Case Management Electronic Case Files System.

(b) Of the amount appropriated under the heading "United States Court of Appeals for Veterans Claims, Salaries and Expenses", in the Military Quality of Life, Military Construction, and Veterans Affairs Appropriations Act, 2006 (Public Law 109-114), \$500,000 are rescinded.

(c) This section shall take effect immediately upon enactment of this Act.

## TITLE IV

## GENERAL PROVISIONS

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

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

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

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

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

This Act may be cited as the "Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2007".

The committee amendment in the nature of a substitute was agreed to.

Mrs. HUTCHISON. Madam President, it is my pleasure today to bring the fiscal year 2007 Military Construction, Veterans Affairs, and related agencies bill to the Senate for consideration. The bill provides \$16.26 billion for military construction, \$77.9 billion for the Department of Veterans Affairs, and \$143.5 million for the related agencies.

The bill provides the much needed resources for the Department of Veterans

Affairs to care for our brave veterans returning from Afghanistan and Iraq, as well as those who have served with honor in our past wars. We fully support our veterans and appreciate the sacrifices they made for our country, by increasing the VA's funding by \$6.45 billion from last year's enacted level to the President's request of \$77.9 billion.

This year, we are proposing to bring medical services and medical administration under one account. This merger of the two accounts will give the VA the flexibility to manage and budget all medical services operations, including hospital staff personnel, from one account for better management, organization, and efficiency. The funding for the new combined medical services account is \$28.7 billion, which is \$3.1 billion above last year's level and equal to the President's request. The funding recommendation also includes the full request of \$3.6 billion for medical facilities; \$412 million for medical and prosthetic research, which is equal to last year's level and \$13 million above the President's request; \$429 million for major construction; and \$85 million for grants for construction of State extended-care facilities.

This bill bridges a significant funding gap in fiscal year 2007 for the Department of Veterans Affairs. The administration's budget request included legislative proposals for the VA's health care system that would have instituted new enrollment fees and increased the copayments for prescription drugs, both of which would have been paid by veterans. Revenue estimate for those proposals was \$795 million. The administration assumed this revenue in the VA's budget request. The subcommittee has denied these proposals and has provided the \$795 million difference for VA health care.

The bill also contains additional resources in the areas of advanced prosthetics, recognizing that veterans returning from Operations Iraqi Freedom and Enduring Freedom are experiencing the loss of limbs due to combat injury.

The bill provides much needed funds for military construction. With the impending return of troops as a result of the current overseas rebasing effort, which our subcommittee recommended and strongly supports, BRAC, Army modularity, and the global war on terror, our service men and women are in a time of great transformation, and the funds will be provided for these accounts. It is important that they receive these facilities to enable the transformation. We are also continuing to press our NATO allies to share the burden of construction costs for NATO facilities and have been successful.

The bill provides necessary funds for the rebasing effort as well as continues the emphasis on family housing initiatives within the Department of Defense. It also provides \$1.1 billion for Guard and Reserve components which is \$215 million above the requested level. The bill includes funding total-

ing \$5.2 billion to implement the BRAC 2005 decisions. This is an increase of \$3.7 billion over last year. We do recommend a minor cut of 7 percent to this account because we found flexibility in supplies and equipment will not be needed next year because of the slow pace of BRAC implementation. I would emphasize, however, that no BRAC construction projects are affected.

Putting our bill together was certainly a bipartisan effort. Let me say now we are giving notice to Members on both sides of the aisle that we plan to come forward tomorrow about 2:15 with all of the amendments we have had requested so far, and anything a Member might want to put in this bill needs to be in our hands by close of business today, 5 o'clock. We wish to finish up the bill, deal with the amendments at 2:15 on Tuesday, and have our vote then lined up for later in the afternoon on Tuesday, in the 5 o'clock to 5:30 range. So we are giving notice, and we hope if there are any amendments we have not already been given, anyone with that kind of request will come forward.

I thank Senator FEINSTEIN, the ranking member, for her partnership. We have worked so well together throughout our time on this subcommittee. We actually have been chairman and ranking member, both of us. I have been chairman and she has been ranking member, and we have been the other way, and I think we will be the other way come January. I know it will make no difference. I know we will meet the needs of military construction. We will meet the needs of our veterans. We will do it the right way, and we will do it in agreement, because we have the same goals—that we honor our veterans with the services they deserve and that we provide for our military housing and military construction and cleanup for BRAC in the most responsible way. I couldn't ask for a better working relationship than I have with my ranking member and her staff. I look forward to the years to come.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, as I was standing here looking out at a woman presiding and a woman chairman, a woman ranking member. I thought, there has been progress.

I am very pleased to join my chairman in recommending the 2007 Military Construction-Veterans Affairs, and Related Agencies appropriations bill to the Senate. I thank my friend Chairman HUTCHISON for her hard work on this bill, and I especially thank the chairman of the Appropriations Committee, Senator COCHRAN, and the ranking member, Senator BYRD, for their support and help in bringing this bill to the floor.

This past weekend the Nation observed Veterans Day, the day we set aside to honor America's veterans with ceremonies across this great land.

Today the Senate takes up a bill that backs up the speeches and ceremonies with the funding necessary to provide the services our veterans were promised and that they both need and deserve. The bill before us today is a critically important funding measure for our Nation's veterans and for the Active and Reserve Forces in the military. It is a good bill.

The bill provides a total of \$94.3 billion in its three titles. The bulk of the funding, \$77.9 billion, is for the Department of Veterans Affairs. Of that amount, \$41.4 billion is mandatory spending for veterans benefit programs, such as veterans compensation and pensions, and \$36.5 billion is discretionary spending, primarily for the medical program. This means that medical service programs are funded at the level necessary to meet the needs of our veterans. Both the chairman and I believe this is so.

The funding in this bill for the Department of Veterans Affairs is equal to the President's budget request and almost \$6.5 billion—that is an increase of 9 percent—over the fiscal year 2006 enacted level. This increase is necessary due to the Iraq and Afghanistan situation.

For veterans health, the bill provides \$32.67 billion. That is an increase of 11.3 percent above the 2006 level. It includes \$3.2 billion for mental health, a \$340 million increase over last year's enacted level. And it includes \$4.3 billion, a \$228 million increase over last year's enacted level, for geriatrics and extended care to assist the Nation's aging veterans population.

For military construction, which 2 years ago was all that we did together—now we also have the veterans budget for the second year—the bill includes \$16.3 billion in funding. That is for a wide range of mission-critical facilities—barracks, daycare centers, family housing projects, both within the United States and overseas. Also included in that funding is \$5.24 billion to implement the most recent base realignment and closure round, not so fondly known as BRAC around here.

Last but not least, the bill includes \$143 million for a group of small but essential agencies, including the American Battle Monuments Commission and the Armed Forces Retirement Home. This title of the bill also funds Arlington National Cemetery, a sacred site familiar to all Americans which in many ways is the centerpiece of our homage to those who serve the Nation and our military in war and in peace.

In a year in which the Appropriations Committee has been faced with severe budget constraints, we are fortunate to be able to bring to the Senate a bill that fully funds the President's request for veterans and meets the pressing infrastructure requirements of the military. We were able to accomplish this without imposing any new fees or co-payments on veterans. Most importantly, perhaps, is we do not appear to be facing the same kind of shortfall in

funding for VA health care that the Senate was confronted with last year.

Providing affordable, accessible, first-rate health care to our Nation's veterans is a priority for this Senate and for both the chairman and myself. At a time when our Nation is at war and over 155,000 Iraq and Afghanistan war veterans are seeking VA health care services, many with grievous physical and mental wounds, veterans health care must be placed at the top of the list. Money is tight, to be sure. But like America's military forces currently fighting in Iraq and Afghanistan, the veterans who have fought in those and past wars deserve the fullest measure of our support and gratitude.

Likewise, the Nation's military forces need and deserve quality facilities in which to live and work. With the new round of BRAC and the ongoing global realignment of United States forces in Europe, Korea, and elsewhere overseas, the Defense Department's base structure is undergoing change. Tens of thousands of military personnel are returning to the United States from bases that are being closed overseas, placing great demand on domestic installations that will absorb them and their families.

At the same time, the Army is in the midst of reinventing its military structure, transforming from cumbersome divisions and brigades into more mobile and agile modular units. This modularity carries with it a new set of infrastructure requirements, and new emphasis regarding new facilities is being placed on the Nation's special operations forces, including the fielding of a new Marine Corps special operations command. All of this restructuring, of course, is going on while upwards of 170,000 United States military personnel remain fully engaged in Iraq and Afghanistan.

In all, there are many challenges facing the military construction budget. Yet when the \$5.2 billion for a new BRAC round is taken out of the equation, the amount of military construction funding requested by the President remained nearly level with last year's funding. Nevertheless, with the budget constraints we face this year, we were able to provide sufficient military construction dollars to fund the hundreds of military construction priorities both at home and abroad that have all been authorized in the Defense authorization bill.

This is a carefully balanced, bipartisan bill that is designed to meet the health and welfare needs of America's veterans and the infrastructure requirements of America's military forces with very tight budget limitations.

I again commend Chairman HUTCHISON for her work in developing this package. With the passage of this bill, we will have done our work in the Senate. I firmly believe we can work quickly to complete a conference with the House and send a good bill to the President, if the leadership gives us the

opportunity. There has been some speculation that no appropriations bills will emerge from this lameduck session and that we instead will be operating under a continuing resolution for months to come. I hope that speculation is wrong. It would be a serious disservice to our Nation's veterans and our active-duty military to relegate the programs funded under MilCon-VA to a continuing resolution in the new year. It will be at a \$6.5 billion loss to these programs to do that. I know Chairman HUTCHISON, Chairman COCHRAN, and Senator BYRD share my desire to send a conference report on this bill to the President and see it signed into law before the end of the year. I very much hope we can do so.

A great deal of work on both sides of the aisle has gone into producing this bill. I thank my colleagues for their support, and I thank my staff—Christina Evans on my immediate left, BG Wright on my far left, and Chad Schulken who is back in the staff dock—and also Senator HUTCHISON's staff—Dennis Balkham, Sean Knowles, and Rose Fabia—for the long hours and great effort they have put into this bill.

The bill is a direct result of a remarkable working relationship between Senator HUTCHISON and myself and between her staff and my staff. I thank the chairman again for this warmth and most particularly for her leadership. I am very pleased to recommend passage of this bill to the full Senate.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I agree with Senator FEINSTEIN's statement completely that we should pass this bill. I think it would be irresponsible, honestly, for us not to fund the priorities and the increases that are in this bill for our veterans and our military construction projects. So I will make every effort to ensure that we do have this bill go to conference, and I think we will be very close with the House on the conference items.

I do believe we can get this bill to the President. Frankly, I think there are other appropriations bills that would be in the same situation. We have new projects in many of the pieces of legislation. I cannot think of an appropriations bill that is not bipartisan. So it is my hope that we can keep the priorities and spending that we have worked very hard all of this year to produce in all of the appropriations bills, rather than rely on a continuing resolution that does not take into account the bipartisan efforts that have been made to fund the priorities of today. That is especially true in our bill because it is ongoing, defense-related items, but I think there are other bills that have the same kinds of priorities and necessities as well. So we will work together in our bipartisan way and try to make sure that happens.

I will just say once again that if any of our colleagues have amendments,

now is the time to notify us, by the close of business today, 5 o'clock. It is our hope to dispose of amendments starting at 2:15 tomorrow. I am told that votes could occur any time after 2:15, and the offices will be appropriately notified.

Let me end by saying that I, too, want to give so much credit to Senator FEINSTEIN's staff and my staff who have a great working relationship. They work the long hours and they do so much behind the scenes that makes everything come together—the amounts that we have in the budget resolution and the allocations on the Appropriations Committee and all of the different factors that go into an appropriations bill. They do a great job. I thank Senator FEINSTEIN's three staff members, and my three staff members, who were named by Senator FEINSTEIN earlier.

Mr. GREGG. Mr. President, the pending Military Construction and Veterans Affairs appropriations bill for fiscal year 2007, H.R. 5385, as reported by the Senate Committee on Appropriations provides \$89.861 billion in budget authority and \$84.956 billion in outlays in fiscal year 2007 for the Military Construction and the Department of Veterans Affairs programs. Of these totals, \$36.961 billion in budget authority and \$36.814 billion outlays are for mandatory programs in fiscal year 2007.

The bill provides total discretionary budget authority in fiscal year 2007 of \$52.900 billion. This amount is \$111 million above the President's request, at the 302(b) allocations adopted by the Senate, \$8.8 billion above fiscal year 2006 enacted levels, and \$41.8 billion below the House-passed bill.

As my colleagues know, the large difference with the House funding level is due to the difference in allocations. This is primarily due to the Defense Health Program in the Senate's Defense allocation but in the House's Military Quality of Life and Veteran's Affairs allocation.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate, and I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

H.R. 5385, 2007 MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS, SPENDING COMPARISONS—SENATE-REPORTED BILL

(Fiscal Year 2007, \$ millions)

	General Purpose	Mandatory	Total
<b>Senate-reported bill:</b>			
Budget authority .....	52,900	36,961	89,861
Outlays .....	48,142	36,814	84,956
<b>Senate 302(b) allocation:</b>			
Budget authority .....	52,900	36,961	89,861
Outlays .....	*	*	*
<b>2006 Enacted:</b>			
Budget authority .....	44,143	38,188	82,331
Outlays .....	41,803	38,093	79,896
<b>President's request:</b>			
Budget authority .....	52,789	36,388	89,177
Outlays .....	46,782	36,284	83,066

H.R. 5385, 2007 MILITARY CONSTRUCTION AND VETERANS AFFAIRS APPROPRIATIONS, SPENDING COMPARISONS—SENATE-REPORTED BILL—Continued

(Fiscal Year 2007, \$ millions)

	General Purpose	Mandatory	Total
<b>House-passed bill:<sup>1</sup></b>			
Budget authority .....	94,705	36,388	131,093
Outlays .....	89,448	36,284	125,732
<b>Senate-reported bill compared to:</b>			
<b>Senate 302(b) allocation:</b>			
Budget authority ....	0	0	0
Outlays .....	na	na	na
<b>2006 Enacted:</b>			
Budget authority ....	8,757	-1,227	7,530
Outlays .....	6,339	-1,279	5,060
<b>President's request:</b>			
Budget authority ....	111	573	684
Outlays .....	1,360	530	1,890
<b>House-passed bill:<sup>1</sup></b>			
Budget authority ....	-41,805	573	-41,232
Outlays .....	-41,306	530	-40,776

\* There is no outlay allocation in the Senate for 2007 appropriations bills.  
<sup>1</sup> House and Senate bills having different jurisdictions.

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. GREGG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

AMENDMENT NO. 5128

Mr. AKAKA. Mr. President, I would like to call up my amendment for funding for VA oversight. I am talking about properly funding the VA Inspector General's Office. I do have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA], for himself and Mr. OBAMA, proposes an amendment numbered 5128.

Mr. AKAKA. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide, with an offset, an additional \$2,500,000 for the Department of Veterans Affairs for the Office of Inspector General)

At the end of title II, add the following:

SEC. \_\_\_\_ (a) ADDITIONAL AMOUNT FOR OFFICE OF INSPECTOR GENERAL OF DEPARTMENT OF VETERANS AFFAIRS.—The amount appropriated by this title under the heading "OFFICE OF INSPECTOR GENERAL" is hereby increased by \$2,500,000.

(b) OFFSET.—The amount appropriated by this title under the heading "CONSTRUCTION, MAJOR PROJECTS" is hereby reduced by \$2,500,000.

Mr. AKAKA. Mr. President, I want to say at the outset that I am cognizant of the constraints placed upon the Appropriations Committee and I am very pleased that funding has been included to obviate the need for the administration's proposals to charge veterans more for their care.

That said, I don't believe it is in anyone's interest—least of all veterans—to

cut funding for the VA watchdog, the inspector general.

The President's budget and this VA-MilCon bill both call for a reduction in 27 IG staff members.

Our amendment seeks to restore this cut and ensure the IG can do his job by adding \$2.5 million in resources. The money for this amendment would be drawn from the construction account and would amount to only a half of a percent of the entire account.

If this bill is enacted as is, the OIG oversight function would suffer. There would be an increased risk of criminal activity, waste, and abuse across VA programs and operations. It would result in fewer monetary benefits in a time of fiscal restraint, fewer reports with recommendations for improved economy and efficiencies, and fewer arrests, indictments, and convictions of individuals who prey on America's veterans or seek to defraud VA. The loss of staff would markedly diminish the IG's ability to address complex issues such as the recent loss of VA data and other information technology issues.

Furthermore, it would reverse the recent trend of the OIG expanding its truly independent oversight of VA's health care programs and operations and reduce OIG field presence where veterans receive care at VA facilities across the Nation.

During the recent VA data theft incident, had it not been for the diligence of investigators from the VA IG's office, it is likely it would have taken even longer for the Secretary, Congress and affected veterans to have learned of the loss.

Now is not the time to cut the IG's funding and staff. Clearly, it is more important than ever that VA has the effective internal oversight that only a robust and fully funded Inspector General's Office can provide.

The authors of the VA independent budget realize this and have written a letter to the House and Senate leadership in support of the amendment.

I ask unanimous consent that the letter be printed in the RECORD.

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

THE INDEPENDENT BUDGET,  
 Washington, DC, November 13, 2006.

Speaker of the House HASTERT,  
 House Minority Leader PELOSI,  
*House of Representatives,*  
 Senate Majority Leader FRIST,  
 Senate Minority Leader REID,  
*U.S. Senate, Washington, DC.*

DEAR \_\_\_\_: We write on behalf of AMVETS, Disabled American Veterans, Veterans of Foreign Wars of the United States, and Paralyzed Veterans of America, joint authors of the Independent Budget, on a matter of concern dealing with the Department of Veterans Affairs (VA) Office of Inspector General (OIG).

Like most Federal agencies, VA currently is subject to a Continuing Resolution until Congress passes VA's appropriations act, which may not occur until very late this calendar year, or perhaps even later. Because the proposed fiscal year 2007 appropriation

for VA's OIG is expected to result in a significant shortfall, we understand VA is preparing to take steps to develop a plan to reduce spending in that office. We also understand that the principal strategy will be a reduction in the number of OIG employees through attrition of the existing work force.

The VA OIG budget is formulated based on 458 full-time employee equivalents (FTEE). However, that office is currently staffed at 473 FTEE. The longer that office remains above 458 FTEE, the more they will be required to reduce staffing in order to achieve the lower FTEE limitation. Given this situation, we have been advised that a number of steps are being taken or are planned, including not filling vacant positions except on a case-by-case examination of need versus alternatives.

While we sometimes disagree with findings in a particular OIG review or investigation, the OIG constitutes a major segment of VA's management system to assure accountability, and within VA serves as an independent voice on patient safety, health care quality, financial stewardship, systems and facilities management and data integrity. Reducing the OIG's ability to carry out such vital functions, even on a marginal basis as has been proposed, ultimately could put veterans in jeopardy. We understand Senator Daniel Akaka has proposed an amendment to the Fiscal Year 2007 Veterans Affairs-Military Quality of Life appropriations bill that would replenish these funds to the OIG. We strongly support Senator Akaka's proposal and urge the House and Senate Leadership to include funds associated with Senator Akaka's amendment in the final conference report on VA's appropriation for the new fiscal year. We believe this small investment will pay very large dividends for veterans who need and use VA services.

We appreciate your attention to this request.

Sincerely,

DAVID G. GREINER,  
*Acting National Legislative Director, AMVETS;*

CARL BLAKE,  
*Acting National Legislative Director, Paralyzed Veterans of America;*

JOSEPH C. VIOLANTE,  
*National Legislative Director, Disabled American Veterans;*

DENNIS CULLINAN,  
*National Legislative Director, Veterans of Foreign Wars of the United States.*

Mr. AKAKA. Mr. President, I urge my colleagues to support this amendment. This is a small amount of money relative to the overall spending in this bill. Indeed, such a modest amount is essential to ensuring the billions included in this bill are spent wisely.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DEWINE. I ask unanimous consent to speak as in morning business.

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

#### HONORING OUR ARMED FORCES

##### LANCE CORPORAL ERIC BERNHOLTZ

Mr. DEWINE. Mr. President, I rise today to honor a brave young man from my home State of Ohio, Marine LCpl Eric Bernholtz. Lance Corporal Bernholtz was killed on August 3, 2005, when an improvised explosive device detonated under his military vehicle during combat operations south of Haditha, Iraq. He is survived by his parents, James and Catherine, his brother Adam and sister-in-law Sarah, and his long-time girlfriend Erica Scott.

Growing up in Grove City, OH, Eric enjoyed playing sports and video games with his friends. Eric loved children; his father said that even when he was in high school, little kids would knock on the door and say, "Can Eric come out and play?" He enjoyed reading and rock climbing and talked about becoming a firefighter and remodeling houses. Shortly after the attacks of September 11, Eric decided that he wanted to serve his country. He decided to do so by enlisting in the Marines in 2003.

Former neighbor Andy Unger described the 23-year-old Marine Reservist as a carefree kid who found his focus in the military. Jim, Eric's father, agreed that his son had found what he was looking for in the military, even though he knew it meant fighting in Iraq. These are Jim's words describing a conversation he had with his Eric: "When Eric told me he had joined the Marines I said, 'You know you will have to go over there.' And he told me, 'Somebody has to do this Dad.' He wanted to be one of those people."

Grove City High School guidance counselor John Hampson knew Eric well and said that he was simply the kind of person who always made others feel good. "He would always greet you," John recalls. "He was always making a point to go out of his way to say hello. He knew how to have fun, but to have fun in an appropriate manner." He remembers Eric as a jokester who liked to make everyone laugh and that he talked of being a firefighter when he ended his tour of duty.

The night before Eric's funeral, his friends shared humorous stories about their friend the prankster. They recalled how they would sneak into church to play basketball, drink chocolate milkshakes, and talk all night. In the words of his childhood friend, Brent Carman, "There was never a moment without a joke or a smile." They laughed about Eric's trademark footwear, which he called "shandals." This particular style involved Eric cutting off the toes and heels off his old gym shoes, and hence turning them into something resembling sandals. Dave Montgomery, a friend, reflected that Eric was simply the type of person who loved life.

At Eric's funeral, the Reverend Rob Paugh laughingly recalled his navigational skills. "Eric thought he had a

sense of direction" he said. He then shared a story about how Eric once managed to find a wedding in Louisiana by simply driving south—without knowing either the name of the town or the church. The minister was amazed to see him there in a suit—but no socks.

Eric was a man of tremendous dedication—dedication to his family and friends and dedication to his faith. A devoted member of the Grove City Church of the Nazarene, Eric spent much of his time and energy there. He acted in church dramas and coached church youth sports teams.

Those close to Eric said he was known for being full of life and personality, having a soft-spoken heart and a love of God. These same friends stood watch over Eric from the time the Marines brought his body to the funeral home until the morning of his burial.

And on July 19, few weeks before his death, this is what he told his mother over the phone: "I'm not afraid and you know, Mom, if something happens to me, I'm okay with Jesus. I'm fine. You're going to see me again."

Other friends have also reflected upon how important his faith was to Eric. Jerrod "Butter" Watson of Newark, OH, said:

Eric was a soldier for our country but more importantly, for God. He is guarding the gates of heaven now. We mourn the loss of such an honorable young man but rejoice that he is in a far better place and we will see him soon. May God bless the family and friends left behind. I am honored to have known such an amazing man of faith and courage. He will never be forgotten.

A fellow marine commented upon his friendship with Eric Bernholtz, also making special note of his strong faith in the Lord:

[Eric] was a solid Marine, with endless potential. I know he's in a better place now. He would never shy away from his faith and would try to convince others to believe. I remember that being one of his greatest qualities. I was always envious of his faith in the Lord. He will be greatly missed, and the Marine Corps is just a little bit weaker without him. To his parents, I couldn't have met a better man. I grieve with you, but couldn't begin to understand your pain. Be proud of Eric, he was a great person. To Eric, so long friend, I look forward to the day we meet again.

This strength in the Lord also gives Eric's parents the necessary willpower to make it through the loss of their beloved son. Jim Bernholtz said that when he and his wife learned of their Eric's death, the Lord gave them both peace right away. They miss him every day but they know exactly where Eric is. In an interview, Jim said that in twenty-some-odd years he would be shaking hands with his son again.

Eric Bernholtz was a brave young man who always wanted to do the right thing. His father said, "Eric told me when he was on the phone with me last, 'Dad, I'm not scared. I'm ready to come home, but I now have to finish what I came here to do.'"

His parents Jim and Cathy remember Eric as a "constant joy." Even when he

came home late, missing his curfew by minutes, as upset as they would try to be with him he would have them all laughing together within minutes.

At his brother's funeral, Adam Bernholtz, who is deaf, gave the eulogy in sign language. Eric was his best friend growing up and was his bridge to the hearing world. Eric grew up with sign language as much as the spoken word and fit into the deaf world as easily as the hearing. As Adam finished, he signed: "I love you. I can't wait to run and hug you when I see you again."

Eric Bernholtz will be greatly missed by all those who had the privilege of knowing and loving him. I am so honored to have been given the privilege of sharing his bravery with all of you today. Fran and I continue to pray for this courageous young man and his family.

LANCE CORPORAL CHRISTOPHER J. DYER

Mr. President, this afternoon I would also like to speak about a fellow Ohioan who gave his life during Operation Iraqi Freedom—Marine LCpl Christopher J. Dyer, from Evendale, OH. On August 3, 2005, Lance Corporal Dyer died near Haditha, Iraq, when a roadside bomb exploded under his vehicle.

Chris was only 19 years old when he gave his life in service to this Nation. But 19 years was more than enough time for him to inspire all who knew him. There are very few—young or old—who live with the same determination and joy that Chris did. Jason Rosser, one of his classmates and friends, remembers that Chris "lived every day to the fullest—if I was given 100 years more, I still couldn't catch up to him."

Winston Churchill once said something that was very simple, but which perfectly illustrates the life of Chris Dyer—"Never, never, never give up." Chris never gave up. No matter how difficult the challenge, he wasn't satisfied unless he excelled at it. In fact, Chris consistently sought out challenges that tested him both mentally and physically. Giving up simply wasn't an option in his world. He was the kind of person who sets goals—and then achieves them.

Chris graduated with honors from Princeton High School in 2004. He had excelled in his classes, taking 5 years of German and 3 of physics. "If there was a tougher course to take," his father, John, recalls, "he wanted to take it. He was such a fine young man."

Chris was well-rounded. He played viola in the orchestra and dove for the swim team. His teammates remember his drive to excel in all sports, even though he wasn't always the athlete who had the most natural ability. His father, John, remembers that Chris played football for the first time in eighth grade—and was team captain by the end of the season. And during one high school swim meet, Chris attempted a dive that fell somewhat short of what a dive should be—he belly flopped into the water with a loud smacking noise. But 5 minutes later,

Chris was bravely climbing the ladder once again—still red from the slapping of the water.

Princeton High School Principal Ray Spicher said:

Chris was a young man who had tremendous drive and tremendous potential. He was really intense about a lot of aspects of life but also fun-loving. He knew how to have a good time. Chris was the kind of guy we would all hope our kids would grow up to be like.

Chris was also involved in his community, and took the time to write to the second- and third-graders in a Sunday school class, thanking them for the letters they had sent him in Iraq—correspondence he had enjoyed sharing with his fellow marines.

I have talked about Chris the honors student and Chris the athlete. It is time for me to talk about Chris, the marine.

Chris joined the Marines out of a strong sense of duty, and because he felt it was an honor to serve. Growing up, Chris had kept his sights on his goal of one day serving his country. In high school, the advanced studies coordinator at Princeton High, Tim Dugan, was also an ex-Marine. He and Chris grew close, and had many discussions about Chris's own interest in joining the Corps.

Chris also viewed the Marines as the ultimate challenge. His father, John, recalls that his son joined the Marines for two reasons. One was to serve his country, and the other was to prove himself as one of the best. For Chris, the Marines were just another way of testing himself.

Chris also understood what it truly meant to be a marine. John remembers walking with his son just after he graduated from boot camp. These were Chris's words:

Dad, I know you're going to be worried. I don't want you to worry. I'm going to come home. I couldn't be any happier with what I am in life right now. Dad, I know this is hard for you, but if it comes to it and I have to give my life for one of my fellow Marines, I'll do it without thinking.

John says that the Marines gave Chris the focus that helped him fulfill his enormous potential. "I think, for him not to reach his dreams," John said, "would have killed him just as much as that bomb in Iraq." Upon arriving in Iraq, Chris was offered a job training Iraqis. Although this meant an immediate promotion and a job off the front lines, Chris—who was the only PFC in his company to carry a squad automatic weapon, or SAW—refused. He explained his decision in a long letter to his father, writing:

I was offered that job training Iraqis. But, Dad, I'm a SAW gunner, and you know what that firepower means to my squad, so I turned it down. So, no promotion, no safe haven, no worries.

I think Chris's letter says a lot about the type of marine he was—and about the type of marines he served with.

Chris was a member of Lima Company, which lost thirteen other men—eight of them from Ohio—on the day

Chris died. It was a tragedy felt not only by Ohio but by the entire Nation. The bond among these men was something not seen everyday. Chris' father, John, remembers that his son described them as closer than brothers. In video footage of the unit in Iraq, the musical Chris is seen strumming his guitar and singing Puff the Magic Dragon, while his Marine brothers laugh around him.

I attended Chris' funeral at Arlington Cemetery and was honored to meet his family and friends, who have been truly inspired by his strength of character and dedication to his country. Chris' little sister Sarah has also enlisted in the Marines, and is currently attending the Ohio State University on a Navy ROTC scholarship. She obtained her parents' permission to graduate from high school a year early, and was the second youngest recruit in her graduating class at Parris Island. "My brother did influence my decision in that he wanted to serve his country," she said. "He realized we have so many freedoms. We have a debt to society."

Sarah wrote the following poem in honor of her brother:

Dear Dear Brother  
You have gone home,  
To your Father, your Savior,  
Your Kingdom is come.  
Dear Dear Brother,  
You fought bravely as a knight,  
You are a Devil Dog with the fiercest bite.  
Dear Dear Brother  
We miss you so,  
Your father, mother, sisters.  
All your friends and Joe.  
Dear Dear Brother  
We will see you again,  
After triumphs, and troubles, and all of our  
pain.  
Dear dear brother,  
Stay Tough on high.  
We will remember you.  
SEMPER FI

A bright future awaited Chris Dyer. He had been accepted into the honors program at the Ohio State University and was planning to study finance so that he could become a partner in an investment firm. In the last email he sent to his father, he asked that his coming home party include salmon, burgers, steaks, and brats. He wanted to purchase a 1999 Jeep Grand Cherokee, complete with power V-6 and a Moon roof.

Chris also wrote that he wouldn't be working during the few months he was home before beginning classes—he was going to take that time to get his pilot's license, something that had been his dream for years. In a mural painted in his memory, a plane flies across a midnight blue background towards a single star representing Chris' spirit.

Chris Dyer was a man who was always reaching for the next goal, the next accomplishment. With his life he selflessly defended the values that we all cherish—freedom, liberty, and democracy. His mother, Kathy, spoke as Chris during a memorial service in his honor. "Today I am not a fallen hero," she said. "I am a risen one."

There is no one for whom that statement could be truer than Chris Dyer.

He always wanted to be the absolute best in whatever he did, be it a new sport, an honors student, a caring brother, or a marine. His parents John can take comfort in knowing that their son was successful in all of the above.

My wife Fran and I wish to express our deepest thanks to Christopher Dyer for giving his life for our freedom. We will keep his family—his parents John Dyer and Kathy Dyer, and his sisters Laura and Sarah—in our thoughts and prayers.

LANCE CORPORAL DANIEL MC VICKER

Mr. President, this afternoon I come to the Senate floor to pay tribute to a remarkable young man and a fellow Ohioan—Marine LCpl Daniel M. McVicker from Alliance, OH. Lance Corporal McVicker was killed in the city of Al Qaim, Iraq on October 6, 2005, while driving an armored vehicle that was hit by a roadside bomb. He was 20 years old.

Daniel is survived by his father and stepmother, Mark and Irma McVicker, and his mother and stepfather, Carey and Bill Meissner. He was also the loving brother of Mollie McVicker and Eddie Ricci. Daniel is also survived by his grandparents Chet and Nancy Wiley; his grandfather Morgan McVicker; and his great-grandmother Dorothy Bingham.

Danny—as he was known to family and friends—lived his life to the fullest. His mother, Carey, remembers him as “a wonderful son and a guy who always liked to have fun.” He had many interests, and was deeply involved in school extracurricular activities. As a freshman at West Branch High School in Beloit OH, he wrestled and played football until he injured his ankle. But this didn’t stop Danny, who quickly turned to a new love—music.

He joined the school’s concert choir and became a favorite participant in West Branch’s annual spring musicals, playing roles in “Guys and Dolls,” “The Wizard of Oz,” and “Grease.” During his junior and senior year, he joined the school’s highly competitive ensemble choir, Young and Alive, and also traveled to perform at Disneyland. And during his senior year, Danny earned the honor of being elected by his peers as “Assistant Warrior Chief,” one of three mascots for the school.

Danny was something we could all aspire to—a young man who simply had the confidence to be himself. This is what his father, Mark McVicker, had to say about him:

He had his own drum and people loved him for it. If you met him, you loved him. He was very strong, very friendly, very popular.

Dr. Scott Weingart, the superintendent of West Branch High School, expressed a similar sentiment. He said:

Our students remember Dan McVicker as a student who was nice to everyone, who had friends in many, many different circles.

And Mr. John Zamarelli, Danny’s music teacher, described Danny as “the rarest of teenagers—one so secure that he never worried about what anybody thought of him.”

Danny was indeed an individual with many interests. But his strongest passion was the desire to serve our Nation. Danny and his friends were only high school juniors when the September 11, 2001, terrorist attacks occurred. And yet they were deeply moved by the events of that day. Inspired to serve his country, Danny joined the Marines Corp shortly after he graduated in 2003. Nine of his classmates joined along with him, all motivated by the same desire. Together, these young men gave new meaning to the mascot of West Branch—the Warriors.

Dr. Weingart was not surprised when he learned that Danny had decided to enlist. “He was just that kind of young man,” he said.

Once Danny made the decision to enlist in the Marines, he was surrounded by love and support. Eleven family members accompanied him to his enlistment ceremony in Cleveland. They were all very proud.

In Iraq, Danny served in the Combat Logistics Battalion Security Company, providing security for convoys as part of the II Marine Expeditionary Force. His fellow marines thought very highly of him. Joe Vickery of Mantua, Ohio, remembers that he saw Danny “transform into a great marine.” In Joe’s words, Danny “never gave up.”

Indeed, Danny was a great marine who “knew what he had to do.” While stationed at the Marine Corps Air Station in Cherry Point, NC, he volunteered to go to Iraq on several occasions. In the words of his father, Mark:

He truly felt like he wasn’t contributing unless he was over there.

This was just typical of Danny. He was always willing to help out—be it his country, community, or fellow man. He was a proud member of the First Brethren Church of North Georgetown, someone deeply rooted in his church and community. After joining the Marines, he corresponded on a regular basis with his pastor, Rev. Mitchell Funkhouser. Reverend Funkhouser particularly recalls one letter, the last that Danny sent. Referring to his duty to protect the other troops, Danny had written:

They called us the Guardians. It’s a humbling title.

I would like to share a story that his father Mark relates about Danny, who had wanted to get a tattoo since he was 18, but waited until he joined the Marines to do so. Danny had waited until after his 18th birthday to enlist because he wanted to sign up on his own—he didn’t want his dad to do it for him. Well, Danny talked over the tattoo decision with his father Mark and his stepmother Irma. A Bible verse was what he wanted, he said, thinking that because it was religious they would agree to it quicker. As his father, Mark, says:

So one Sunday the three of us sat down in the living room and researched the Bible. He said I want something that describes strength and it must be in the Book of Daniel.

Mark and Irma—but mostly Danny—agreed after a couple hours of Bible study that Daniel 10:6 was going to be his first tattoo once he was a Marine. Danny unveiled the new tattoo that Thanksgiving. It was on his left shoulder and read:

His body also was like the beryl, and his face as the appearance of lightning, and his eyes as lamps of fire, and his arms and his feet like in colour to polished brass, and the voice of his words like the voice of a multitude.

Danny was proud of the chosen verse, and Mark himself even agreed that it was a nice-looking tattoo. And 10/6—the number of the Bible verse that Danny chose—also became the month and day that he died a hero serving his Nation, a symbol of strength and dedication.

Danny McVicker was dearly loved and respected by all who knew him. Over 400 friends, neighbors, and strangers came to his funeral to pay their respects. At the funeral, Danny’s old roommate, Marine Corporal Ben Fiddler, said that “having Daniel as a friend was a blessing.”

Danny’s schoolmates at West Branch felt the same way. After his death, they honored him with a makeshift memorial in front of the school. The school has also formalized a tribute by naming a senior award in his honor, and a moment of silence was observed in his honor before a West End versus Alliance High School football game, a game which Danny’s Warriors won with a thrilling, last minute field goal.

Indeed, his family, friends, and neighbors will never forget Danny McVicker. He lived life to the fullest, and was model of what we all hope our children will become. His heart was big, and he had a tremendous sense of dedication to his family, community, and country. His parents should be applauded for having raised such a wonderful son and patriot.

My wife Fran and I will continue to keep the family of Daniel McVicker in our thoughts and prayers.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. DEWINE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.