

# 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.

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## 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

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## 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 Appropriations  
24                  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 Appropriations  
22   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;

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.

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 notification  
2 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-

1 sidize gross obligations for the principal amount of direct  
2 loans not to exceed \$3,287,000.

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”.

7        NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

8                    ACCOUNT

9                    (INCLUDING TRANSFER OF FUNDS)

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.

13        GUARANTEED TRANSITIONAL HOUSING LOANS FOR

14                    HOMELESS VETERANS PROGRAM ACCOUNT

15        For the administrative expenses to carry out the  
16 guaranteed transitional housing loan program authorized  
17 by subchapter VI of chapter 37 of title 38, United States  
18 Code, not to exceed \$750,000 of the amounts appropriated  
19 by this Act for “General operating expenses” and “Med-  
20 ical services” may be expended.

21                    VETERANS HEALTH ADMINISTRATION

22                    MEDICAL SERVICES

23                    (INCLUDING TRANSFER OF FUNDS)

24        For necessary expenses for furnishing, as authorized  
25 by law, inpatient and outpatient care and treatment to  
26 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-  
8ippines.

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.

## 1                   ADMINISTRATIVE PROVISIONS

## 2                   (INCLUDING TRANSFER OF FUNDS)

3           SEC. 201. Any appropriation for fiscal year 2008, in  
4 this Act or any other Act, for “Compensation and pen-  
5 sions”, “Readjustment benefits”, and “Veterans insurance  
6 and indemnities” may be transferred as necessary to any  
7 other of the mentioned appropriations: *Provided*, That be-  
8 fore a transfer may take place, the Secretary of Veterans  
9 Affairs shall request from the Committees on Appropria-  
10 tions of both Houses of Congress the authority to make  
11 the transfer and an approval is issued, or absent a re-  
12 sponse, a period of 30 days has elapsed.

## 13                   (INCLUDING TRANSFER OF FUNDS)

14           SEC. 202. Amounts made available for fiscal year  
15 2008, in this Act or any other Act, under the “Medical  
16 services”, “Medical Administration”, and “Medical facili-  
17 ties” accounts may be transferred between the accounts  
18 to the extent necessary to implement the restructuring of  
19 the Veterans Health Administration accounts: *Provided*,  
20 That before a transfer may take place, the Secretary of  
21 Veterans Affairs shall request from the Committees on  
22 Appropriations of both Houses of Congress the authority  
23 to make the transfer and an approval is issued.

24           SEC. 203. Appropriations available in this title for  
25 salaries and expenses shall be available for services au-  
26 thorized 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.

## 1 (INCLUDING TRANSFER OF FUNDS)

2 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.

## 12 (INCLUDING TRANSFER OF FUNDS)

13 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.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 222. Amounts made available for the “Information  
3 technology systems” account may be transferred be-  
4 tween projects: *Provided*, That no project may be in-  
5 creased or decreased by more than \$1,000,000 of cost  
6 prior to submitting a request to the Committees on Approp-  
7 priations of both Houses of Congress to make the transfer  
8 and an approval is issued, or absent a response, a period  
9 of 30 days has elapsed.

10 SEC. 223. None of the funds available to the Depart-  
11 ment of Veterans Affairs, in this Act, or any other Act,  
12 may be used to replace the current system by which the  
13 Veterans Integrated Services Networks select and contract  
14 for diabetes monitoring supplies and equipment.

15 SEC. 224. Of the amounts made available for fiscal  
16 year 2008, in this Act or any other Act, under the “Med-  
17 ical Facilities” account for non-recurring maintenance,  
18 not more than 20 percent of the funds made available shall  
19 be obligated during the last two months of the fiscal year.

20 SEC. 225. PROHIBITION ON DISPOSAL OF DEPART-  
21 MENT OF VETERANS AFFAIRS LANDS AND IMPROVE-  
22 MENTS AT WEST LOS ANGELES MEDICAL CENTER, CALI-  
23 FORNIA. (a) IN GENERAL.—The Secretary of Veterans Af-  
24 fairs may not declare as excess to the needs of the Depart-  
25 ment 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)”; and  
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.

### 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.

## 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 pro-  
10  cess 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

110<sup>th</sup> CONGRESS  
1<sup>st</sup> SESSION  
**S. 1645**

[Report No. 110-85]

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**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.

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JUNE 18, 2007

Read twice and placed on the calendar