

Calendar No. 205

110TH CONGRESS
1ST SESSION

S. 1645

[Report No. 110–85]

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 18, 2007

Mr. REED, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for
5 military construction, the Department of Veterans Affairs,

1 and related agencies for the fiscal year ending September
2 30, 2008, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF DEFENSE

5 MILITARY CONSTRUCTION, ARMY

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, military
8 installations, facilities, and real property for the Army as
9 currently authorized by law, including personnel in the
10 Army Corps of Engineers and other personal services nec-
11 essary for the purposes of this appropriation, and for con-
12 struction and operation of facilities in support of the func-
13 tions of the Commander in Chief, \$3,928,149,000, to re-
14 main available until September 30, 2012: *Provided*, That
15 of this amount, not to exceed \$317,149,000 shall be avail-
16 able for study, planning, design, architect and engineer
17 services, and host nation support, as authorized by law,
18 unless the Secretary of Defense determines that additional
19 obligations are necessary for such purposes and notifies
20 the Committees on Appropriations of both Houses of Con-
21 gress of the determination and the reasons therefor.

22 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

23 For acquisition, construction, installation, and equip-
24 ment of temporary or permanent public works, naval in-
25 stallations, facilities, and real property for the Navy and

1 Marine Corps as currently authorized by law, including
2 personnel in the Naval Facilities Engineering Command
3 and other personal services necessary for the purposes of
4 this appropriation, \$2,168,315,000, to remain available
5 until September 30, 2012: *Provided*, That of this amount,
6 not to exceed \$115,258,000 shall be available for study,
7 planning, design, and architect and engineer services, as
8 authorized by law, unless the Secretary of Defense deter-
9 mines that additional obligations are necessary for such
10 purposes and notifies the Committees on Appropriations
11 of both Houses of Congress of the determination and the
12 reasons therefor.

13 MILITARY CONSTRUCTION, AIR FORCE

14 For acquisition, construction, installation, and equip-
15 ment of temporary or permanent public works, military
16 installations, facilities, and real property for the Air Force
17 as currently authorized by law, \$1,048,518,000, to remain
18 available until September 30, 2012: *Provided*, That of this
19 amount, not to exceed \$64,958,000 shall be available for
20 study, planning, design, and architect and engineer serv-
21 ices, as authorized by law, unless the Secretary of Defense
22 determines that additional obligations are necessary for
23 such purposes and notifies the Committees on Appropria-
24 tions of both Houses of Congress of the determination and
25 the reasons therefor.

1 MILITARY CONSTRUCTION, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For acquisition, construction, installation, and equip-
4 ment of temporary or permanent public works, installa-
5 tions, facilities, and real property for activities and agen-
6 cies of the Department of Defense (other than the military
7 departments), as currently authorized by law,
8 \$1,758,755,000, to remain available until September 30,
9 2012: *Provided*, That such amounts of this appropriation
10 as may be determined by the Secretary of Defense may
11 be transferred to such appropriations of the Department
12 of Defense available for military construction or family
13 housing as the Secretary may designate, to be merged with
14 and to be available for the same purposes, and for the
15 same time period, as the appropriation or fund to which
16 transferred: *Provided further*, That of the amount appro-
17 priated, not to exceed \$154,728,000 shall be available for
18 study, planning, design, and architect and engineer serv-
19 ices, as authorized by law, unless the Secretary of Defense
20 determines that additional obligations are necessary for
21 such purposes and notifies the Committees on Appropria-
22 tions of both Houses of Congress of the determination and
23 the reasons therefor.

1 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Army National Guard, and contribu-
5 tions therefor, as authorized by chapter 1803 of title 10,
6 United States Code, and Military Construction Authoriza-
7 tion Acts, \$478,836,000, to remain available until Sep-
8 tember 30, 2012.

9 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Air National Guard, and contributions
13 therefor, as authorized by chapter 1803 of title 10, United
14 States Code, and Military Construction Authorization
15 Acts, \$228,995,000, to remain available until September
16 30, 2012.

17 MILITARY CONSTRUCTION, ARMY RESERVE

18 For construction, acquisition, expansion, rehabilita-
19 tion, and conversion of facilities for the training and ad-
20 ministration of the Army Reserve as authorized by chapter
21 1803 of title 10, United States Code, and Military Con-
22 struction Authorization Acts, \$138,424,000, to remain
23 available until September 30, 2012.

1 MILITARY CONSTRUCTION, NAVY RESERVE

2 For construction, acquisition, expansion, rehabilita-
 3 tion, and conversion of facilities for the training and ad-
 4 ministration of the reserve components of the Navy and
 5 Marine Corps as authorized by chapter 1803 of title 10,
 6 United States Code, and Military Construction Authoriza-
 7 tion Acts, \$59,150,000, to remain available until Sep-
 8 tember 30, 2012.

9 MILITARY CONSTRUCTION, AIR FORCE RESERVE

10 (INCLUDING RESCISSION OF FUNDS)

11 For construction, acquisition, expansion, rehabilita-
 12 tion, and conversion of facilities for the training and ad-
 13 ministration of the Air Force Reserve as authorized by
 14 chapter 1803 of title 10, United States Code, and Military
 15 Construction Authorization Acts, \$27,559,000, to remain
 16 available until September 30, 2012: *Provided*, That of the
 17 funds appropriated for “Military Construction, Air Force
 18 Reserve” under Public Law 109–114, \$3,100,000 are
 19 hereby rescinded.

20 NORTH ATLANTIC TREATY ORGANIZATION

21 SECURITY INVESTMENT PROGRAM

22 For the United States share of the cost of the North
 23 Atlantic Treaty Organization Security Investment Pro-
 24 gram for the acquisition and construction of military fa-
 25 cilities and installations (including international military

1 headquarters) and for related expenses for the collective
2 defense of the North Atlantic Treaty Area as authorized
3 by section 2806 of title 10, United States Code, and Mili-
4 tary Construction Authorization Acts, \$201,400,000, to
5 remain available until expended.

6 FAMILY HOUSING CONSTRUCTION, ARMY

7 For expenses of family housing for the Army for con-
8 struction, including acquisition, replacement, addition, ex-
9 pansion, extension, and alteration, as authorized by law,
10 \$419,400,000, to remain available until September 30,
11 2012.

12 FAMILY HOUSING OPERATION AND MAINTENANCE,
13 ARMY

14 For expenses of family housing for the Army for op-
15 eration and maintenance, including debt payment, leasing,
16 minor construction, principal and interest charges, and in-
17 surance premiums, as authorized by law, \$742,920,000.

18 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
19 CORPS

20 For expenses of family housing for the Navy and Ma-
21 rine Corps for construction, including acquisition, replace-
22 ment, addition, expansion, extension, and alteration, as
23 authorized by law, \$288,329,000, to remain available until
24 September 30, 2012.

1 FAMILY HOUSING OPERATION AND MAINTENANCE,
2 NAVY AND MARINE CORPS

3 For expenses of family housing for the Navy and Ma-
4 rine Corps for operation and maintenance, including debt
5 payment, leasing, minor construction, principal and inter-
6 est charges, and insurance premiums, as authorized by
7 law, \$371,404,000.

8 FAMILY HOUSING CONSTRUCTION, AIR FORCE

9 For expenses of family housing for the Air Force for
10 construction, including acquisition, replacement, addition,
11 expansion, extension, and alteration, as authorized by law,
12 \$362,747,000, to remain available until September 30,
13 2012.

14 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
15 FORCE

16 For expenses of family housing for the Air Force for
17 operation and maintenance, including debt payment, leas-
18 ing, minor construction, principal and interest charges,
19 and insurance premiums, as authorized by law,
20 \$688,335,000.

21 FAMILY HOUSING OPERATION AND MAINTENANCE,
22 DEFENSE-WIDE

23 For expenses of family housing for the activities and
24 agencies of the Department of Defense (other than the
25 military departments) for operation and maintenance,

1 leasing, and minor construction, as authorized by law,
2 \$48,848,000.

3 DEPARTMENT OF DEFENSE FAMILY HOUSING
4 IMPROVEMENT FUND

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

11 CHEMICAL DEMILITARIZATION CONSTRUCTION,
12 DEFENSE-WIDE

13 For expenses of construction, not otherwise provided
14 for, necessary for the destruction of the United States
15 stockpile of lethal chemical agents and munitions in ac-
16 cordance with section 1412 of the Department of Defense
17 Authorization Act, 1986 (50 U.S.C. 1521), and for the
18 destruction of other chemical warfare materials that are
19 not in the chemical weapon stockpile, as currently author-
20 ized by law, \$104,176,000, to remain available until Sep-
21 tember 30, 2012, which shall be only for the Assembled
22 Chemical Weapons Alternatives program.

1 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

2 1990

3 For deposit into the Department of Defense Base
4 Closure Account 1990, established by section 2906(a)(1)
5 of the Defense Base Closure and Realignment Act of 1990
6 (10 U.S.C. 2687 note), \$320,689,000, to remain available
7 until expended.

8 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

9 2005

10 For deposit into the Department of Defense Base
11 Closure Account 2005, established by section 2906A(a)(1)
12 of the Defense Base Closure and Realignment Act of 1990
13 (10 U.S.C. 2687 note), \$8,174,315,000, to remain avail-
14 able until expended: *Provided*, That funds made available
15 under this heading for the construction of facilities are
16 subject to the notification and reprogramming require-
17 ments applicable to military construction projects under
18 section 2853 of title 10, United States Code, and section
19 0703 of the Department of Defense Financial Manage-
20 ment Regulation of December 1996, including the require-
21 ment to obtain the approval of the congressional defense
22 committees prior to executing certain reprogramming ac-
23 tions.

1 ADMINISTRATIVE PROVISIONS

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

9 SEC. 102. Funds made available in this title for con-
10 struction shall be available for hire of passenger motor ve-
11 hicles.

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

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

23 SEC. 105. None of the funds made available in this
24 title shall be used for purchase of land or land easements
25 in excess of 100 percent of the value as determined by

1 the Army Corps of Engineers or the Naval Facilities Engi-
2 neering Command, except: (1) where there is a determina-
3 tion of value by a Federal court; (2) purchases negotiated
4 by the Attorney General or the designee of the Attorney
5 General; (3) where the estimated value is less than
6 \$25,000; or (4) as otherwise determined by the Secretary
7 of Defense to be in the public interest.

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

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

19 SEC. 108. None of the funds made available in this
20 title may be used for the procurement of steel for any con-
21 struction project or activity for which American steel pro-
22 ducers, fabricators, and manufacturers have been denied
23 the opportunity to compete for such steel procurement.

24 SEC. 109. None of the funds available to the Depart-
25 ment of Defense for military construction or family hous-

1 ing during the current fiscal year may be used to pay real
2 property taxes in any foreign nation.

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

7 SEC. 111. None of the funds made available in this
8 title may be obligated for architect and engineer contracts
9 estimated by the Government to exceed \$500,000 for
10 projects to be accomplished in Japan, in any North Atlan-
11 tic Treaty Organization member country, or in countries
12 bordering the Arabian Sea if that country has not in-
13 creased its defense spending by at least 3 percent in cal-
14 endar year 2005, unless such contracts are awarded to
15 United States firms or United States firms in joint ven-
16 ture with host nation firms.

17 SEC. 112. None of the funds made available in this
18 title for military construction in the United States terri-
19 tories and possessions in the Pacific and on Kwajalein
20 Atoll, or in countries bordering the Arabian Sea, may be
21 used to award any contract estimated by the Government
22 to exceed \$1,000,000 to a foreign contractor: *Provided*,
23 That this section shall not be applicable to contract
24 awards for which the lowest responsive and responsible bid
25 of a United States contractor exceeds the lowest respon-

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

6 SEC. 113. The Secretary of Defense is to inform the
7 appropriate committees of both Houses of Congress, in-
8 cluding the Committees on Appropriations, of the plans
9 and scope of any proposed military exercise involving
10 United States personnel 30 days prior to its occurring,
11 if amounts expended for construction, either temporary or
12 permanent, are anticipated to exceed \$750,000.

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

17 (INCLUDING TRANSFER OF FUNDS)

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

23 SEC. 116. For military construction or family housing
24 projects that are being completed with funds otherwise ex-
25 pired or lapsed for obligation, expired or lapsed funds may
26 be used to pay the cost of associated supervision, inspec-

1 tion, overhead, engineering and design on those projects
2 and on subsequent claims, if any.

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

15 SEC. 118. (a) The Secretary of Defense, in consulta-
16 tion with the Secretary of State, shall submit to the Com-
17 mittees on Appropriations of both Houses of Congress, by
18 February 15 of each year, an annual report on actions
19 taken by the Department of Defense and the Department
20 of State during the previous fiscal year to encourage host
21 countries to assume a greater share of the common de-
22 fense burden of such countries and the United States.

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

1 (1) attempts to secure cash and in-kind con-
2 tributions from host countries for military construc-
3 tion projects;

4 (2) attempts to achieve economic incentives of-
5 fered by host countries to encourage private invest-
6 ment for the benefit of the United States Armed
7 Forces;

8 (3) attempts to recover funds due to be paid to
9 the United States by host countries for assets deed-
10 ed or otherwise imparted to host countries upon the
11 cessation of United States operations at military in-
12 stallations;

13 (4) the amount spent by host countries on de-
14 fense, in dollars and in terms of the percent of gross
15 domestic product (GDP) of the host country; and

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

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

24 (INCLUDING TRANSFER OF FUNDS)

25 SEC. 119. In addition to any other transfer authority
26 available to the Department of Defense, proceeds depos-

1 ited to the Department of Defense Base Closure Account
 2 established by section 207(a)(1) of the Defense Authoriza-
 3 tion Amendments and Base Closure and Realignment Act
 4 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
 5 of such Act, may be transferred to the account established
 6 by section 2906(a)(1) of the Defense Base Closure and
 7 Realignment Act of 1990 (10 U.S.C. 2687 note), to be
 8 merged with, and to be available for the same purposes
 9 and the same time period as that account.

10 (INCLUDING TRANSFER OF FUNDS)

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

1 Funds shall be available to cover the costs, as defined in
2 section 502(5) of the Congressional Budget Act of 1974,
3 of direct loans or loan guarantees issued by the Depart-
4 ment of Defense pursuant to the provisions of subchapter
5 IV of chapter 169 of title 10, United States Code, per-
6 taining to alternative means of acquiring and improving
7 military family housing, military unaccompanied housing,
8 and supporting facilities.

9 SEC. 121. (a) Not later than 60 days before issuing
10 any solicitation for a contract with the private sector for
11 military family housing the Secretary of the military de-
12 partment concerned shall submit to the Committees on
13 Appropriations of both Houses of Congress the notice de-
14 scribed in subsection (b).

15 (b)(1) A notice referred to in subsection (a) is a no-
16 tice of any guarantee (including the making of mortgage
17 or rental payments) proposed to be made by the Secretary
18 to the private party under the contract involved in the
19 event of—

20 (A) the closure or realignment of the installa-
21 tion for which housing is provided under the con-
22 tract;

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

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

3 (2) Each notice under this subsection shall specify
4 the nature of the guarantee involved and assess the extent
5 and likelihood, if any, of the liability of the Federal Gov-
6 ernment with respect to the guarantee.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 122. In addition to any other transfer authority
9 available to the Department of Defense, amounts may be
10 transferred from the accounts established by sections
11 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure
12 and Realignment Act of 1990 (10 U.S.C. 2687 note), to
13 the fund established by section 1013(d) of the Demonstra-
14 tion Cities and Metropolitan Development Act of 1966 (42
15 U.S.C. 3374) to pay for expenses associated with the
16 Homeowners Assistance Program. Any amounts trans-
17 ferred shall be merged with and be available for the same
18 purposes and for the same time period as the fund to
19 which transferred.

20 SEC. 123. Notwithstanding this or any other provi-
21 sion of law, funds made available in this title for operation
22 and maintenance of family housing shall be the exclusive
23 source of funds for repair and maintenance of all family
24 housing units, including general or flag officer quarters:
25 *Provided*, That not more than \$35,000 per unit may be
26 spent annually for the maintenance and repair of any gen-

1 eral or flag officer quarters without 30 days prior notifica-
2 tion to the Committees on Appropriations of both Houses
3 of Congress, except that an after-the-fact notification shall
4 be submitted if the limitation is exceeded solely due to
5 costs associated with environmental remediation that
6 could not be reasonably anticipated at the time of the
7 budget submission: *Provided further*, That the Under Sec-
8 retary of Defense (Comptroller) is to report annually to
9 the Committees on Appropriations of both Houses of Con-
10 gress all operation and maintenance expenditures for each
11 individual general or flag officer quarters for the prior fis-
12 cal year: *Provided further*, That nothing in this section
13 precludes the Secretary of a military department, after no-
14 tifying the congressional defense committees and waiting
15 21 days, from using funds derived under section 2601,
16 chapter 403, chapter 603, or chapter 903 of title 10,
17 United States Code, for the maintenance or repair of gen-
18 eral and flag officer quarters at the military service acad-
19 emy under the jurisdiction of that Secretary: *Provided fur-*
20 *ther*, That each Secretary of a military department shall
21 provide an annual report by February 15 to the congres-
22 sional defense committees on the amount of funds that
23 were derived under section 2601, chapter 403, chapter
24 603, or chapter 903 of title 10, United States Code, in
25 the previous year and were obligated for the construction,

1 improvement, repair, or maintenance of any military facil-
2 ity or infrastructure.

3 SEC. 124. Amounts contained in the Ford Island Im-
4 provement Account established by subsection (h) of sec-
5 tion 2814 of title 10, United States Code, are appro-
6 priated and shall be available until expended for the pur-
7 poses specified in subsection (i)(1) of such section or until
8 transferred pursuant to subsection (i)(3) of such section.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 125. None of the funds made available in this
11 title, or in any Act making appropriations for military con-
12 struction which remain available for obligation, may be ob-
13 ligated or expended to carry out a military construction,
14 land acquisition, or family housing project at or for a mili-
15 tary installation approved for closure, or at a military in-
16 stallation for the purposes of supporting a function that
17 has been approved for realignment to another installation,
18 in 2005 under the Defense Base Closure and Realignment
19 Act of 1990 (part A of title XXIX of Public Law 101–
20 510; 10 U.S.C. 2687 note), unless such a project at a mili-
21 tary installation approved for realignment will support a
22 continuing mission or function at that installation or a
23 new mission or function that is planned for that installa-
24 tion, or unless the Secretary of Defense certifies that the
25 cost to the United States of carrying out such project
26 would be less than the cost to the United States of cancel-

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

19 SEC. 126. Funds made available by this title for the
20 construction of facilities identified in the State table of
21 the report accompanying this Act as “Grow the Force”
22 projects are subject to the notification and reprogramming
23 requirements applicable to military construction projects
24 under section 2853 of title 10, United States Code, and
25 section 0703 of the Department of Defense Financial

1 Management Regulation of December 1996, including the
 2 requirement to obtain the approval of the congressional
 3 defense committees prior to executing certain reprogram-
 4 ming actions.

5 TITLE II

6 DEPARTMENT OF VETERANS AFFAIRS

7 VETERANS BENEFITS PROGRAMS

8 COMPENSATION AND PENSIONS

9 (INCLUDING TRANSFER OF FUNDS)

10 For the payment of compensation benefits to or on
 11 behalf of veterans and a pilot program for disability ex-
 12 aminations as authorized by law (38 U.S.C. 107, chapters
 13 11, 13, 18, 51, 53, 55, and 61); pension benefits to or
 14 on behalf of veterans as authorized by law (38 U.S.C.
 15 chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and bur-
 16 ial benefits, the Reinstated Entitlement Program for Sur-
 17 vivors, emergency and other officers' retirement pay, ad-
 18 justed-service credits and certificates, payment of pre-
 19 miums due on commercial life insurance policies guaran-
 20 teed under the provisions of title IV of the Servicemembers
 21 Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other
 22 benefits as authorized by law (38 U.S.C. 107, 1312, 1977,
 23 and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122,
 24 123; 45 Stat. 735; 76 Stat. 1198), \$41,236,322,000, to
 25 remain available until expended: *Provided*, That not to ex-
 26 ceed \$28,583,000 of the amount appropriated under this

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

12 READJUSTMENT BENEFITS

13 For the payment of readjustment and rehabilitation
 14 benefits to or on behalf of veterans as authorized by law
 15 (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53,
 16 55, and 61), \$3,300,289,000, to remain available until ex-
 17 pended: *Provided*, That expenses for rehabilitation pro-
 18 gram services and assistance which the Secretary is au-
 19 thorized to provide under section 3104(a) of title 38,
 20 United States Code, other than under subsection (a)(1),
 21 (2), (5), and (11) of that section, shall be charged to this
 22 account.

23 VETERANS INSURANCE AND INDEMNITIES

24 For military and naval insurance, national service life
 25 insurance, servicemen’s indemnities, service-disabled vet-
 26 erans insurance, and veterans mortgage life insurance as

1 authorized by title 38, United States Code, chapter 19;
 2 70 Stat. 887; 72 Stat. 487, \$41,250,000, to remain avail-
 3 able until expended.

4 VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM
 5 ACCOUNT

6 For the cost of direct and guaranteed loans, such
 7 sums as may be necessary to carry out the program, as
 8 authorized by subchapters I through III of chapter 37 of
 9 title 38, United States Code: *Provided*, That such costs,
 10 including the cost of modifying such loans, shall be as de-
 11 fined in section 502 of the Congressional Budget Act of
 12 1974: *Provided further*, That during fiscal year 2008,
 13 within the resources available, not to exceed \$500,000 in
 14 gross obligations for direct loans are authorized for spe-
 15 cially adapted housing loans.

16 In addition, for administrative expenses to carry out
 17 the direct and guaranteed loan programs, \$154,562,000.

18 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT
 19 (INCLUDING TRANSFER OF FUNDS)

20 For the cost of direct loans, \$71,000, as authorized
 21 by chapter 31 of title 38, United States Code: *Provided*,
 22 That such costs, including the cost of modifying such
 23 loans, shall be as defined in section 502 of the Congres-
 24 sional Budget Act of 1974: *Provided further*, That funds
 25 made available under this heading are available to sub-

3 In addition, for administrative expenses necessary to
4 carry out the direct loan program, \$311,000, which may
5 be transferred to and merged with the appropriation for
6 “General operating expenses”.

10 For administrative expenses to carry out the direct
11 loan program authorized by subchapter V of chapter 37
12 of title 38, United States Code, \$628,000.

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.

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and

1 veterans described in section 1705(a) of title 38, United
2 States Code, including care and treatment in facilities not
3 under the jurisdiction of the Department, and including
4 medical supplies and equipment, food services, and sala-
5 ries and expenses of health-care employees hired under
6 title 38, United States Code, and aid to State homes as
7 authorized by section 1741 of title 38, United States Code;
8 \$28,979,220,000, plus reimbursements: *Provided*, That of
9 the funds made available under this heading, not to exceed
10 \$1,350,000,000 shall remain available until September 30,
11 2009: *Provided further*, That, notwithstanding any other
12 provision of law, the Secretary of Veterans Affairs shall
13 establish a priority for treatment for veterans who are
14 service-connected disabled, lower income, or have special
15 needs: *Provided further*, That, notwithstanding any other
16 provision of law, the Secretary of Veterans Affairs shall
17 give priority funding for the provision of basic medical
18 benefits to veterans in enrollment priority groups 1
19 through 6: *Provided further*, That, notwithstanding any
20 other provision of law, the Secretary of Veterans Affairs
21 may authorize the dispensing of prescription drugs from
22 Veterans Health Administration facilities to enrolled vet-
23 erans with privately written prescriptions based on re-
24 quirements established by the Secretary: *Provided further*,
25 That the implementation of the program described in the

1 previous proviso shall incur no additional cost to the De-
 2 partment of Veterans Affairs: *Provided further*, That for
 3 the Department of Defense/Department of Veterans Af-
 4 fairs Health Care Sharing Incentive Fund, as authorized
 5 by section 8111(d) of title 38, United States Code, a min-
 6 imum of \$15,000,000, to remain available until expended,
 7 for any purpose authorized by section 8111 of title 38,
 8 United States Code.

9 MEDICAL ADMINISTRATION

10 For necessary expenses in the administration of the
 11 medical, hospital, nursing home, domiciliary, construction,
 12 supply, and research activities, as authorized by law; ad-
 13 ministrative expenses in support of capital policy activi-
 14 ties; and administrative and legal expenses of the Depart-
 15 ment for collecting and recovering amounts owed the De-
 16 partment as authorized under chapter 17 of title 38,
 17 United States Code, and Federal Medical Care Recovery
 18 Act (42 U.S.C. 2651 et seq.): \$3,642,000,000, plus reim-
 19 bursements, of which \$250,000,000 shall remain available
 20 until September 30, 2009.

21 MEDICAL FACILITIES

22 For necessary expenses for the maintenance and op-
 23 eration of hospitals, nursing homes, and domiciliary facili-
 24 ties and other necessary facilities for the Veterans Health
 25 Administration; for administrative expenses in support of
 26 planning, design, project management, real property ac-

1 quisition and disposition, construction and renovation of
2 any facility under the jurisdiction or for the use of the
3 Department; for oversight, engineering and architectural
4 activities not charged to project costs; for repairing, alter-
5 ing, improving or providing facilities in the several hos-
6 pitals and homes under the jurisdiction of the Depart-
7 ment, not otherwise provided for, either by contract or by
8 the hire of temporary employees and purchase of mate-
9 rials; for leases of facilities; and for laundry services,
10 \$4,092,000,000, plus reimbursements, of which
11 \$350,000,000 shall remain available until September 30,
12 2009: *Provided*, That not less than \$350,000,000 for non-
13 recurring maintenance provided under this heading shall
14 be allocated in a manner not subject to the Veterans Equi-
15 table Resource Allocation.

16 MEDICAL AND PROSTHETIC RESEARCH

17 For necessary expenses in carrying out programs of
18 medical and prosthetic research and development as au-
19 thorized by chapter 73 of title 38, United States Code,
20 \$500,000,000, plus reimbursements, to remain available
21 until September 30, 2009.

22 NATIONAL CEMETERY ADMINISTRATION

23 For necessary expenses of the National Cemetery Ad-
24 ministration for operations and maintenance, not other-
25 wise provided for, including uniforms or allowances there-
26 for; cemeterial expenses as authorized by law; purchase

1 of one passenger motor vehicle for use in cemeterial oper-
 2 ations; and hire of passenger motor vehicles,
 3 \$217,709,000, of which not to exceed \$25,000,000 shall
 4 remain available until September 30, 2009.

5 DEPARTMENTAL ADMINISTRATION

6 GENERAL OPERATING EXPENSES

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary operating expenses of the Department
 9 of Veterans Affairs, not otherwise provided for, including
 10 administrative expenses in support of Department-wide
 11 capital planning, management and policy activities, uni-
 12 forms or allowances therefor; not to exceed \$25,000 for
 13 official reception and representation expenses; hire of pas-
 14 senger motor vehicles; and reimbursement of the General
 15 Services Administration for security guard services, and
 16 the Department of Defense for the cost of overseas em-
 17 ployee mail, \$1,612,031,000: *Provided*, That expenses for
 18 services and assistance authorized under paragraphs (1),
 19 (2), (5), and (11) of section 3104(a) of title 38, United
 20 States Code, that the Secretary of Veterans Affairs deter-
 21 mines are necessary to enable entitled veterans: (1) to the
 22 maximum extent feasible, to become employable and to ob-
 23 tain and maintain suitable employment; or (2) to achieve
 24 maximum independence in daily living, shall be charged
 25 to this account: *Provided further*, That the Veterans Bene-
 26 fits Administration shall be funded at not less than

1 \$1,329,044,000: *Provided further*, That of the funds made
 2 available under this heading, not to exceed \$75,000,000
 3 shall be available for obligation until September 30, 2009:
 4 *Provided further*, That from the funds made available
 5 under this heading, the Veterans Benefits Administration
 6 may purchase up to two passenger motor vehicles for use
 7 in operations of that Administration in Manila, Phil-
 8 ippines.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
 11 General, to include information technology, in carrying out
 12 the provisions of the Inspector General Act of 1978,
 13 \$88,700,000, of which \$3,630,000 shall remain available
 14 until September 30, 2009.

15 CONSTRUCTION, MAJOR PROJECTS

16 For constructing, altering, extending and improving
 17 any of the facilities including parking projects under the
 18 jurisdiction or for the use of the Department of Veterans
 19 Affairs, or for any of the purposes set forth in sections
 20 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
 21 and 8122 of title 38, United States Code, including plan-
 22 ning, architectural and engineering services, construction
 23 management services, maintenance or guarantee period
 24 services costs associated with equipment guarantees pro-
 25 vided under the project, services of claims analysts, offsite
 26 utility and storm drainage system construction costs, and

1 site acquisition, where the estimated cost of a project is
2 more than the amount set forth in section 8104(a)(3)(A)
3 of title 38, United States Code, or where funds for a
4 project were made available in a previous major project
5 appropriation, \$727,400,000, to remain available until ex-
6 pended, of which \$2,000,000 shall be to make reimburse-
7 ments as provided in section 13 of the Contract Disputes
8 Act of 1978 (41 U.S.C. 612) for claims paid for contract
9 disputes: *Provided*, That except for advance planning ac-
10 tivities, including needs assessments which may or may
11 not lead to capital investments, and other capital asset
12 management related activities, such as portfolio develop-
13 ment and management activities, and investment strategy
14 studies funded through the advance planning fund and the
15 planning and design activities funded through the design
16 fund and CARES funds, including needs assessments
17 which may or may not lead to capital investments, none
18 of the funds appropriated under this heading shall be used
19 for any project which has not been approved by the Con-
20 gress in the budgetary process: *Provided further*, That
21 funds provided in this appropriation for fiscal year 2008,
22 for each approved project (except those for CARES activi-
23 ties referenced above) shall be obligated: (1) by the award-
24 ing of a construction documents contract by September
25 30, 2008; and (2) by the awarding of a construction con-

1 tract by September 30, 2009: *Provided further*, That the
 2 Secretary of Veterans Affairs shall promptly report in
 3 writing to the Committees on Appropriations of both
 4 Houses of Congress any approved major construction
 5 project in which obligations are not incurred within the
 6 time limitations established above.

7 CONSTRUCTION, MINOR PROJECTS

8 For constructing, altering, extending, and improving
 9 any of the facilities including parking projects under the
 10 jurisdiction or for the use of the Department of Veterans
 11 Affairs, including planning and assessments of needs
 12 which may lead to capital investments, architectural and
 13 engineering services, maintenance or guarantee period
 14 services costs associated with equipment guarantees pro-
 15 vided under the project, services of claims analysts, offsite
 16 utility and storm drainage system construction costs, and
 17 site acquisition, or for any of the purposes set forth in
 18 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
 19 8110, 8122, and 8162 of title 38, United States Code,
 20 where the estimated cost of a project is equal to or less
 21 than the amount set forth in section 8104(a)(3)(A) of title
 22 38, United States Code, \$751,398,000, to remain avail-
 23 able until expended, along with unobligated balances of
 24 previous “Construction, minor projects” appropriations
 25 which are hereby made available for any project where the
 26 estimated cost is equal to or less than the amount set forth

1 in such section for: (1) repairs to any of the nonmedical
 2 facilities under the jurisdiction or for the use of the De-
 3 partment which are necessary because of loss or damage
 4 caused by any natural disaster or catastrophe; and (2)
 5 temporary measures necessary to prevent or to minimize
 6 further loss by such causes.

7 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
 8 FACILITIES

9 For grants to assist States to acquire or construct
 10 State nursing home and domiciliary facilities and to re-
 11 model, modify or alter existing hospital, nursing home and
 12 domiciliary facilities in State homes, for furnishing care
 13 to veterans as authorized by sections 8131–8137 of title
 14 38, United States Code, \$250,000,000, to remain avail-
 15 able until expended.

16 GRANTS FOR CONSTRUCTION OF STATE VETERANS
 17 CEMETERIES

18 For grants to aid States in establishing, expanding,
 19 or improving State veterans cemeteries as authorized by
 20 section 2408 of title 38, United States Code,
 21 \$100,000,000, to remain available until expended.

22 INFORMATION TECHNOLOGY SYSTEMS

23 For necessary expenses for information technology
 24 systems and telecommunications support, including devel-
 25 opmental information systems and operational information
 26 systems; including pay and associated cost for operations

1 and maintenance associated staff; for the capital asset ac-
2 quisition of information technology systems, including
3 management and related contractual costs of said acquisi-
4 tions, including contractual costs associated with oper-
5 ations authorized by chapter 3109 of title 5, United States
6 Code, \$1,898,000,000, to remain available until Sep-
7 tember 30, 2009: *Provided*, That none of these funds may
8 be obligated until the Department of Veterans Affairs sub-
9 mits to the Committees on Appropriations of both Houses
10 of Congress, and such Committees approve, a plan for ex-
11 penditure that: (1) meets the capital planning and invest-
12 ment control review requirements established by the Office
13 of Management and Budget; (2) complies with the Depart-
14 ment of Veterans Affairs enterprise architecture; (3) con-
15 forms with an established enterprise life cycle method-
16 ology; and (4) complies with the acquisition rules, require-
17 ments, guidelines, and systems acquisition management
18 practices of the Federal Government: *Provided further*,
19 That within 60 days of enactment of this Act, the Sec-
20 retary of Veterans Affairs shall submit to the Committees
21 on Appropriations of both Houses of Congress a re-
22 programming base letter which provides, by project, the
23 costs included in this appropriation.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2008, 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 2008, in this Act or any other Act, under the “Medical services”, “Medical Administration”, 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,

1 hire of passenger motor vehicles; lease of a facility or land
2 or both; and uniforms or allowances therefor, as author-
3 ized by sections 5901–5902 of title 5, United States Code.

4 SEC. 204. No appropriations in this title (except the
5 appropriations for “Construction, major projects”, and
6 “Construction, minor projects”) shall be available for the
7 purchase of any site for the construction of any new hos-
8 pital or home.

9 SEC. 205. No appropriations in this title shall be
10 available for hospitalization or examination of any persons
11 (except beneficiaries entitled under the laws bestowing
12 such benefits to veterans, and persons receiving such
13 treatment under sections 7901–7904 of title 5, United
14 States Code or the Robert T. Stafford Disaster Relief and
15 Emergency Assistance Act (42 U.S.C. 5121 et seq.)), un-
16 less reimbursement of cost is made to the “Medical serv-
17 ices” account at such rates as may be fixed by the Sec-
18 retary of Veterans Affairs.

19 SEC. 206. Appropriations available in this title for
20 “Compensation and pensions”, “Readjustment benefits”,
21 and “Veterans insurance and indemnities” shall be avail-
22 able for payment of prior year accrued obligations re-
23 quired to be recorded by law against the corresponding
24 prior year accounts within the last quarter of fiscal year
25 2007.

1 SEC. 207. Appropriations available in this title shall
2 be available to pay prior year obligations of corresponding
3 prior year appropriations accounts resulting from sections
4 3328(a), 3334, and 3712(a) of title 31, United States
5 Code, except that if such obligations are from trust fund
6 accounts they shall be payable from “Compensation and
7 pensions”.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 208. Notwithstanding any other provision of
10 law, during fiscal year 2008, the Secretary of Veterans
11 Affairs shall, from the National Service Life Insurance
12 Fund (38 U.S.C. 1920), the Veterans’ Special Life Insur-
13 ance Fund (38 U.S.C. 1923), and the United States Gov-
14 ernment Life Insurance Fund (38 U.S.C. 1955), reim-
15 burse the “General operating expenses” account for the
16 cost of administration of the insurance programs financed
17 through those accounts: *Provided*, That reimbursement
18 shall be made only from the surplus earnings accumulated
19 in an insurance program in fiscal year 2008 that are avail-
20 able for dividends in that program after claims have been
21 paid and actuarially determined reserves have been set
22 aside: *Provided further*, That if the cost of administration
23 of an insurance program exceeds the amount of surplus
24 earnings accumulated in that program, reimbursement
25 shall be made only to the extent of such surplus earnings:
26 *Provided further*, That the Secretary shall determine the

1 cost of administration for fiscal year 2008 which is prop-
 2 erly allocable to the provision of each insurance program
 3 and to the provision of any total disability income insur-
 4 ance included in such insurance program.

5 SEC. 209. Amounts deducted from enhanced-use
 6 lease proceeds to reimburse an account for expenses in-
 7 curred by that account during a prior fiscal year for pro-
 8 viding enhanced-use lease services, may be obligated dur-
 9 ing the fiscal year in which the proceeds are received.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 210. Funds available in this title or funds for
 12 salaries and other administrative expenses shall also be
 13 available to reimburse the Office of Resolution Manage-
 14 ment and the Office of Employment Discrimination Com-
 15 plaint Adjudication for all services provided at rates which
 16 will recover actual costs but not exceed \$32,067,000 for
 17 the Office of Resolution Management and \$3,148,000 for
 18 the Office of Employment and Discrimination Complaint
 19 Adjudication: *Provided*, That payments may be made in
 20 advance for services to be furnished based on estimated
 21 costs: *Provided further*, That amounts received shall be
 22 credited to “General operating expenses” for use by the
 23 office that provided the service.

24 SEC. 211. No appropriations in this title shall be
 25 available to enter into any new lease of real property if
 26 the estimated annual rental is more than \$300,000 unless

1 the Secretary submits a report which the Committees on
 2 Appropriations of both Houses of Congress approve within
 3 30 days following the date on which the report is received.

4 SEC. 212. No funds of the Department of Veterans
 5 Affairs shall be available for hospital care, nursing home
 6 care, or medical services provided to any person under
 7 chapter 17 of title 38, United States Code, for a non-serv-
 8 ice-connected disability described in section 1729(a)(2) of
 9 such title, unless that person has disclosed to the Sec-
 10 retary of Veterans Affairs, in such form as the Secretary
 11 may require, current, accurate third-party reimbursement
 12 information for purposes of section 1729 of such title: *Pro-*
 13 *vided*, That the Secretary may recover, in the same man-
 14 ner as any other debt due the United States, the reason-
 15 able charges for such care or services from any person who
 16 does not make such disclosure as required: *Provided fur-*
 17 *ther*, That any amounts so recovered for care or services
 18 provided in a prior fiscal year may be obligated by the
 19 Secretary during the fiscal year in which amounts are re-
 20 ceived.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 213. Notwithstanding any other provision of
 23 law, at the discretion of the Secretary of Veterans Affairs,
 24 proceeds or revenues derived from enhanced-use leasing
 25 activities (including disposal) may be deposited into the
 26 “Construction, major projects” and “Construction, minor

1 projects” accounts and be used for construction (including
2 site acquisition and disposition), alterations and improve-
3 ments of any medical facility under the jurisdiction or for
4 the use of the Department of Veterans Affairs. Such sums
5 as realized are in addition to the amount provided for in
6 “Construction, major projects” and “Construction, minor
7 projects”.

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

10 (1) for furnishing recreational facilities, sup-
11 plies, and equipment; and

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

15 (INCLUDING TRANSFER OF FUNDS)

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

21 SEC. 216. Notwithstanding any other provision of
22 law, the Secretary of Veterans Affairs shall allow veterans
23 eligible under existing Department of Veterans Affairs
24 medical care requirements and who reside in Alaska to ob-
25 tain medical care services from medical facilities supported
26 by the Indian Health Service or tribal organizations. The

1 Secretary shall: (1) limit the application of this provision
2 to rural Alaskan veterans in areas where an existing De-
3 partment of Veterans Affairs facility or Veterans Affairs-
4 contracted service is unavailable; (2) require participating
5 veterans and facilities to comply with all appropriate rules
6 and regulations, as established by the Secretary; (3) re-
7 quire this provision to be consistent with Capital Asset Re-
8 alignment for Enhanced Services activities; and (4) result
9 in no additional cost to the Department of Veterans Af-
10 fairs or the Indian Health Service.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 217. Such sums as may be deposited to the De-
13 partment of Veterans Affairs Capital Asset Fund pursu-
14 ant to section 8118 of title 38, United States Code, may
15 be transferred to the “Construction, major projects” and
16 “Construction, minor projects” accounts, to remain avail-
17 able until expended for the purposes of these accounts.

18 SEC. 218. None of the funds made available in this
19 Act may be used to implement any policy prohibiting the
20 Directors of the Veterans Integrated Service Networks
21 from conducting outreach or marketing to enroll new vet-
22 erans within their respective Networks.

23 SEC. 219. The Secretary of Veterans Affairs shall
24 submit to the Committees on Appropriations of both
25 Houses of Congress a quarterly report on the financial
26 status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the “Medical services”, “Medical Administration”, “Medical facilities”, “General operating expenses”, and “National Cemetery Administration” accounts for fiscal year 2008, 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. 221. For purposes of perfecting the funding sources of the Department of Veterans Affairs’ new “Information technology systems” account, funds made available for fiscal year 2008, 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. 222. 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. 223. 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. 224. Of the amounts made available for fiscal year 2008, in this Act or any other Act, under the “Medical Facilities” account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last two months of the fiscal year.

SEC. 225. PROHIBITION ON DISPOSAL OF DEPARTMENT OF VETERANS AFFAIRS LANDS AND IMPROVEMENTS AT WEST LOS ANGELES MEDICAL CENTER, CALIFORNIA. (a) IN GENERAL.—The Secretary of Veterans Affairs may not declare as excess to the needs of the Department of Veterans Affairs, or otherwise take any action to

1 exchange, trade, auction, transfer, or otherwise dispose of,
2 or reduce the acreage of, Federal land and improvements
3 at the Department of Veterans Affairs West Los Angeles
4 Medical Center, California, encompassing approximately
5 388 acres on the north and south sides of Wilshire Boule-
6 vard and west of the 405 Freeway.

7 (b) SPECIAL PROVISION REGARDING LEASE WITH
8 REPRESENTATIVE OF THE HOMELESS.—Notwithstanding
9 any provision of this Act, section 7 of the Homeless Vet-
10 erans Comprehensive Services Act of 1992 (Public Law
11 102–590) shall remain in effect.

12 (c) CONFORMING AMENDMENT.—Section 8162(c)(1)
13 of title 38, United States Code, is amended—

14 (1) by inserting “or section 225(a) of the Mili-
15 tary Construction and Veterans Affairs and Related
16 Agencies Appropriations Act, 2008” after “section
17 421(b)(2) of the Veterans’ Benefits and Services Act
18 of 1988 (Public Law 100–322; 102 Stat. 553)”;

19 (2) by striking “that section” and inserting
20 “such sections”.

21 (d) EFFECTIVE DATE.—This section, including the
22 amendment made by this section, shall apply with respect
23 to fiscal year 2008 and each fiscal year thereafter.

24 SEC. 226. The Department shall continue research
25 into Gulf War Illness at levels not less than those made

1 available in fiscal year 2007, within available funds con-
2 tained in this Act.

3 TITLE III

4 RELATED AGENCIES

5 AMERICAN BATTLE MONUMENTS COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses, not otherwise provided for,
8 of the American Battle Monuments Commission, including
9 the acquisition of land or interest in land in foreign coun-
10 tries; purchases and repair of uniforms for caretakers of
11 national cemeteries and monuments outside of the United
12 States and its territories and possessions; rent of office
13 and garage space in foreign countries; purchase (one-for-
14 one replacement only) and hire of passenger motor vehi-
15 cles; not to exceed \$7,500 for official reception and rep-
16 resentation expenses; and insurance of official motor vehi-
17 cles in foreign countries, when required by law of such
18 countries, \$45,600,000, to remain available until ex-
19 pended.

20 FOREIGN CURRENCY FLUCTUATIONS

21 For necessary expenses, not otherwise provided for,
22 of the American Battle Monuments Commission,
23 \$11,000,000, to remain available until expended, for pur-
24 poses authorized by section 2109 of title 36, United States
25 Code.

1 UNITED STATES COURT OF APPEALS FOR
2 VETERANS CLAIMS
3 SALARIES AND EXPENSES

4 For necessary expenses for the operation of the
5 United States Court of Appeals for Veterans Claims as
6 authorized by sections 7251–7298 of title 38, United
7 States Code, \$24,217,000: *Provided*, That \$1,120,000
8 shall be available for the purpose of providing financial
9 assistance as described, and in accordance with the proc-
10 ess and reporting procedures set forth, under this heading
11 in Public Law 102–229.

12 DEPARTMENT OF DEFENSE—CIVIL
13 CEMETERIAL EXPENSES, ARMY
14 SALARIES AND EXPENSES

15 For necessary expenses, as authorized by law, for
16 maintenance, operation, and improvement of Arlington
17 National Cemetery and Soldiers’ and Airmen’s Home Na-
18 tional Cemetery, including the purchase of two passenger
19 motor vehicles for replacement only, and not to exceed
20 \$1,000 for official reception and representation expenses,
21 \$31,865,000, to remain available until expended. In addi-
22 tion, such sums as may be necessary for parking mainte-
23 nance, repairs and replacement, to be derived from the
24 Lease of Department of Defense Real Property for De-
25 fense Agencies account.

1 Funds appropriated under this Act may be provided
2 to Arlington County, Virginia, for the relocation of the
3 federally-owned watermain at Arlington National Ceme-
4 tery making additional land available for ground burials.

5 ARMED FORCES RETIREMENT HOME

6 TRUST FUND

7 For expenses necessary for the Armed Forces Retire-
8 ment Home to operate and maintain the Armed Forces
9 Retirement Home—Washington, District of Columbia and
10 the Armed Forces Retirement Home—Gulfport, Mis-
11 sissippi, to be paid from funds available in the Armed
12 Forces Retirement Home Trust Fund, \$55,724,000.

13 GENERAL FUND PAYMENT, ARMED FORCES

14 RETIREMENT HOME

15 For payment to the “Armed Forces Retirement
16 Home”, \$5,900,000, to remain available until expended.

17 ADMINISTRATIVE PROVISION

18 SEC. 301. None of the funds in this title under the
19 heading “American Battle Monuments Commission” shall
20 be available for the Capital Security Costs Sharing pro-
21 gram.

1 TITLE IV

2 GENERAL PROVISIONS

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

6 SEC. 402. Such sums as may be necessary for fiscal
7 year 2008 pay raises for programs funded by this Act shall
8 be absorbed within the levels appropriated in this Act.

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

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

24 SEC. 405. All departments and agencies funded under
25 this Act are encouraged, within the limits of the existing

1 statutory authorities and funding, to expand their use of
2 “E-Commerce” technologies and procedures in the con-
3 duct of their business practices and public service activi-
4 ties.

5 SEC. 406. None of the funds made available in this
6 Act may be transferred to any department, agency, or in-
7 strumentality of the United States Government except
8 pursuant to a transfer made by, or transfer authority pro-
9 vided in, this Act or any other appropriations Act.

10 SEC. 407. Unless stated otherwise, all reports and no-
11 tifications required by this Act shall be submitted to the
12 Subcommittee on Military Construction, Veterans Affairs,
13 and Related Agencies of the Committee on Appropriations
14 of the House of Representatives and the Subcommittee on
15 Military Construction, Veterans Affairs, and Related
16 Agencies of the Committee on Appropriations of the Sen-
17 ate.

18 This Act may be cited as the “Military Construction
19 and Veterans Affairs and Related Agencies Appropriations
20 Act, 2008”.

Calendar No. 205

110TH CONGRESS
1ST Session

S. 1645

[Report No. 110-85]

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

JUNE 18, 2007

Read twice and placed on the calendar