

109TH CONGRESS
1ST SESSION

H. R. 2528

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 22, 2005

Ordered to be printed with the amendment of the Senate
[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

Making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, 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 quality of life functions of the Department of De-~~
6 ~~fense, military construction, the Department of Veterans~~
7 ~~Affairs, and related agencies, for the fiscal year ending~~
8 ~~September 30, 2006, and for other purposes, namely:~~

1 TITLE I
2 DEPARTMENT OF DEFENSE
3 MILITARY CONSTRUCTION, ARMY
4 For acquisition, construction, installation, and equip-
5 ment of temporary or permanent public works, military
6 installations, facilities, and real property for the Army as
7 currently authorized by law, including personnel in the
8 Army Corps of Engineers and other personal services nec-
9 essary for the purposes of this appropriation, and for con-
10 struction and operation of facilities in support of the func-
11 tions of the Commander in Chief, \$1,602,552,000, to re-
12 main available until September 30, 2010: *Provided*, That
13 of this amount, not to exceed \$168,804,000 shall be avail-
14 able for study, planning, design, architect and engineer
15 services, and host nation support, as authorized by law,
16 unless the Secretary of Defense determines that additional
17 obligations are necessary for such purposes and notifies
18 the Committees on Appropriations of both Houses of Con-
19 gress of the determination and the reasons therefor.
20 In addition, \$50,000,000, to remain available until
21 September 30, 2007, for overhead cover systems to sup-
22 port force protection activities in Iraq: *Provided*, That not-
23 withstanding any other provision of law, such funds may
24 be obligated or expended to carry out planning and design

1 and military construction projects not otherwise author-
2 ized by law.

3 **MILITARY CONSTRUCTION, NAVY AND MARINE CORPS**

4 For acquisition, construction, installation, and equip-
5 ment of temporary or permanent public works, naval in-
6 stallations, facilities, and real property for the Navy and
7 Marine Corps as currently authorized by law, including
8 personnel in the Naval Facilities Engineering Command
9 and other personal services necessary for the purposes of
10 this appropriation, \$1,109,177,000, to remain available
11 until September 30, 2010: *Provided*, That of this amount,
12 not to exceed \$36,029,000 shall be available for study,
13 planning, design, and architect and engineer services, as
14 authorized by law, unless the Secretary of Defense deter-
15 mines that additional obligations are necessary for such
16 purposes and notifies the Committees on Appropriations
17 of both Houses of Congress of the determination and the
18 reasons therefor.

19 **MILITARY CONSTRUCTION, AIR FORCE**

20 For acquisition, construction, installation, and equip-
21 ment of temporary or permanent public works, military
22 installations, facilities, and real property for the Air Force
23 as currently authorized by law, \$1,171,338,000, to remain
24 available until September 30, 2010: *Provided*, That of this
25 amount, not to exceed \$91,733,000 shall be available for

1 study, planning, design, and architect and engineer serv-
2 ices, as authorized by law, unless the Secretary of Defense
3 determines that additional obligations are necessary for
4 such purposes and notifies the Committees on Appropria-
5 tions of both Houses of Congress of the determination and
6 the reasons therefor.

7 MILITARY CONSTRUCTION, DEFENSE-WIDE

8 (INCLUDING TRANSFER OF FUNDS)

9 For acquisition, construction, installation, and equip-
10 ment of temporary or permanent public works, installa-
11 tions, facilities, and real property for activities and agen-
12 cies of the Department of Defense (other than the military
13 departments), as currently authorized by law,
14 \$976,664,000, to remain available until September 30,
15 2010: *Provided*, That such amounts of this appropriation
16 as may be determined by the Secretary of Defense may
17 be transferred to such appropriations of the Department
18 of Defense available for military construction or family
19 housing as the Secretary may designate, to be merged with
20 and to be available for the same purposes, and for the
21 same time period, as the appropriation or fund to which
22 transferred: *Provided further*, That of the amount appro-
23 priated, not to exceed \$107,285,000 shall be available for
24 study, planning, design, and architect and engineer serv-
25 ices, as authorized by law, unless the Secretary of Defense

1 determines that additional obligations are necessary for
2 such purposes and notifies the Committees on Appropria-
3 tions of both Houses of Congress of the determination and
4 the reasons therefor.

5 ~~MILITARY CONSTRUCTION, ARMY NATIONAL GUARD~~

6 ~~For construction, acquisition, expansion, rehabilita-~~
7 ~~tion, and conversion of facilities for the training and ad-~~
8 ~~ministration of the Army National Guard, and contribu-~~
9 ~~tions therefor, as authorized by chapter 1803 of title 10,~~
10 ~~United States Code, and Military Construction Authoriza-~~
11 ~~tion Acts, \$410,624,000, to remain available until Sep-~~
12 ~~tember 30, 2010.~~

13 ~~MILITARY CONSTRUCTION, AIR NATIONAL GUARD~~

14 ~~For construction, acquisition, expansion, rehabilita-~~
15 ~~tion, and conversion of facilities for the training and ad-~~
16 ~~ministration of the Air National Guard, and contributions~~
17 ~~therefor, as authorized by chapter 1803 of title 10, United~~
18 ~~States Code, and Military Construction Authorization~~
19 ~~Acts, \$225,727,000, to remain available until September~~
20 ~~30, 2010.~~

21 ~~MILITARY CONSTRUCTION, ARMY RESERVE~~

22 ~~For construction, acquisition, expansion, rehabilita-~~
23 ~~tion, and conversion of facilities for the training and ad-~~
24 ~~ministration of the Army Reserve as authorized by chapter~~
25 ~~1803 of title 10, United States Code, and Military Con-~~

1 struction Authorization Acts, \$138,425,000, to remain
2 available until September 30, 2010.

3 MILITARY CONSTRUCTION, NAVAL RESERVE

4 For construction, acquisition, expansion, rehabilita-
5 tion, and conversion of facilities for the training and ad-
6 ministration of the reserve components of the Navy and
7 Marine Corps as authorized by chapter 1803 of title 10,
8 United States Code, and Military Construction Authoriza-
9 tion Acts, \$45,226,000, to remain available until Sep-
10 tember 30, 2010.

11 MILITARY CONSTRUCTION, AIR FORCE RESERVE

12 For construction, acquisition, expansion, rehabilita-
13 tion, and conversion of facilities for the training and ad-
14 ministration of the Air Force Reserve as authorized by
15 chapter 1803 of title 10, United States Code, and Military
16 Construction Authorization Acts, \$110,847,000, to remain
17 available until September 30, 2010.

18 NORTH ATLANTIC TREATY ORGANIZATION

19 SECURITY INVESTMENT PROGRAM

20 For the United States share of the cost of the North
21 Atlantic Treaty Organization Security Investment Pro-
22 gram for the acquisition and construction of military fa-
23 cilities and installations (including international military
24 headquarters) and for related expenses for the collective
25 defense of the North Atlantic Treaty Area as authorized

1 leasing, and minor construction, as authorized by law,
2 \$46,391,000.

3 DEPARTMENT OF DEFENSE FAMILY HOUSING
4 IMPROVEMENT FUND

5 For the Department of Defense Family Housing Im-
6 provement Fund, \$2,500,000, to remain available until ex-
7 pended, for family housing initiatives undertaken pursu-
8 ant to section 2883 of title 40, United States Code, pro-
9 viding alternative means of acquiring and improving mili-
10 tary family housing and supporting facilities.

11 BASE REALIGNMENT AND CLOSURE ACCOUNT 1990

12 For deposit into the Department of Defense Base
13 Closure Account 1990, established by section 2906(a)(1)
14 of the Defense Base Closure and Realignment Act of 1990
15 (10 U.S.C. 2687 note), \$377,827,000, to remain available
16 until expended.

17 BASE REALIGNMENT AND CLOSURE ACCOUNT 2005

18 For deposit into the Department of Defense Base Re-
19 alignment and Closure Account 2005, established by sec-
20 tion 2906A(a)(1) of the Defense Base Closure and Re-
21 alignment Act of 1990 (10 U.S.C. 2687 note),
22 \$1,570,466,000, to remain available until expended.

23 BASIC ALLOWANCE FOR HOUSING, ARMY

24 For basic allowance for housing, for members of the
25 Army on active duty, \$3,945,392,000.

1 FACILITIES SUSTAINMENT, RESTORATION AND
2 MODERNIZATION, DEFENSE-WIDE

3 For expenses for facilities sustainment, restoration
4 and modernization of the Department of Defense,
5 \$115,400,000.

6 FACILITIES SUSTAINMENT, RESTORATION AND
7 MODERNIZATION, ARMY NATIONAL GUARD

8 For expenses for facilities sustainment, restoration
9 and modernization of the Army National Guard,
10 \$391,544,000.

11 FACILITIES SUSTAINMENT, RESTORATION AND
12 MODERNIZATION, AIR NATIONAL GUARD

13 For expenses for facilities sustainment, restoration
14 and modernization of the Air National Guard,
15 \$184,791,000.

16 FACILITIES SUSTAINMENT, RESTORATION AND
17 MODERNIZATION, ARMY RESERVE

18 For expenses for facilities sustainment, restoration
19 and modernization of the Army Reserve, \$204,370,000.

20 FACILITIES SUSTAINMENT, RESTORATION AND
21 MODERNIZATION, NAVAL RESERVE

22 For expenses for facilities sustainment, restoration
23 and modernization of the Naval Reserve, \$67,788,000.

1 FACILITIES SUSTAINMENT, RESTORATION AND
2 MODERNIZATION, MARINE CORPS RESERVE

3 For expenses for facilities sustainment, restoration
4 and modernization of the Marine Corps Reserve,
5 \$10,105,000.

6 FACILITIES SUSTAINMENT, RESTORATION AND
7 MODERNIZATION, AIR FORCE RESERVE

8 For expenses for facilities sustainment, restoration
9 and modernization of the Air Force Reserve, \$55,764,000.

10 ENVIRONMENTAL RESTORATION, ARMY

11 (INCLUDING TRANSFER OF FUNDS)

12 For the Department of the Army, \$407,865,000, to
13 remain available until transferred: *Provided*, That the Sec-
14 retary of the Army shall, upon determining that such
15 funds are required for environmental restoration, reduc-
16 tion and recycling of hazardous waste, removal of unsafe
17 buildings and debris of the Department of the Army, or
18 for similar purposes, transfer the funds made available by
19 this appropriation to other appropriations made available
20 to the Department of the Army, to be merged with and
21 to be available for the same purposes and for the same
22 time period as the appropriations to which transferred:
23 *Provided further*, That upon a determination that all or
24 part of the funds transferred from this appropriation are

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

3 ENVIRONMENTAL RESTORATION, NAVY

4 (INCLUDING TRANSFER OF FUNDS)

5 For the Department of the Navy, \$305,275,000, to
6 remain available until transferred: *Provided*, That the Sec-
7 retary of the Navy shall, upon determining that such
8 funds are required for environmental restoration, reduc-
9 tion and recycling of hazardous waste, removal of unsafe
10 buildings and debris of the Department of the Navy, or
11 for similar purposes, transfer the funds made available by
12 this appropriation to other appropriations made available
13 to the Department of the Navy, to be merged with and
14 to be available for the same purposes and for the same
15 time period as the appropriations to which transferred:
16 *Provided further*, That upon a determination that all or
17 part of the funds transferred from this appropriation are
18 not necessary for the purposes provided herein, such
19 amounts may be transferred back to this appropriation.

20 ENVIRONMENTAL RESTORATION, AIR FORCE

21 (INCLUDING TRANSFER OF FUNDS)

22 For the Department of the Air Force, \$406,461,000,
23 to remain available until transferred: *Provided*, That the
24 Secretary of the Air Force shall, upon determining that
25 such funds are required for environmental restoration, re-

1 duction and recycling of hazardous waste; removal of un-
2 safe buildings and debris of the Department of the Air
3 Force; or for similar purposes; transfer the funds made
4 available by this appropriation to other appropriations
5 made available to the Department of the Air Force; to be
6 merged with and to be available for the same purposes
7 and for the same time period as the appropriations to
8 which transferred: *Provided further*, That upon a deter-
9 mination that all or part of the funds transferred from
10 this appropriation are not necessary for the purposes pro-
11 vided herein; such amounts may be transferred back to
12 this appropriation.

13 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
14 (INCLUDING TRANSFER OF FUNDS)

15 For the Department of Defense, \$28,167,000; to re-
16 main available until transferred: *Provided*, That the Sec-
17 retary of Defense shall; upon determining that such funds
18 are required for environmental restoration; reduction and
19 recycling of hazardous waste; removal of unsafe buildings
20 and debris of the Department of Defense; or for similar
21 purposes; transfer the funds made available by this appro-
22 priation to other appropriations made available to the De-
23 partment of Defense; to be merged with and to be avail-
24 able for the same purposes and for the same time period
25 as the appropriations to which transferred: *Provided fur-*

1 *ther*, That upon a determination that all or part of the
2 funds transferred from this appropriation are not nec-
3 essary for the purposes provided herein, such amounts
4 may be transferred back to this appropriation.

5 ENVIRONMENTAL RESTORATION, FORMERLY USED
6 DEFENSE SITES

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Army, \$221,921,000, to
9 remain available until transferred: *Provided*, That the Sec-
10 retary of the Army shall, upon determining that such
11 funds are required for environmental restoration, reduc-
12 tion and recycling of hazardous waste, removal of unsafe
13 buildings and debris at sites formerly used by the Depart-
14 ment of Defense, transfer the funds made available by this
15 appropriation to other appropriations made available to
16 the Department of the Army, to be merged with and to
17 be available for the same purposes and for the same time
18 period as the appropriations to which transferred: *Pro-*
19 *vided further*, That upon a determination that all or part
20 of the funds transferred from this appropriation are not
21 necessary for the purposes provided herein, such amounts
22 may be transferred back to this appropriation.

23 DEFENSE HEALTH PROGRAM

24 For expenses, not otherwise provided for, for medical
25 and health care programs of the Department of Defense,

1 as authorized by law, ~~\$19,983,912,000~~, of which
2 ~~\$19,184,537,000~~ shall be for operation and maintenance,
3 of which not to exceed 2 percent shall remain available
4 until September 30, 2007, and of which up to
5 ~~\$10,212,427,000~~ may be available for contracts entered
6 into under the TRICARE program; of which
7 ~~\$355,119,000~~, to remain available for obligation until Sep-
8 tember 30, 2008, shall be for procurement; and of which
9 ~~\$444,256,000~~, to remain available for obligation until Sep-
10 tember 30, 2007, shall be for research, development, test
11 and evaluation: *Provided*, That notwithstanding any other
12 provision of law, of the amount made available under this
13 heading for research, development, test and evaluation,
14 not less than \$7,500,000 shall be available for HIV pre-
15 vention educational activities undertaken in connection
16 with U.S. military training, exercises, and humanitarian
17 assistance activities conducted primarily in African na-
18 tions.

19 ADMINISTRATIVE PROVISIONS

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

1 the Secretary of Defense setting forth the reasons there-
2 for.

3 SEC. 102. Funds appropriated in this title for con-
4 struction shall be available for hire of passenger motor ve-
5 hicles.

6 SEC. 103. Funds appropriated in this title for con-
7 struction may be used for advances to the Federal High-
8 way Administration, Department of Transportation, for
9 the construction of access roads as authorized by section
10 210 of title 23, United States Code, when projects author-
11 ized therein are certified as important to the national de-
12 fense by the Secretary of Defense.

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

17 SEC. 105. None of the funds made available in this
18 title shall be used for purchase of land or land easements
19 in excess of 100 percent of the value as determined by
20 the Army Corps of Engineers or the Naval Facilities Engi-
21 neering Command, except: (1) where there is a determina-
22 tion of value by a Federal court; (2) purchases negotiated
23 by the Attorney General or the designee of the Attorney
24 General; (3) where the estimated value is less than

1 \$25,000; or (4) as otherwise determined by the Secretary
2 of Defense to be in the public interest.

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

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

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

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

23 SEC. 110. None of the funds made available in this
24 title may be used to initiate a new installation overseas

1 without prior notification to the Committees on Appro-
2 priations of both Houses of Congress.

3 SEC. 111. None of the funds made available in this
4 title may be obligated for architect and engineer contracts
5 estimated by the Government to exceed \$500,000 for
6 projects to be accomplished in Japan, in any NATO mem-
7 ber country, or in countries bordering the Arabian Sea,
8 unless such contracts are awarded to United States firms
9 or United States firms in joint venture with host nation
10 firms.

11 SEC. 112. None of the funds made available in this
12 title for military construction in the United States terri-
13 tories and possessions in the Pacific and on Kwajalein
14 Atoll, or in countries bordering the Arabian Sea, may be
15 used to award any contract estimated by the Government
16 to exceed \$1,000,000 to a foreign contractor. *Provided,*
17 That this section shall not be applicable to contract
18 awards for which the lowest responsive and responsible bid
19 of a United States contractor exceeds the lowest respon-
20 sive and responsible bid of a foreign contractor by greater
21 than 20 percent. *Provided further,* That this section shall
22 not apply to contract awards for military construction on
23 Kwajalein Atoll for which the lowest responsive and re-
24 sponsible bid is submitted by a Marshallese contractor.

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

6 (TRANSFER OF FUNDS)

7 SEC. 120. Subject to 30 days prior notification to the
8 Committees on Appropriations of both Houses of Con-
9 gress, such additional amounts as may be determined by
10 the Secretary of Defense may be transferred to: (1) the
11 Department of Defense Family Housing Improvement
12 Fund from amounts appropriated for construction in
13 "Family Housing" accounts, to be merged with and to be
14 available for the same purposes and for the same period
15 of time as amounts appropriated directly to the Fund; or
16 (2) the Department of Defense Military Unaccompanied
17 Housing Improvement Fund from amounts appropriated
18 for construction of military unaccompanied housing in
19 "Military Construction" accounts, to be merged with and
20 to be available for the same purposes and for the same
21 period of time as amounts appropriated directly to the
22 Fund: *Provided*, That appropriations made available to
23 the Funds shall be available to cover the costs, as defined
24 in section 502(5) of the Congressional Budget Act of
25 1974, of direct loans or loan guarantees issued by the De-
26 partment of Defense pursuant to the provisions of sub-

1 chapter IV of chapter 169 of title 10, United States Code,
2 pertaining to alternative means of acquiring and improv-
3 ing military family housing, military unaccompanied hous-
4 ing, and supporting facilities.

5 SEC. 121. None of the funds made available in this
6 title may be obligated for Partnership for Peace Programs
7 in the New Independent States of the former Soviet
8 Union.

9 SEC. 122. (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 tion to the Committees on Appropriations of both Houses
2 of Congress, except that an after-the-fact notification shall
3 be submitted if the limitation is exceeded solely due to
4 costs associated with environmental remediation that
5 could not be reasonably anticipated at the time of the
6 budget submission: *Provided further*, That the Under Sec-
7 retary of Defense (Comptroller) is to report annually to
8 the Committees on Appropriations of both Houses of Con-
9 gress all operation and maintenance expenditures for each
10 individual general or flag officer quarters for the prior fis-
11 cal year.

12 SEC. 125. None of the funds made available in this
13 title under the heading “North Atlantic Treaty Organiza-
14 tion Security Investment Program”, and no funds appro-
15 priated for any fiscal year before fiscal year 2006 for that
16 program that remain available for obligation, may be obli-
17 gated or expended for the conduct of studies of missile
18 defense.

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

1 the same purposes as the appropriation to which trans-
2 ferred.

3 ~~SEC. 129.~~ None of the funds appropriated in this title
4 available for the Civilian Health and Medical Program of
5 the Uniformed Services (CHAMPUS) or TRICARE shall
6 be available for the reimbursement of any health care pro-
7 vider for inpatient mental health service for care received
8 when a patient is referred to a provider of inpatient men-
9 tal health care or residential treatment care by a medical
10 or health care professional having an economic interest in
11 the facility to which the patient is referred: *Provided*, That
12 this limitation does not apply in the case of inpatient men-
13 tal health services provided under the program for persons
14 with disabilities under subsection (d) of section 1079 of
15 title 10, United States Code, provided as partial hospital
16 care, or provided pursuant to a waiver authorized by the
17 Secretary of Defense because of medical or psychological
18 circumstances of the patient that are confirmed by a
19 health professional who is not a Federal employee after
20 a review, pursuant to rules prescribed by the Secretary,
21 which takes into account the appropriate level of care for
22 the patient, the intensity of services required by the pa-
23 tient, and the availability of that care.

24 ~~SEC. 130.~~ The Secretary of Defense, in coordination
25 with the Secretary of Health and Human Services, may

1 carry out a program to distribute surplus dental and med-
2 ical equipment of the Department of Defense, at no cost
3 to the Department of Defense, to Indian Health Service
4 facilities and to federally-qualified health centers (within
5 the meaning of section 1905(1)(2)(B) of the Social Secu-
6 rity Act (42 U.S.C. 1396d(1)(2)(B))).

7 SEC. 131. None of the funds made available in this
8 title may be used to carry out a military construction
9 project, land acquisition, or family housing project for a
10 military installation approved for closure in 2005 under
11 the Defense Base Closure and Realignment Act of 1990
12 (part A of title XXIX of Public Law 101-510; 10 U.S.C.
13 2687 note), and the Secretary of Defense may not transfer
14 funds appropriated for such a military construction
15 project, land acquisition, or family housing project to an-
16 other account or use such funds for another purpose or
17 project without the approval of the Committees on Appro-
18 priations of both Houses of Congress.

19 SEC. 132. None of the funds in this title for oper-
20 ation, maintenance, or repair of housing for general offi-
21 cers and flag officers in the National Capital Region may
22 be used until the Department of Defense submits the re-
23 port required by section 2802(e) of the Military Construc-
24 tion Authorization Act for Fiscal Year 2005.

1 TITLE H
2 DEPARTMENT OF VETERANS AFFAIRS
3 VETERANS BENEFITS ADMINISTRATION
4 COMPENSATION AND PENSIONS
5 (INCLUDING TRANSFER OF FUNDS)

6 For the payment of compensation benefits to or on
7 behalf of veterans and a pilot program for disability ex-
8 aminations as authorized by law (38 U.S.C. 107, chapters
9 11, 13, 18, 51, 53, 55, and 61); pension benefits to or
10 on behalf of veterans as authorized by law (38 U.S.C.
11 chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and bur-
12 ial benefits, emergency and other officers' retirement pay,
13 adjusted-service credits and certificates, payment of pre-
14 miums due on commercial life insurance policies guaran-
15 teed under the provisions of title IV of the Servicemembers
16 Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other
17 benefits as authorized by law (38 U.S.C. 107, 1312, 1977,
18 and 2106; chapters 23, 51, 53, 55, and 61; 43 Stat. 122,
19 123; 45 Stat. 735; 76 Stat. 1198), \$33,412,879,000, to
20 remain available until expended: *Provided*, That not to ex-
21 ceed \$23,491,000 of the amount appropriated under this
22 heading shall be reimbursed to "General operating ex-
23 penses" and "Medical services" for necessary expenses in
24 implementing the provisions of chapters 51, 53, and 55
25 of title 38, United States Code), the funding source for
26 which is specifically provided as the "Compensation and

1 pensions” appropriation: *Provided further*, That such sums
2 as may be earned on an actual qualifying patient basis,
3 shall be reimbursed to “Medical facilities revolving fund”
4 to augment the funding of individual medical facilities for
5 nursing home care provided to pensioners as authorized.

6 **READJUSTMENT BENEFITS**

7 For the payment of readjustment and rehabilitation
8 benefits to or on behalf of veterans as authorized by law
9 (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53,
10 55, and 61), \$3,214,246,000, to remain available until ex-
11 pended: *Provided*, That expenses for rehabilitation pro-
12 gram services and assistance which the Secretary is au-
13 thorized to provide under section 3104(a) of title 38,
14 United States Code, other than under subsection (a)(1),
15 (2), (5), and (11) of that section, shall be charged to this
16 account.

17 **VETERANS INSURANCE AND INDEMNITIES**

18 For military and naval insurance, national service life
19 insurance, servicemen’s indemnities, service-disabled vet-
20 erans insurance, and veterans mortgage life insurance as
21 authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72
22 Stat. 487, \$45,907,000, to remain available until ex-
23 pended.

1 VETERANS HOUSING BENEFIT PROGRAM FUND

2 PROGRAM ACCOUNT

3 (INCLUDING TRANSFER OF FUNDS)

4 For the cost of direct and guaranteed loans, such
5 sums as may be necessary to carry out the program, as
6 authorized by 38 U.S.C. chapter 37: *Provided*, That such
7 costs, including the cost of modifying such loans, shall be
8 as defined in section 502 of the Congressional Budget Act
9 of 1974: *Provided further*, That during fiscal year 2005,
10 within the resources available, not to exceed \$500,000 in
11 gross obligations for direct loans are authorized for spe-
12 cially adapted housing loans.

13 In addition, for administrative expenses to carry out
14 the direct and guaranteed loan programs, \$153,575,000,
15 which may be transferred to and merged with the appro-
16 priation for "General operating expenses".

17 VOCATIONAL REHABILITATION LOANS PROGRAM

18 ACCOUNT

19 (INCLUDING TRANSFER OF FUNDS)

20 For the cost of direct loans, \$53,000, 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 these
25 funds under this heading are available to subsidize gross

1 VETERANS HEALTH ADMINISTRATION

2 MEDICAL SERVICES

3 For necessary expenses for furnishing, as authorized
4 by law, inpatient and outpatient care and treatment to
5 beneficiaries of the Department of Veterans Affairs and
6 veterans described in section 1705(a) of title 38, United
7 States Code, including care and treatment in facilities not
8 under the jurisdiction of the Department, and including
9 medical supplies and equipment and salaries and expenses
10 of health-care employees hired under title 38, United
11 States Code, and aid to State homes as authorized by sec-
12 tion 1741 of title 38, United States Code;
13 \$20,995,141,000, plus reimbursements, of which not less
14 than \$2,200,000,000 shall be expended for specialty men-
15 tal health care: *Provided*, That of the funds made available
16 under this heading, not to exceed \$1,100,000,000 shall be
17 available until September 30, 2007: *Provided further*,
18 That, notwithstanding any other provision of law, the Sec-
19 retary of Veterans Affairs shall establish a priority for
20 treatment for veterans who are service-connected disabled,
21 lower income, or have special needs: *Provided further*,
22 That, notwithstanding any other provision of law, the Sec-
23 retary of Veterans Affairs shall give priority funding for
24 the provision of basic medical benefits to veterans in en-
25 rollment priority groups 1 through 6: *Provided further*,

1 That, notwithstanding any other provision of law, the Sec-
2 retary of Veterans Affairs may authorize the dispensing
3 of prescription drugs from Veterans Health Administra-
4 tion facilities to enrolled veterans with privately written
5 prescriptions based on requirements established by the
6 Secretary: *Provided further*, That the implementation of
7 the program described in the previous proviso shall incur
8 no additional cost to the Department of Veterans Affairs:
9 *Provided further*, That for the Department of Defense/De-
10 partment of Veterans Affairs Health Care Sharing Incen-
11 tive Fund, as authorized by section 721 of Public Law
12 107-314, a minimum of \$15,000,000, to remain available
13 until expended, for the purposes authorized by section
14 8111 of title 38, United States Code.

15 MEDICAL ADMINISTRATION

16 For necessary expenses in the administration of the
17 medical, hospital, nursing home, domiciliary, construction,
18 supply, and research activities, as authorized by law; ad-
19 ministrative expenses in support of capital policy activi-
20 ties; information technology hardware and software; uni-
21 forms or allowances therefor, as authorized by sections
22 5901-5902 of title 5, United States Code; administrative
23 and legal expenses of the Department for collecting and
24 recovering amounts owed the Department as authorized
25 under chapter 17 of title 38, United States Code; and the
26 Federal Medical Care Recovery Act (42 U.S.C. 2651 et

1 seq.); \$4,134,874,000, plus reimbursements, of which
2 \$250,000,000 shall be available until September 30, 2007.

3 MEDICAL FACILITIES

4 For necessary expenses for the maintenance and op-
5 eration of hospitals, nursing homes, and domiciliary facili-
6 ties and other necessary facilities for the Veterans Health
7 Administration; for administrative expenses in support of
8 planning, design, project management, real property ac-
9 quisition and disposition, construction and renovation of
10 any facility under the jurisdiction or for the use of the
11 Department; for oversight, engineering and architectural
12 activities not charged to project costs; for repairing, alter-
13 ing, improving or providing facilities in the several hos-
14 pitals and homes under the jurisdiction of the Depart-
15 ment, not otherwise provided for, either by contract or by
16 the hire of temporary employees and purchase of mate-
17 rials; for leases of facilities; and for laundry and food serv-
18 ices, \$3,297,669,000, plus reimbursements, of which
19 \$250,000,000 shall be available until September 30, 2007.

20 MEDICAL AND PROSTHETIC RESEARCH

21 For necessary expenses in carrying out programs of
22 medical and prosthetic research and development as au-
23 thorized by chapter 73 of title 38, United States Code,
24 to remain available until September 30, 2007,
25 \$393,000,000, plus reimbursements.

1 DEPARTMENTAL ADMINISTRATION

2 GENERAL OPERATING EXPENSES

3 For necessary operating expenses of the Department
4 of Veterans Affairs, not otherwise provided for, including
5 administrative expenses in support of Department-wide
6 capital planning, management and policy activities, uni-
7 forms or allowances therefor, not to exceed \$25,000 for
8 official reception and representation expenses; hire of pas-
9 senger motor vehicles; and reimbursement of the General
10 Services Administration for security guard services; and
11 the Department of Defense for the cost of overseas em-
12 ployee mail, \$1,411,827,000: *Provided*, That expenses for
13 services and assistance authorized under paragraphs (1),
14 (2), (5), and (11) of section 3104(a) of title 38, United
15 States Code, that the Secretary determines are necessary
16 to enable entitled veterans: (1) to the maximum extent
17 feasible, to become employable and to obtain and maintain
18 suitable employment; or (2) to achieve maximum inde-
19 pendence in daily living, shall be charged to this account:
20 *Provided further*, That the Veterans Benefits Administra-
21 tion shall be funded at not less than \$1,086,938,000: *Pro-*
22 *vided further*, That of the funds made available under this
23 heading, not to exceed \$70,000,000 shall be available for
24 obligation until September 30, 2007: *Provided further*,
25 That from the funds made available under this heading,

1 the Veterans Benefits Administration may purchase up to
2 two passenger motor vehicles for use in operations of that
3 Administration in Manila, Philippines.

4 NATIONAL CEMETERY ADMINISTRATION

5 For necessary expenses of the National Cemetery Ad-
6 ministration for operations and maintenance, not other-
7 wise provided for, including uniforms or allowances there-
8 for, cemeterial expenses as authorized by law, purchase
9 of one passenger motor vehicle for use in cemeterial oper-
10 ations; and hire of passenger motor vehicles,
11 ~~\$156,447,000. *Provided,* That of the funds made available~~
12 ~~under this heading, not to exceed \$7,800,000 shall be~~
13 ~~available until September 30, 2007.~~

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector
16 General in carrying out the provisions of the Inspector
17 General Act of 1978, ~~\$70,174,000, to remain available~~
18 ~~until September 30, 2007.~~

19 CONSTRUCTION, MAJOR PROJECTS

20 For constructing, altering, extending and improving
21 any of the facilities including parking projects under the
22 jurisdiction or for the use of the Department of Veterans
23 Affairs, or for any of the purposes set forth in sections
24 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
25 and 8122 of title 38, United States Code, including plan-
26 ning, architectural and engineering services, maintenance

1 or guarantee period services costs associated with equip-
2 ment guarantees provided under the project, services of
3 claims analysts, offsite utility and storm drainage system
4 construction costs, and site acquisition, where the esti-
5 mated cost of a project is more than the amount set forth
6 in section 8104(a)(3)(A) of title 38, United States Code,
7 or where funds for a project were made available in a pre-
8 vious major project appropriation, \$607,100,000, to re-
9 main available until expended, of which \$532,010,000
10 shall be for Capital Asset Realignment for Enhanced Serv-
11 ices (CARES) activities; and of which \$8,091,000 shall
12 be to make reimbursements as provided in section 13 of
13 the Contract Disputes Act of 1978 (41 U.S.C. 612) for
14 claims paid for contract disputes: *Provided*, That except
15 for advance planning activities, including needs assess-
16 ments which may or may not lead to capital investments,
17 and other capital asset management related activities,
18 such as portfolio development and management activities,
19 and investment strategy studies funded through the ad-
20 vance planning fund and the planning and design activities
21 funded through the design fund and CARES funds, in-
22 cluding needs assessments which may or may not lead to
23 capital investments, none of the funds appropriated under
24 this heading shall be used for any project which has not
25 been approved by the Congress in the budgetary process:

1 *Provided further,* That funds provided in this appropria-
2 tion for fiscal year 2006, for each approved project (except
3 those for CARES activities referenced above) shall be obli-
4 gated: (1) by the awarding of a construction documents
5 contract by September 30, 2006; and (2) by the awarding
6 of a construction contract by September 30, 2007: *Pro-*
7 *vided further,* That the Secretary of Veterans Affairs shall
8 promptly report in writing to the Committees on Appro-
9 priations of the House of Representatives and Senate any
10 approved major construction project in which obligations
11 are not incurred within the time limitations established
12 above.

13 CONSTRUCTION, MINOR PROJECTS

14 For constructing, altering, extending, and improving
15 any of the facilities including parking projects under the
16 jurisdiction or for the use of the Department of Veterans
17 Affairs, including planning and assessments of needs
18 which may lead to capital investments, architectural and
19 engineering services, maintenance or guarantee period
20 services costs associated with equipment guarantees pro-
21 vided under the project, services of claims analysts, offsite
22 utility and storm drainage system construction costs, and
23 site acquisition, or for any of the purposes set forth in
24 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
25 8110, 8122, and 8162 of title 38, United States Code,

1 where the estimated cost of a project is equal to or less
2 than the amount set forth in section 8104(a)(3)(A) of title
3 38, United States Code, \$208,937,000, to remain avail-
4 able until expended, along with unobligated balances of
5 previous “Construction, minor projects” appropriations
6 which are hereby made available for any project where the
7 estimated cost is equal to or less than the amount set forth
8 in such section, of which \$160,000,000 shall be for Capital
9 Asset Realignment for Enhanced Services (CARES) ac-
10 tivities: *Provided*, That funds in this account shall be
11 available for: (1) repairs to any of the nonmedical facilities
12 under the jurisdiction or for the use of the Department
13 which are necessary because of loss or damage caused by
14 any natural disaster or catastrophe; and (2) temporary
15 measures necessary to prevent or to minimize further loss
16 by such causes.

17 GRANTS FOR CONSTRUCTION OF STATE

18 EXTENDED CARE FACILITIES

19 For grants to assist States to acquire or construct
20 State nursing home and domiciliary facilities and to re-
21 model, modify or alter existing hospital, nursing home and
22 domiciliary facilities in State homes, for furnishing care
23 to veterans as authorized by sections 8131–8137 of title
24 38, United States Code, \$25,000,000, to remain available
25 until expended.

1 GRANTS FOR THE CONSTRUCTION OF STATE
2 VETERANS CEMETERIES

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

7 ADMINISTRATIVE PROVISIONS
8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 201. Any appropriation for fiscal year 2006 for
10 “Compensation and pensions”, “Readjustment benefits”,
11 and “Veterans insurance and indemnities” may be trans-
12 ferred to any other of the mentioned appropriations.

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

19 SEC. 203. No appropriations in this title (except the
20 appropriations for “Construction, major projects”, and
21 “Construction, minor projects”) shall be available for the
22 purchase of any site for or toward the construction of any
23 new hospital or home.

24 SEC. 204. No appropriations in this title shall be
25 available for hospitalization or examination of any persons

1 (except beneficiaries entitled under the laws bestowing
2 such benefits to veterans, and persons receiving such
3 treatment under sections 7901–7904 of title 5, United
4 States Code or the Robert T. Stafford Disaster Relief and
5 Emergency Assistance Act (42 U.S.C. 5121 et seq.)), un-
6 less reimbursement of cost is made to the “Medical serv-
7 ices” account at such rates as may be fixed by the Sec-
8 retary of Veterans Affairs.

9 SEC. 205. Appropriations available in this title for
10 “Compensation and pensions”, “Readjustment benefits”,
11 and “Veterans insurance and indemnities” shall be avail-
12 able for payment of prior year accrued obligations re-
13 quired to be recorded by law against the corresponding
14 prior year accounts within the last quarter of fiscal year
15 2005.

16 SEC. 206. Appropriations available in this title shall
17 be available to pay prior year obligations of corresponding
18 prior year appropriations accounts resulting from sections
19 3328(a), 3334, and 3712(a) of title 31, United States
20 Code, except that if such obligations are from trust fund
21 accounts they shall be payable from “Compensation and
22 pensions”.

23 SEC. 207. Notwithstanding any other provision of
24 law, during fiscal year 2006, the Secretary of Veterans
25 Affairs shall, from the National Service Life Insurance

1 Fund (38 U.S.C. 1920), the Veterans' Special Life Insur-
2 ance Fund (38 U.S.C. 1923), and the United States Gov-
3 ernment Life Insurance Fund (38 U.S.C. 1955), reim-
4 burse the "General operating expenses" account for the
5 cost of administration of the insurance programs financed
6 through those accounts: *Provided*, That reimbursement
7 shall be made only from the surplus earnings accumulated
8 in an insurance program in fiscal year 2006 that are avail-
9 able for dividends in that program after claims have been
10 paid and actuarially determined reserves have been set
11 aside: *Provided further*, That if the cost of administration
12 of an insurance program exceeds the amount of surplus
13 earnings accumulated in that program, reimbursement
14 shall be made only to the extent of such surplus earnings:
15 *Provided further*, That the Secretary shall determine the
16 cost of administration for fiscal year 2006 which is prop-
17 erly allocable to the provision of each insurance program
18 and to the provision of any total disability income insur-
19 ance included in such insurance program.

20 SEC. 208. Notwithstanding any other provision of
21 law, the Department of Veterans Affairs shall continue the
22 Franchise Fund pilot program authorized to be estab-
23 lished by section 403 of Public Law 103-356 until Octo-
24 ber 1, 2006: *Provided*, That the Franchise Fund, estab-
25 lished by title I of Public Law 104-204 to finance the

1 operations of the Franchise Fund pilot program, shall con-
2 tinue until October 1, 2006.

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

8 SEC. 210. Funds available in this title or funds for
9 salaries and other administrative expenses shall also be
10 available to reimburse the Office of Resolution Manage-
11 ment and the Office of Employment Discrimination Com-
12 plaint Adjudication for all services provided at rates which
13 will recover actual costs but not exceed \$29,758,000 for
14 the Office of Resolution Management and \$3,059,000 for
15 the Office of Employment and Discrimination Complaint
16 Adjudication: *Provided*, That payments may be made in
17 advance for services to be furnished based on estimated
18 costs: *Provided further*, That amounts received shall be
19 credited to "General operating expenses" for use by the
20 office that provided the service.

21 SEC. 211. No appropriations in this title shall be
22 available to enter into any new lease of real property if
23 the estimated annual rental is more than \$300,000 unless
24 the Secretary submits a report which the Committees on

1 Appropriations of the Congress approve within 30 days
2 following the date on which the report is received.

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

20 SEC. 213. None of the funds made available to the
21 Department of Veterans Affairs in this Act, or any other
22 Act, may be used to implement sections 2 and 5 of Public
23 Law 107-287 and section 303 of Public Law 108-422.

24 SEC. 214. Notwithstanding any other provision of
25 law, at the discretion of the Secretary of Veterans Affairs,

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

11 SEC. 215. Amounts made available under “Medical
12 services” are available—

13 (1) for furnishing recreational facilities, sup-
14 plies, and equipment; and

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

18 SEC. 216. That such sums as may be deposited to
19 the Medical Care Collections Fund pursuant to section
20 1729A of title 38, United States Code, may be transferred
21 to “Medical services”, to remain available until expended
22 for the purposes of this account.

23 SEC. 217. Amounts made available for fiscal year
24 2006 under the “Medical services”, “Medical administra-
25 tion”, and “Medical facilities” accounts may be trans-

1 ferred between the accounts to the extent necessary to im-
2 plement the restructuring of the Veterans Health Admin-
3 istration accounts after notice of the amount and purpose
4 of the transfer is provided to the Committees on Appro-
5 priations of the Senate and House of Representatives and
6 a period of 30 days has elapsed: *Provided*, That the limita-
7 tion on transfers is 20 percent in fiscal year 2006.

8 SEC. 218. Any appropriation for fiscal year 2006 for
9 the Veterans Benefits Administration made available
10 under the heading "General operating expenses" may be
11 transferred to the "Veterans Housing Benefit Program
12 Fund Program Account" for the purpose of providing
13 funds for the nationwide property management contract
14 if the administrative costs of such contract exceed
15 \$8,800,000 in the budget year.

16 SEC. 219. Notwithstanding any other provision of
17 law, the Secretary of Veterans Affairs (Secretary) shall
18 allow veterans eligible under existing VA Medical Care re-
19 quirements and who reside in Alaska to obtain medical
20 care services from medical facilities supported by the In-
21 dian Health Services or tribal organizations. The Sec-
22 retary shall: (1) limit the application of this provision to
23 rural Alaskan veterans in areas where an existing VA fa-
24 cility or VA-contracted service is unavailable; (2) require
25 participating veterans and facilities to comply with all ap-

1 appropriate rules and regulations, as established by the Sec-
2 retary; (3) require this provision to be consistent with
3 CARES; and (4) result in no additional cost to the De-
4 partment of Veterans Affairs or the Indian Health Serv-
5 ice.

6 SEC. 220. That such sums as may be deposited to
7 the Department of Veterans Affairs Capital Asset Fund
8 pursuant to section 8118 of title 38, United States Code,
9 may be transferred to the “Construction, major projects”
10 and “Construction, minor projects” accounts, to remain
11 available until expended for the purposes of these ac-
12 counts.

13 SEC. 221. None of the funds available to the Depart-
14 ment of Veterans Affairs in this Act, or any other Act,
15 may be used by the Department of Veterans Affairs to
16 implement a national standardized contract for diabetes
17 monitoring systems.

18 TITLE III

19 RELATED AGENCIES

20 AMERICAN BATTLE MONUMENTS COMMISSION

21 SALARIES AND EXPENSES

22 For necessary expenses, not otherwise provided for,
23 of the American Battle Monuments Commission, including
24 the acquisition of land or interest in land in foreign coun-
25 tries; purchases and repair of uniforms for caretakers of

1 national cemeteries and monuments outside of the United
2 States and its territories and possessions; rent of office
3 and garage space in foreign countries; purchase (one for
4 replacement only) and hire of passenger motor vehicles;
5 not to exceed \$7,500 for official reception and representa-
6 tion expenses; and insurance of official motor vehicles in
7 foreign countries, when required by law of such countries;
8 \$35,750,000, to remain available until expended.

9 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

10 For necessary expenses, not otherwise provided for,
11 of the American Battle Monuments Commission,
12 \$15,250,000, to remain available until expended, for pur-
13 poses authorized by section 2109 of title 36, United States
14 Code.

15 UNITED STATES COURT OF APPEALS FOR VETERANS

16 CLAIMS

17 SALARIES AND EXPENSES

18 For necessary expenses for the operation of the
19 United States Court of Appeals for Veterans Claims as
20 authorized by sections 7251–7298 of title 38, United
21 States Code, \$18,295,000, of which \$1,260,000 shall be
22 available for the purpose of providing financial assistance
23 as described, and in accordance with the process and re-
24 porting procedures set forth, under this heading in Public
25 Law 102–229.

1 DEPARTMENT OF DEFENSE—CIVIL

2 CEMETERY EXPENSES, ARMY

3 SALARIES AND EXPENSES

4 For necessary expenses, as authorized by law, for
5 maintenance, operation, and improvement of Arlington
6 National Cemetery and Soldiers' and Airmen's Home Na-
7 tional Cemetery, including the purchase of two passenger
8 motor vehicles for replacement only, and not to exceed
9 \$1,000 for official reception and representation expenses,
10 \$29,550,000, to remain available until expended. In addi-
11 tion, such sums as may be necessary for parking mainte-
12 nance, repairs and replacement, to be derived from the
13 Lease of Department of Defense Real Property for De-
14 fense Agencies account.

15 ARMED FORCES RETIREMENT HOME

16 For expenses necessary for the Armed Forces Retire-
17 ment Home to operate and maintain the Armed Forces
18 Retirement Home—Washington and the Armed Forces
19 Retirement Home—Gulfport, to be paid from funds avail-
20 able in the Armed Forces Retirement Home Trust Fund,
21 \$58,281,000, of which \$1,248,000 shall remain available
22 until expended for construction and renovation of the
23 physical plants at the Armed Forces Retirement Home—
24 Washington and the Armed Forces Retirement Home—
25 Gulfport.

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TITLE IV

GENERAL PROVISIONS

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

SEC. 402. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 403. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 404. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 405. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative

1 relationships, for publicity or propaganda purposes, and
2 for the preparation, distribution or use of any kit, pam-
3 phlet, booklet, publication, radio, television or film presen-
4 tation designed to support or defeat legislation pending
5 before Congress, except in presentation to Congress itself.

6 SEC. 406. All departments and agencies funded under
7 this Act are encouraged, within the limits of the existing
8 statutory authorities and funding, to expand their use of
9 “E-Commerce” technologies and procedures in the con-
10 duct of their business practices and public service activi-
11 ties.

12 SEC. 407. None of the funds made available in this
13 Act may be transferred to any department, agency, or in-
14 strumentality of the United States Government except
15 pursuant to a transfer made by, or transfer authority pro-
16 vided in, this Act or any other appropriations Act.

17 SEC. 408. Unless stated otherwise, all reports and no-
18 tifications required by this Act shall be submitted to the
19 Subcommittee on Military Quality of Life and Veterans
20 Affairs, and Related Agencies of the Committee on Appro-
21 priations of the House of Representatives and the Sub-
22 committee on Military Construction and Veterans Affairs,
23 and Related Agencies of the Committee on Appropriations
24 of the Senate.

1 SEC. 409. None of the funds made available by this
2 Act may be used to close or realign any military installa-
3 tion approved for closure or realignment in 2005 before
4 the Secretary of Defense makes the information available
5 upon which the Secretary's closure and realignment rec-
6 ommendations were based, as required by section
7 2903(e)(4) of the Defense Base Closure and Realignment
8 Act of 1990 (title XXIX of Public Law 101-510; 10
9 U.S.C. 2687 note).

10 This Act may be cited as the "Military Quality of
11 Life and Veterans Affairs Appropriations Act, 2006".

12 *That the following sums are appropriated, out of any*
13 *money in the Treasury not otherwise appropriated for mili-*
14 *tary quality of life functions of the Department of Defense,*
15 *military construction, the Department of Veterans Affairs,*
16 *and related agencies for the fiscal year ending September*
17 *30, 2006, and for other purposes, namely:*

18 *TITLE I—MILITARY CONSTRUCTION*

19 *MILITARY CONSTRUCTION, ARMY*

20 *For acquisition, construction, installation, and equip-*
21 *ment of temporary or permanent public works, military in-*
22 *stallations, facilities, and real property for the Army as*
23 *currently authorized by law, including personnel in the*
24 *Army Corps of Engineers and other personal services nec-*
25 *essary for the purposes of this appropriation, and for con-*

1 *struction and operation of facilities in support of the func-*
2 *tions of the Commander in Chief, \$1,640,641,000, to remain*
3 *available until September 30, 2010: Provided, That of this*
4 *amount, not to exceed \$179,343,000 shall be available for*
5 *study, planning, design, architect and engineer services,*
6 *and host nation support, as authorized by law, unless the*
7 *Secretary of Defense determines that additional obligations*
8 *are necessary for such purposes and notifies the Committees*
9 *on Appropriations of both Houses of Congress of the deter-*
10 *mination and the reasons therefor: Provided further, That*
11 *of the amount provided for Military Construction, Army,*
12 *\$8,900,000 shall be available for Phase 1a of a Permanent*
13 *Party Barracks at Fort Leonard Wood, Missouri, and*
14 *\$3,150,000 shall be available for an Airfield Fire Station*
15 *at Fort Sill, Oklahoma.*

16 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*
17 *(INCLUDING RESCISSION OF FUNDS)*

18 *For acquisition, construction, installation, and equip-*
19 *ment of temporary or permanent public works, naval in-*
20 *stallations, facilities, and real property for the Navy and*
21 *Marine Corps as currently authorized by law, including*
22 *personnel in the Naval Facilities Engineering Command*
23 *and other personal services necessary for the purposes of this*
24 *appropriation, \$1,045,882,000, to remain available until*
25 *September 30, 2010: Provided, That of this amount, not to*

1 exceed \$32,524,000 shall be available for study, planning,
2 design, and architect and engineer services, as authorized
3 by law, unless the Secretary of Defense determines that ad-
4 ditional obligations are necessary for such purposes and no-
5 tifies the Committees on Appropriations of both Houses of
6 Congress of the determination and the reasons therefor: Pro-
7 vided further, That of the funds appropriated for “Military
8 Construction, Navy” under Public Law 108–324,
9 \$92,354,000 are hereby rescinded.

10 *MILITARY CONSTRUCTION, AIR FORCE*

11 *For acquisition, construction, installation, and equip-*
12 *ment of temporary or permanent public works, military in-*
13 *stallations, facilities, and real property for the Air Force*
14 *as currently authorized by law, \$1,209,128,000, to remain*
15 *available until September 30, 2010: Provided, That of this*
16 *amount, not to exceed \$83,626,000 shall be available for*
17 *study, planning, design, and architect and engineer serv-*
18 *ices, as authorized by law, unless the Secretary of Defense*
19 *determines that additional obligations are necessary for*
20 *such purposes and notifies the Committees on Appropria-*
21 *tions of both Houses of Congress of the determination and*
22 *the reasons therefor: Provided further, That of the amount*
23 *provided for Military Construction, Air Force, \$5,721,000*
24 *shall be available for a B–2 Conventional Munitions Stor-*
25 *age Facility at Whiteman Air Force Base, Missouri, and*

1 \$14,000,000 for Phase 1 of Force Protection Enhancement
2 at Vance Air Force Base, Oklahoma.

3 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For acquisition, construction, installation, and equip-*
6 *ment of temporary or permanent public works, installa-*
7 *tions, facilities, and real property for activities and agen-*
8 *cies of the Department of Defense (other than the military*
9 *departments), as currently authorized by law,*
10 *\$1,072,165,000, to remain available until September 30,*
11 *2010: Provided, That such amounts of this appropriation*
12 *as may be determined by the Secretary of Defense may be*
13 *transferred to such appropriations of the Department of De-*
14 *fense available for military construction or family housing*
15 *as the Secretary may designate, to be merged with and to*
16 *be available for the same purposes, and for the same time*
17 *period, as the appropriation or fund to which transferred:*
18 *Provided further, That of the amount appropriated, not to*
19 *exceed \$133,120,000 shall be available for study, planning,*
20 *design, and architect and engineer services, as authorized*
21 *by law, unless the Secretary of Defense determines that ad-*
22 *ditional obligations are necessary for such purposes and no-*
23 *tifies the Committees on Appropriations of both Houses of*
24 *Congress of the determination and 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, \$467,146,000, to remain available until Sep-*
8 *tember 30, 2010.*

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 Acts,*
15 *\$279,156,000, to remain available until September 30,*
16 *2010.*

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, \$136,077,000, to remain*
23 *available until September 30, 2010.*

1 *MILITARY CONSTRUCTION, NAVAL 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 Ma-*
5 *rine Corps as authorized by chapter 1803 of title 10, United*
6 *States Code, and Military Construction Authorization Acts,*
7 *\$46,676,000, to remain available until September 30, 2010.*

8 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

9 *For construction, acquisition, expansion, rehabilita-*
10 *tion, and conversion of facilities for the training and ad-*
11 *ministration of the Air Force Reserve as authorized by*
12 *chapter 1803 of title 10, United States Code, and Military*
13 *Construction Authorization Acts, \$89,260,000, to remain*
14 *available until September 30, 2010.*

15 *NORTH ATLANTIC TREATY ORGANIZATION*

16 *SECURITY INVESTMENT PROGRAM*

17 *For the United States share of the cost of the North*
18 *Atlantic Treaty Organization Security Investment Pro-*
19 *gram for the acquisition and construction of military facili-*
20 *ties and installations (including international military*
21 *headquarters) and for related expenses for the collective de-*
22 *fense of the North Atlantic Treaty Area as authorized by*
23 *section 2806 of title 10, United States Code, and Military*
24 *Construction Authorization Acts, \$206,858,000, to remain*
25 *available until expended.*

1 *alternative means of acquiring and improving military*
2 *family housing and supporting facilities.*

3 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990*

4 *For deposit into the Department of Defense Base Clo-*
5 *sure Account 1990, established by section 2906(a)(1) of the*
6 *Defense Base Closure and Realignment Act of 1990 (10*
7 *U.S.C. section 2687 note), \$377,827,000, to remain avail-*
8 *able until expended.*

9 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005*

10 *For deposit into the Department of Defense Base Clo-*
11 *sure Account 2005, established by section 2906A(a)(1) of the*
12 *Defense Base Closure and Realignment Act of 1990 (10*
13 *U.S.C. section 2687 note), \$1,504,466,000, to remain avail-*
14 *able until expended: Provided, That these funds may not*
15 *be obligated or expended until the Secretary of Defense sub-*
16 *mits to the congressional defense committees and receives*
17 *approval of a report describing the specific programs,*
18 *projects, and activities for which such funds are to be obli-*
19 *gated.*

20 *GENERAL PROVISIONS*

21 *SEC. 101. None of the funds made available in this*
22 *title shall be expended for payments under a cost-plus-a-*
23 *fixed-fee contract for construction, where cost estimates ex-*
24 *ceed \$25,000, to be performed within the United States, ex-*

1 *cept Alaska, without the specific approval in writing of the*
2 *Secretary of Defense setting forth the reasons therefor.*

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

5 *SEC. 103. Funds made available in this title may be*
6 *used for advances to the Federal Highway Administration,*
7 *Department of Transportation, for the construction of ac-*
8 *cess roads as authorized by section 210 of title 23, United*
9 *States Code, when projects authorized therein are certified*
10 *as important to the national defense by the Secretary of*
11 *Defense.*

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

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

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

6 *SEC. 107. None of the funds made available in this*
7 *title for minor construction may be used to transfer or relo-*
8 *cate any activity from one base or installation to another,*
9 *without prior notification to the Committees on Appropria-*
10 *tions of both Houses of Congress.*

11 *SEC. 108. None of the funds made available in this*
12 *title may be used for the procurement of steel for any con-*
13 *struction project or activity for which American steel pro-*
14 *ducers, fabricators, and manufacturers have been denied the*
15 *opportunity to compete for such steel procurement.*

16 *SEC. 109. None of the funds made available in this*
17 *title may be used to pay real property taxes in any foreign*
18 *nation.*

19 *SEC. 110. None of the funds made available in this*
20 *title may be used to initiate a new installation overseas*
21 *without prior notification to the Committees on Appropria-*
22 *tions of both Houses of Congress.*

23 *SEC. 111. None of the funds made available in this*
24 *title may be obligated for architect and engineer contracts*
25 *estimated by the Government to exceed \$500,000 for projects*

1 *to be accomplished in Japan, in any North Atlantic Treaty*
2 *Organization member country, or in countries bordering the*
3 *Arabian Sea, unless such contracts are awarded to United*
4 *States firms or United States firms in joint venture with*
5 *host nation firms.*

6 *SEC. 112. None of the funds made available in this*
7 *title for military construction in the United States terri-*
8 *ories and possessions in the Pacific and on Kwajalein*
9 *Atoll, or in countries bordering the Arabian Sea, may be*
10 *used to award any contract estimated by the Government*
11 *to exceed \$1,000,000 to a foreign contractor: Provided, That*
12 *this section shall not be applicable to contract awards for*
13 *which the lowest responsive and responsible bid of a United*
14 *States contractor exceeds the lowest responsive and respon-*
15 *sible bid of a foreign contractor by greater than 20 percent:*
16 *Provided further, That this section shall not apply to con-*
17 *tract awards for military construction on Kwajalein Atoll*
18 *for which the lowest responsive and responsible bid is sub-*
19 *mitted by a Marshallese contractor.*

20 *SEC. 113. The Secretary of Defense shall inform the*
21 *appropriate committees of both Houses of Congress, includ-*
22 *ing the Committees on Appropriations, of the plans and*
23 *scope of any proposed military exercise involving United*
24 *States personnel 30 days prior to its occurring, if amounts*

1 *expended for construction, either temporary or permanent,*
2 *are anticipated to exceed \$100,000.*

3 *SEC. 114. Not more than 20 percent of the funds made*
4 *available in this title which are limited for obligation dur-*
5 *ing the current fiscal year shall be obligated during the last*
6 *two months of the fiscal year.*

7 *(TRANSFER OF FUNDS)*

8 *SEC. 115. Funds appropriated to the Department of*
9 *Defense for construction in prior years shall be available*
10 *for construction authorized for each such military depart-*
11 *ment by the authorizations enacted into law during the cur-*
12 *rent session of Congress.*

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

19 *SEC. 117. Notwithstanding any other provision of law,*
20 *any funds made available to a military department or de-*
21 *fense agency for the construction of military projects may*
22 *be obligated for a military construction project or contract,*
23 *or for any portion of such a project or contract, at any*
24 *time before the end of the fourth fiscal year after the fiscal*
25 *year for which funds for such project were made available*
26 *if the funds obligated for such project: (1) are obligated from*

(TRANSFER OF FUNDS)

1
2 *SEC. 120. Subject to 30 days prior notification to the*
3 *Committees on Appropriations of both Houses of Congress,*
4 *such additional amounts as may be determined by the Sec-*
5 *retary of Defense may be transferred to: (1) the Department*
6 *of Defense Family Housing Improvement Fund from*
7 *amounts appropriated for construction in “Family Hous-*
8 *ing” accounts, to be merged with and to be available for*
9 *the same purposes and for the same period of time as*
10 *amounts appropriated directly to the Fund; or (2) the De-*
11 *partment of Defense Military Unaccompanied Housing Im-*
12 *provement Fund from amounts appropriated for construc-*
13 *tion of military unaccompanied housing in “Military Con-*
14 *struction” accounts, to be merged with and to be available*
15 *for the same purposes and for the same period of time as*
16 *amounts appropriated directly to the Fund: Provided, That*
17 *appropriations made available to the Funds shall be avail-*
18 *able to cover the costs, as defined in section 502(5) of the*
19 *Congressional Budget Act of 1974, of direct loans or loan*
20 *guarantees issued by the Department of Defense pursuant*
21 *to the provisions of subchapter IV of chapter 169, title 10,*
22 *United States Code, pertaining to alternative means of ac-*
23 *quiring and improving military family housing, military*
24 *unaccompanied housing, and supporting facilities.*

1 *SEC. 121. None of the funds made available in this*
2 *title may be obligated for Partnership for Peace Programs*
3 *in the New Independent States of the former Soviet Union.*

4 *SEC. 122. (a) Not later than 60 days before issuing*
5 *any solicitation for a contract with the private sector for*
6 *military family housing the Secretary of the military de-*
7 *partment concerned shall submit to the Committees on Ap-*
8 *propriations of both Houses of Congress the notice described*
9 *in subsection (b).*

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

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

17 *(B) a reduction in force of units stationed at*
18 *such installation; or*

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

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

(TRANSFER OF FUNDS)

1
2 *SEC. 123. In addition to any other transfer authority*
3 *available to the Department of Defense, amounts may be*
4 *transferred from the account established by section*
5 *2906(a)(1) of the Defense Base Closure and Realignment*
6 *Act of 1990 (10 U.S.C. 2687 note), to the fund established*
7 *by section 1013(d) of the Demonstration Cities and Metro-*
8 *politan Development Act of 1966 (42 U.S.C. section 3374)*
9 *to pay for expenses associated with the Homeowners Assist-*
10 *ance Program. Any amounts transferred shall be merged*
11 *with and be available for the same purposes and for the*
12 *same time period as the fund to which transferred.*

13 *SEC. 124. Notwithstanding this or any other provision*
14 *of law, funds made available in this title for operation and*
15 *maintenance of family housing shall be the exclusive source*
16 *of funds for repair and maintenance of all family housing*
17 *units, including general or flag officer quarters: Provided,*
18 *That not more than \$35,000 per unit may be spent annu-*
19 *ally for the maintenance and repair of any general or flag*
20 *officer quarters without 30 days prior notification to the*
21 *Committees on Appropriations of both Houses of Congress,*
22 *except that an after-the-fact notification shall be submitted*
23 *if the limitation is exceeded solely due to costs associated*
24 *with environmental remediation that could not be reason-*
25 *ably anticipated at the time of the budget submission: Pro-*

1 *vided further, That the Under Secretary of Defense (Comp-*
2 *troller) is to report annually to the Committees on Appro-*
3 *priations of both Houses of Congress all operation and*
4 *maintenance expenditures for each individual general or*
5 *flag officer quarters for the prior fiscal year.*

6 *SEC. 125. None of the funds made available in this*
7 *title may be transferred to any department, agency, or in-*
8 *strumentality of the United States Government, except pur-*
9 *suant to a transfer made by, or transfer authority provided*
10 *in this Act, or any other appropriations Act.*

11 *SEC. 126. None of the funds made available in this*
12 *title under the heading “North Atlantic Treaty Organiza-*
13 *tion Security Investment Program”, and no funds appro-*
14 *priated for any fiscal year before fiscal year 2006 for that*
15 *program that remain available for obligation, may be obli-*
16 *gated or expended for the conduct of studies of missile de-*
17 *fense.*

18 *SEC. 127. Amounts contained in the Ford Island Im-*
19 *provement Account established by subsection (h) of section*
20 *2814 of title 10, United States Code, are appropriated and*
21 *shall be available until expended for the purposes specified*
22 *in subsection (i)(1) of such section or until transferred pur-*
23 *suant to subsection (i)(3) of such section.*

24 *SEC. 128. None of the funds made available in this*
25 *title, or in any Act making appropriations for military*

1 *construction which remain available for obligation, may be*
2 *obligated or expended to carry out a military construction,*
3 *land acquisition, or family housing project at or for a mili-*
4 *tary installation approved for closure, or at a military in-*
5 *stallation for the purposes of supporting a function that has*
6 *been approved for realignment to another installation, in*
7 *2005 under the Defense Base Closure and Realignment Act*
8 *of 1990 (part A of title XXIX of Public Law 101–510; 10*
9 *U.S.C. section 2687 note), unless the Secretary of Defense*
10 *certifies that the cost to the United States of carrying out*
11 *such project would be less than the cost to the United States*
12 *of cancelling such project, or in the case of projects having*
13 *multi-agency use, that another Government agency has in-*
14 *dicated it will assume ownership of the completed project,*
15 *and the Secretary of Defense may not transfer funds made*
16 *available for such a military construction project, land ac-*
17 *quisition, or family housing project to another account or*
18 *use such funds for another purpose or project without the*
19 *prior approval of the Committees on Appropriations of both*
20 *Houses of Congress.*

21 *SEC. 129. Unless stated otherwise, all reports and noti-*
22 *fications required by this title shall be submitted to the Sub-*
23 *committee on Military Quality of Life and Veterans Affairs,*
24 *and Related Agencies of the Committee on Appropriations*
25 *of the House of Representatives and the Subcommittee on*

1 *Military Construction and Veterans Affairs, and Related*
2 *Agencies of the Committee on Appropriations of the Senate.*

3 *SEC. 130. Of the amount appropriated by this title*
4 *under the heading “MILITARY CONSTRUCTION, AIR NA-*
5 *TIONAL GUARD” and available for planning and design,*
6 *\$1,440,000 shall be available for planning and design for*
7 *a replacement C-130 maintenance hangar at Air National*
8 *Guard New Castle County Airport, Delaware.*

9 *SEC. 131. (a) Of the amount appropriated by this title*
10 *under the heading “MILITARY CONSTRUCTION, ARMY”,*
11 *\$4,550,000 shall be made available for the construction of*
12 *a military police complex at Fort Gordon, Georgia.*

13 *(b) The amount appropriated by this title under the*
14 *heading “MILITARY CONSTRUCTION, ARMY” and available*
15 *for Fort Gillem, Georgia, is hereby decreased by \$4,550,000.*

16 *SEC. 132. (a) The amount appropriated by this title*
17 *under the heading “DEPARTMENT OF DEFENSE BASE CLO-*
18 *SURE ACCOUNT 1990” is hereby increased by \$25,000,000.*

19 *(b) The amount appropriated by this title under the*
20 *heading “DEPARTMENT OF DEFENSE BASE CLOSURE AC-*
21 *COUNT 2005” is hereby decreased by \$25,000,000.*

1 *TITLE II—DEPARTMENT OF VETERANS AFFAIRS*2 *VETERANS BENEFITS ADMINISTRATION*3 *COMPENSATION AND PENSIONS*4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For the payment of compensation benefits to or on be-*
6 *half of veterans and a pilot program for disability examina-*
7 *tions as authorized by law (38 U.S.C. 107, chapters 11, 13,*
8 *18, 51, 53, 55, and 61); pension benefits to or on behalf*
9 *of veterans as authorized by law (38 U.S.C. chapters 15,*
10 *51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the*
11 *Reinstated Entitlement Program for Survivors, emergency*
12 *and other officers' retirement pay, adjusted-service credits*
13 *and certificates, payment of premiums due on commercial*
14 *life insurance policies guaranteed under the provisions of*
15 *article IV of the Soldiers' and Sailors' Civil Relief Act of*
16 *1940 (50 U.S.C. App. 540 et seq.) and for other benefits*
17 *as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106,*
18 *chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548;*
19 *43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198),*
20 *\$33,412,879,000, to remain available until expended: Pro-*
21 *vided, That not to exceed \$23,491,000 of the amount appro-*
22 *priated under this heading shall be reimbursed to "General*
23 *operating expenses" and "Medical administration" for nec-*
24 *essary expenses in implementing those provisions author-*
25 *ized in the Omnibus Budget Reconciliation Act of 1990, and*
26 *in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters*

1 51, 53, and 55), the funding source for which is specifically
2 provided as the “Compensation and pensions” appropria-
3 tion: Provided further, That such sums as may be earned
4 on an actual qualifying patient basis, shall be reimbursed
5 to “Medical care collections fund” to augment the funding
6 of individual medical facilities for nursing home care pro-
7 vided to pensioners as authorized.

8 *READJUSTMENT BENEFITS*

9 *For the payment of readjustment and rehabilitation*
10 *benefits to or on behalf of veterans as authorized by law*
11 *(38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55,*
12 *and 61), \$3,214,246,000, to remain available until ex-*
13 *pended: Provided, That expenses for rehabilitation program*
14 *services and assistance which the Secretary is authorized*
15 *to provide under section 3104(a) of title 38, United States*
16 *Code, other than under subsection (a)(1), (2), (5), and (11)*
17 *of that section, shall be charged to this account.*

18 *VETERANS INSURANCE AND INDEMNITIES*

19 *For military and naval insurance, national service life*
20 *insurance, servicemen’s indemnities, service-disabled vet-*
21 *erans insurance, and veterans mortgage life insurance as*
22 *authorized by title 38, United States Code, chapter 19; 70*
23 *Stat. 887; 72 Stat. 487, \$45,907,000, to remain available*
24 *until expended.*

1 VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM
2 ACCOUNT
3 (INCLUDING TRANSFER OF FUNDS)

4 *For the cost of direct and guaranteed loans, such sums*
5 *as may be necessary to carry out the program, as authorized*
6 *by title 38, United States Code, chapter 37: Provided, That*
7 *such costs, including the cost of modifying such loans, shall*
8 *be as defined in section 502 of the Congressional Budget*
9 *Act of 1974: Provided further, That during fiscal year 2006,*
10 *within the resources available, not to exceed \$500,000 in*
11 *gross obligations for direct loans are authorized for spe-*
12 *cially adapted housing loans.*

13 *For administrative expenses to carry out the direct*
14 *and guaranteed loan programs, \$153,575,000, which may*
15 *be transferred to and merged with the appropriation for*
16 *“General operating expenses”.*

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

19 *For the cost of direct loans, \$53,000, as authorized by*
20 *title 38, United States Code, chapter 31: Provided, That*
21 *such costs, including the cost of modifying such loans, shall*
22 *be as defined in section 502 of the Congressional Budget*
23 *Act of 1974: Provided further, That funds made available*
24 *under this heading are available to subsidize gross obliga-*
25 *tions for the principal amount of direct loans not to exceed*
26 *\$4,242,000.*

1 beneficiaries of the Department of Veterans Affairs and vet-
2 erans described in paragraphs (1) through (8) of section
3 1705(a) of title 38, United States Code, including care and
4 treatment in facilities not under the jurisdiction of the De-
5 partment of Veterans Affairs and including medical sup-
6 plies and equipment and salaries and expenses of healthcare
7 employees hired under title 38, United States Code, and aid
8 to State homes as authorized by section 1741 of title 38,
9 United States Code; \$23,308,011,000, plus reimbursements,
10 of which \$1,977,000,000 are designated as an emergency re-
11 quirement pursuant to section 402 of House Concurrent
12 Resolution 95 (109th Congress), the fiscal year 2006 budget
13 resolution: Provided further, That of the emergency funds
14 provided under this heading, the Department of Veterans
15 Affairs shall submit for approval by the Committees on Ap-
16 propriations of both Houses of Congress, a financial plan
17 outlining how the emergency funds will be obligated: Pro-
18 vided further, That the Department of Veterans Affairs shall
19 include these emergency funds in their base request for the
20 fiscal year 2007 budget submission: Provided further, That
21 of the funds made available under this heading, not to ex-
22 ceed \$1,500,000,000 shall be available until September 30,
23 2007: Provided further, That notwithstanding any other
24 provision of law, the Secretary of Veterans Affairs shall es-
25 tablish a priority for treatment for veterans who are service-

1 *connected disabled, lower income, or have special needs:*
2 *Provided further, That notwithstanding any other provision*
3 *of law, the Secretary of Veterans Affairs shall give priority*
4 *funding for the provision of basic medical benefits to vet-*
5 *erans in enrollment priority groups 1 through 6: Provided*
6 *further, That notwithstanding any other provision of law,*
7 *the Secretary of Veterans Affairs may authorize the dis-*
8 *persing of prescription drugs from Veterans Health Admin-*
9 *istration facilities to enrolled veterans with privately writ-*
10 *ten prescriptions based on requirements established by the*
11 *Secretary: Provided further, That the implementation of the*
12 *program described in the previous proviso shall incur no*
13 *additional cost to the Department of Veterans Affairs: Pro-*
14 *vided further, That for the Department of Defense/Veterans*
15 *Affairs Health Care Sharing Incentive Fund, as authorized*
16 *by section 721 of Public Law 107–314, a minimum of*
17 *\$15,000,000, to remain available until expended, for any*
18 *purpose authorized by title 38, United States Code, section*
19 *8111.*

20 *MEDICAL ADMINISTRATION*

21 *For necessary expenses in the administration of the*
22 *medical, hospital, nursing home, domiciliary, construction,*
23 *supply, and research activities, as authorized by law; ad-*
24 *ministrative expenses in support of capital policy activities;*
25 *uniforms or allowances therefore, as authorized by sections*
26 *5901–5902 of title 5, United States Code; and administra-*

1 *tive and legal expenses of the Department of Veterans Af-*
2 *fairs for collecting and recovering amounts owed the depart-*
3 *ment as authorized under chapter 17 of title 38, United*
4 *States Code, and the Federal Medical Care Recovery Act*
5 *(42 U.S.C. 2651 et seq.); \$2,858,442,000, plus reimburse-*
6 *ments, of which \$250,000,000 shall be available until Sep-*
7 *tember 30, 2007.*

8 *INFORMATION TECHNOLOGY*

9 *For necessary expenses, \$1,456,821,000 shall be avail-*
10 *able for the Department of Veterans Affairs Information*
11 *Technology program: Provided, That within 90 days of en-*
12 *actment of this Act, the Secretary of Veterans Affairs shall*
13 *establish an office for Information Technology (IT) with the*
14 *authority and responsibility for all IT projects: Provided*
15 *further, That this office shall report directly to the Deputy*
16 *Secretary of Veterans Affairs: Provided further, That this*
17 *new organizational structure shall be subject to approval*
18 *of the Committees on Appropriations in both Houses of*
19 *Congress: Provided further, That within this amount, no*
20 *more than \$100,000,000 from all sources shall be available*
21 *for the HealthVet project for fiscal year 2006: Provided fur-*
22 *ther, That none of the funds made available for the*
23 *HealthVet project may be obligated until such time that*
24 *the Department of Veterans Affairs creates a single position*
25 *with the responsibility for and the authority to manage the*
26 *entire project, including budgetary authority: Provided fur-*

1 *ther, That none of the funds made available for the*
2 *HealthVet project may be obligated until the Committees*
3 *on Appropriations in both Houses of Congress approve a*
4 *financial expenditure plan for the entire project.*

5 *MEDICAL FACILITIES*

6 *For necessary expenses for the maintenance and oper-*
7 *ation of hospitals, nursing homes, and domiciliary facilities*
8 *and other necessary facilities for the Veterans Health Ad-*
9 *ministration; for administrative expenses in support of*
10 *planning, design, project management, real property acqui-*
11 *sition and disposition, construction and renovation of any*
12 *facility under the jurisdiction or for the use of the Depart-*
13 *ment of Veterans Affairs; for oversight, engineering and ar-*
14 *chitectural activities not charged to project costs; for repair-*
15 *ing, altering, improving or providing facilities in the sev-*
16 *eral hospitals and homes under the jurisdiction of the De-*
17 *partment of Veterans Affairs, not otherwise provided for,*
18 *either by contract or by the hire of temporary employees*
19 *and purchase of materials; for leases of facilities; and for*
20 *laundry and food services, \$3,297,669,000, plus reimburse-*
21 *ments, of which \$250,000,000 shall be available until Sep-*
22 *tember 30, 2007.*

23 *MEDICAL AND PROSTHETIC RESEARCH*

24 *For necessary expenses in carrying out programs of*
25 *medical and prosthetic research and development as author-*
26 *ized by chapter 73 of title 38, United States Code to remain*

1 *available until September 30, 2007, \$412,000,000, plus re-*
2 *imbursements, of which, not less than \$15,000,000 shall be*
3 *used for Gulf War Illness research.*

4 *DEPARTMENTAL ADMINISTRATION*

5 *GENERAL OPERATING EXPENSES*

6 *For necessary operating expenses of the Department of*
7 *Veterans Affairs, not otherwise provided for, including ad-*
8 *ministrative expenses in support of department-wide cap-*
9 *ital planning, management and policy activities, uniforms*
10 *or allowances therefore; not to exceed \$25,000 for official*
11 *reception and representation expenses; hire of passenger*
12 *motor vehicles; and reimbursement of the General Services*
13 *Administration for security guard services, and the Depart-*
14 *ment of Defense for the cost of overseas employee mail,*
15 *\$1,418,827,000: Provided, The Veterans Affairs shall con-*
16 *duct an information campaign in States with an average*
17 *annual disability compensation payment of less than*
18 *\$7,300 (according to the report issued by the Department*
19 *of Veterans Affairs Office of Inspector General on May 19,*
20 *2005), to inform all veterans receiving disability compensa-*
21 *tion, by direct mail, of the history of below average dis-*
22 *ability compensation payments to veterans in such States,*
23 *and to provide all veterans in each such State, through*
24 *broadcast or print advertising, with the aforementioned his-*
25 *torical information and instructions for submitting new*

1 *claims and requesting review of past disability claims and*
2 *ratings: Provided further, That expenses for services and as-*
3 *sistance authorized under title 38, United States Code, sec-*
4 *tions 3104(a)(1), (2), (5), and (11) that the Secretary of*
5 *Veterans Affairs determines are necessary to enable entitled*
6 *veterans: (1) to the maximum extent feasible, to become em-*
7 *ployable and to obtain and maintain suitable employment;*
8 *or (2) to achieve maximum independence in daily living,*
9 *shall be charged to this account: Provided further, That the*
10 *Veterans Benefits Administration shall be funded at not less*
11 *than \$1,093,937,500: Provided further, That of the funds*
12 *made available under this heading, not to exceed*
13 *\$71,000,000 shall be available for obligation until Sep-*
14 *tember 30, 2007.*

15 *NATIONAL CEMETERY ADMINISTRATION*

16 *For necessary expenses of the National Cemetery Ad-*
17 *ministration for operations and maintenance, not otherwise*
18 *provided for, including uniforms or allowances therefore;*
19 *cemeterial expenses as authorized by law; purchase of one*
20 *passenger motor vehicle for use in cemeterial operations;*
21 *and hire of passenger motor vehicles, \$156,447,000: Pro-*
22 *vided, That of the funds made available under this heading,*
23 *not to exceed \$7,800,000 shall be available until September*
24 *30, 2007.*

1 *advance planning activities, including needs assessments*
2 *which may or may not lead to capital investments, and*
3 *other capital asset management related activities, such as*
4 *portfolio development and management activities, and in-*
5 *vestment strategy studies funded through the advance plan-*
6 *ning fund and the planning and design activities funded*
7 *through the design fund and CARES funds, including needs*
8 *assessments which may or may not lead to capital invest-*
9 *ments, none of the funds appropriated under this heading*
10 *shall be used for any project which has not been approved*
11 *by the Congress in the budgetary process: Provided further,*
12 *That funds provided in this appropriation for fiscal year*
13 *2006, for each approved project (except those for CARES*
14 *activities referenced above) shall be obligated: (1) by the*
15 *awarding of a construction documents contract by Sep-*
16 *tember 30, 2006; and (2) by the awarding of a construction*
17 *contract by September 30, 2007: Provided further, That the*
18 *Secretary of Veterans Affairs shall promptly report in writ-*
19 *ing to the Committees on Appropriations of both Houses*
20 *of Congress any approved major construction project in*
21 *which obligations are not incurred within the time limita-*
22 *tions established above: Provided further, That none of the*
23 *funds in this or any other Act may be used to modify or*
24 *alter the mission, services or infrastructure of the 18 facili-*
25 *ties on the Capital Asset Realignment for Enhanced Serv-*

1 *ices (CARES) list requiring further study as specified by*
2 *the Secretary of Veterans Affairs.*

3 *CONSTRUCTION, MINOR PROJECTS*

4 *For constructing, altering, extending, and improving*
5 *any of the facilities including parking projects under the*
6 *jurisdiction or for the use of the Department of Veterans*
7 *Affairs, including planning and assessments of needs which*
8 *may lead to capital investments, architectural and engi-*
9 *neering services, maintenance or guarantee period services*
10 *costs associated with equipment guarantees provided under*
11 *the project, services of claims analysts, offsite utility and*
12 *storm drainage system construction costs, and site acquisi-*
13 *tion, or for any of the purposes set forth in sections 316,*
14 *2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and*
15 *8162 of title 38, United States Code, where the estimated*
16 *cost of a project is equal to or less than the amount set*
17 *forth in title 38, United States Code, section 8104(a)(3)(A),*
18 *\$208,937,000, to remain available until expended, along*
19 *with unobligated balances of previous “Construction, minor*
20 *projects” appropriations, of which \$160,000,000 shall be for*
21 *Capital Asset Realignment for Enhanced Services (CARES)*
22 *activities: Provided, That from amounts appropriated*
23 *under this heading, additional amounts may be used for*
24 *CARES activities upon notification of and approval by the*
25 *Committees on Appropriations of both Houses of Congress:*
26 *Provided further, That funds in this account shall be avail-*

1 *able for: (1) repairs to any of the nonmedical facilities*
2 *under the jurisdiction or for the use of the Department of*
3 *Veterans Affairs which are necessary because of loss or dam-*
4 *age 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; and for furnishing*
13 *care to veterans as authorized by title 38, United States*
14 *Code, sections 8131–8137, \$104,322,000, to remain avail-*
15 *able until expended.*

16 *GRANTS FOR THE 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 *title 38, United States Code, section 2408, \$32,000,000, to*
21 *remain available until expended.*

22 *GENERAL PROVISIONS*

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *SEC. 201. Any appropriation for the Veterans Benefits*
25 *Administration for fiscal year 2006 for “Compensation and*
26 *pensions”, “Readjustment benefits”, and “Veterans insur-*

1 *ance and indemnities” may be transferred as necessary to*
2 *any other of the mentioned appropriations: Provided, That*
3 *before a transfer may take place, the Secretary of Veterans*
4 *Affairs shall request from the Committees on Appropria-*
5 *tions of both Houses of Congress the authority to make the*
6 *transfer and an approval is issued, or absent a response,*
7 *a period of 30 days has elapsed.*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *SEC. 202. Amounts made available for the Veterans*
10 *Health Administration for fiscal year 2006 under the “Med-*
11 *ical services”, “Medical administration”, “Information*
12 *technology”, and “Medical facilities” accounts may be*
13 *transferred between the mentioned accounts: Provided, That*
14 *before a transfer may take place, the Secretary of Veterans*
15 *Affairs shall request from the Committees on Appropria-*
16 *tions of both Houses of Congress the authority to make the*
17 *transfer and an approval is issued, or absent a response,*
18 *a period of 30 days has elapsed: Provided further, That no*
19 *transfer may be made out of the “Medical and Prosthetic*
20 *Research” account.*

21 *SEC. 203. The Secretary of Veterans Affairs shall sub-*
22 *mit to the Committees on Appropriations in both Houses*
23 *of Congress a quarterly report on the financial status of*
24 *the Veterans Health Administration. This report shall con-*
25 *tain, at a minimum, both planned and actual expenditure*

1 rates, unobligated balances, and any potential financial
2 shortfalls.

3 *SEC. 204. No project for which funds have been appro-*
4 *priated in the “Construction, major projects” account may*
5 *be canceled or altered in scope by more than 10 percent*
6 *in cost without submitting a request to the Committees on*
7 *Appropriations of both Houses of Congress and an approval*
8 *is issued, or absent a response, a period of 30 days has*
9 *elapsed.*

10 *SEC. 205. No appropriations in this Act for the De-*
11 *partment of Veterans Affairs shall be available for hos-*
12 *pitalization or examination of any persons (except bene-*
13 *ficiaries entitled under the laws bestowing such benefits to*
14 *veterans, and persons receiving such treatment under 5*
15 *U.S.C., sections 7901–7904 or 42 U.S.C., sections 5141–*
16 *5204), unless reimbursement of cost is made to the “Medical*
17 *services” account at such rates as may be fixed by the Sec-*
18 *retary of Veterans Affairs.*

19 *SEC. 206. Appropriations available to the Department*
20 *of Veterans Affairs for fiscal year 2006 for “Compensation*
21 *and pensions”, “Readjustment benefits”, and “Veterans in-*
22 *surance and indemnities” shall be available for payment*
23 *of prior year accrued obligations required to be recorded*
24 *by law against the corresponding prior year accounts with-*
25 *in the last quarter of fiscal year 2005.*

1 *SEC. 207. Appropriations accounts available to the De-*
2 *partment of Veterans Affairs for fiscal year 2006 shall be*
3 *available to pay prior year obligations of corresponding*
4 *prior year appropriations accounts resulting from title X*
5 *of the Competitive Equality Banking Act, Public Law 100-*
6 *86, except that if such obligations are from trust fund ac-*
7 *counts they shall be payable from “Compensation and pen-*
8 *sions”.*

9 *SEC. 208. Notwithstanding any other provision of law,*
10 *during fiscal year 2006, the Secretary of Veterans Affairs*
11 *shall, from the National Service Life Insurance Fund (38*
12 *U.S.C. 1920), the Veterans’ Special Life Insurance Fund*
13 *(38 U.S.C. 1923), and the United States Government Life*
14 *Insurance Fund (38 U.S.C. 1955), reimburse the “General*
15 *operating expenses” account for the cost of administration*
16 *of the insurance programs financed through those accounts:*
17 *Provided, That reimbursement shall be made only from the*
18 *surplus earnings accumulated in an insurance program in*
19 *fiscal year 2006 that are available for dividends in that*
20 *program after claims have been paid and actuarially deter-*
21 *mined reserves have been set aside: Provided further, That*
22 *if the cost of administration of an insurance program ex-*
23 *ceeds the amount of surplus earnings accumulated in that*
24 *program, reimbursement shall be made only to the extent*
25 *of such surplus earnings: Provided further, That the Sec-*

1 *retary of Veterans Affairs shall determine the cost of admin-*
2 *istration for fiscal year 2006 which is properly allocable*
3 *to the provision of each insurance program and to the pro-*
4 *vision of any total disability income insurance included in*
5 *such insurance program.*

6 *SEC. 209. Notwithstanding any other provision of law*
7 *and hereafter, the Department of Veterans Affairs shall con-*
8 *tinue the Franchise Fund established by title I of Public*
9 *Law 104-204.*

10 *SEC. 210. Amounts deducted from enhanced-use lease*
11 *proceeds to reimburse an account for expenses incurred by*
12 *that account during a prior fiscal year for providing en-*
13 *hanced-use lease services, may be obligated during the fiscal*
14 *year in which the proceeds are received.*

15 *SEC. 211. Funds available in any Department of Vet-*
16 *erans Affairs appropriation for fiscal year 2006 or funds*
17 *for salaries and other administrative expenses shall also be*
18 *available to reimburse the Office of Resolution Management*
19 *and the Office of Employment Discrimination Complaint*
20 *Adjudication for all services provided at rates which will*
21 *recover actual costs but not exceed \$29,758,000 for the Office*
22 *of Resolution Management and \$3,059,000 for the Office of*
23 *Employment and Discrimination Complaint Adjudication:*
24 *Provided, That payments may be made in advance for serv-*
25 *ices to be furnished based on estimated costs: Provided fur-*

1 *ther, That amounts received shall be credited to “General*
2 *operating expenses” for use by the office that provided the*
3 *service.*

4 *SEC. 212. No appropriations in this Act for the De-*
5 *partment of Veterans Affairs shall be available to enter into*
6 *any new lease of real property if the estimated annual rent-*
7 *al is more than \$300,000 unless the Secretary of Veterans*
8 *Affairs submits a report which the Committees on Appro-*
9 *priations in both Houses of Congress approve within 30*
10 *days following the date on which the report is received.*

11 *SEC. 213. No funds of the Department of Veterans Af-*
12 *fairs shall be available for hospital care, nursing home care,*
13 *or medical services provided to any person under chapter*
14 *17 of title 38, United States Code, for a non-service-con-*
15 *nected disability described in section 1729(a)(2) of such*
16 *title, unless that person has disclosed to the Secretary of*
17 *Veterans Affairs, in such form as the Secretary may require,*
18 *current, accurate third-party reimbursement information*
19 *for purposes of section 1729 of such title: Provided, That*
20 *the Secretary may recover, in the same manner as any other*
21 *debt due the United States, the reasonable charges for such*
22 *care or services from any person who does not make such*
23 *disclosure as required: Provided further, That any amounts*
24 *so recovered for care or services provided in a prior fiscal*

1 year may be obligated by the Secretary during the fiscal
2 year in which amounts are received.

3 *SEC. 214. Amounts made available under the “Medical*
4 *services” account are available—*

5 *(1) for furnishing recreational facilities, sup-*
6 *plies, and equipment; and*

7 *(2) for funeral expenses, burial expenses, and*
8 *other expenses incidental to funerals and burials for*
9 *beneficiaries receiving care in the department.*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *SEC. 215. Any appropriation for fiscal year 2006 for*
12 *the Veterans Benefits Administration made available under*
13 *the heading “General operating expenses” may be trans-*
14 *ferred to the “Veterans Housing Benefit Program Fund*
15 *Program Account” for the purpose of providing funds for*
16 *the nationwide property management contract if the ad-*
17 *ministrative costs of such contract exceed \$8,800,000 in the*
18 *fiscal year.*

19 *SEC. 216. Notwithstanding any other provision of law,*
20 *the Secretary of Veterans Affairs shall allow veterans eligi-*
21 *ble under existing Department of Veterans Affairs Medical*
22 *Care requirements and who reside in Alaska to obtain med-*
23 *ical care services from medical facilities supported by the*
24 *Indian Health Services or tribal organizations. The Sec-*
25 *retary shall: (1) limit the application of this provision to*
26 *rural Alaskan veterans in areas where an existing Depart-*

1 *ment of Veterans Affairs facility or Veterans Affairs-con-*
2 *tracted service is unavailable; (2) require participating vet-*
3 *erans and facilities to comply with all appropriate rules*
4 *and regulations, as established by the Secretary; (3) require*
5 *this provision to be consistent with Capital Asset Realign-*
6 *ment for Enhanced Services Activities; and (4) result in*
7 *no additional cost to the Department of Veterans Affairs*
8 *or the Indian Health Service.*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *SEC. 217. Such sums as may be deposited to the De-*
11 *partment of Veterans Affairs Capital Asset Fund pursuant*
12 *to title 38, United States Code, section 8118 may be trans-*
13 *ferred to the “Construction, major projects” and “Construc-*
14 *tion, minor projects” accounts, to remain available until*
15 *expended for the purposes of these accounts.*

16 *SEC. 218. Notwithstanding any other provision of law,*
17 *at the discretion of the Secretary of Veterans Affairs, pro-*
18 *ceeds or revenues derived from enhanced-use leasing activi-*
19 *ties (including disposal) may be deposited into the “Con-*
20 *struction, major projects” and “Construction, minor*
21 *projects” accounts and be used for construction (including*
22 *site acquisition and disposition), alterations and improve-*
23 *ments of any medical facility under the jurisdiction or for*
24 *the use of the Department of Veterans Affairs. Such sums*
25 *as realized are in addition to the amount provided for in*

1 (1) *an estimate of the number of low-income,*
2 *very low-income, and extremely low-income veteran*
3 *households;*

4 (2) *a description of the demographic and socio-*
5 *economic characteristics and health and disability*
6 *status of such households;*

7 (3) *an estimate of the number of such households*
8 *experiencing a high cost burden in, overcrowding in,*
9 *or poor quality of housing, or experiencing homeless-*
10 *ness;*

11 (4) *an assessment of such households, including*
12 *their current barriers to safe, quality, and affordable*
13 *housing and levels of homelessness among such house-*
14 *holds;*

15 (5) *the extent to which Federal housing assist-*
16 *ance programs provide benefits, including supportive*
17 *services, to all veteran households and in particular*
18 *to low-income, very low-income, and extremely-low*
19 *income veteran households;*

20 (6) *the number of units designated for or occu-*
21 *pied by veterans and low-income, very low-income,*
22 *and extremely low-income veterans in Federally sub-*
23 *sidized or insured housing;*

24 (7) *a summary description of the manner in*
25 *which veteran compensation, veteran dependency and*

1 *indemnity compensation, and veteran pension are*
2 *considered as income or adjusted income for purposes*
3 *of determining—*

4 *(A) eligibility for Federal housing assist-*
5 *ance programs; and*

6 *(B) the amount of rent paid by a veteran*
7 *household for occupancy of a dwelling unit or*
8 *housing assisted under Federal housing assist-*
9 *ance programs;*

10 *(8) a summary description of the special consid-*
11 *erations made for veterans under—*

12 *(A) public housing plans submitted under*
13 *section 5A of the United States Housing Act of*
14 *1937 (42 U.S.C. 1437c-1); and*

15 *(B) comprehensive housing affordability*
16 *strategies submitted under section 105 of the*
17 *Cranston-Gonzalez National Affordable Housing*
18 *Act (42 U.S.C. 12705);*

19 *(9) the extent to which public housing authorities*
20 *have established preferences for veterans for public*
21 *housing and housing choice vouchers;*

22 *(10) the number of homeless veterans provided*
23 *assistance, cumulatively and currently, under the pro-*
24 *gram of housing choice vouchers for homeless veterans*
25 *under section 8(o)(19) of the United States Housing*

1 *Act of 1937 (42. U.S.C. 1437f(o)(19)), and the current*
2 *status of the program, including—*

3 *(A) the number of vouchers the Department*
4 *of Housing and Urban Development currently*
5 *allocates to the Department of Veterans Affairs;*

6 *(B) the monetary value of such vouchers;*
7 *and*

8 *(C) the names and locations of VA medical*
9 *centers receiving such vouchers; and*

10 *(11) a description of activities relating to vet-*
11 *erans of the Department of Housing and Urban De-*
12 *velopment.*

13 *(b) ACQUISITION OF SUPPORTING INFORMATION.—In*
14 *carrying out the study under this section, the Comptroller*
15 *General shall seek to obtain views from the following per-*
16 *sons:*

17 *(1) The Secretary of Housing and Urban Devel-*
18 *opment.*

19 *(2) The Secretary of Veterans Affairs.*

20 *(3) Low-income, very low-income, and extremely*
21 *low-income veterans.*

22 *(4) Representatives of State and local housing*
23 *assistance agencies.*

1 (5) *Representatives of nonprofit low-income*
2 *housing providers and homeless service providers, in-*
3 *cluding homeless veteran service providers.*

4 (6) *National advocacy organizations concerned*
5 *with veterans, homelessness, and low-income housing.*

6 (c) *TIMING OF REPORT.*—*Not later than 6 months*
7 *after the date of enactment of this Act, the Comptroller Gen-*
8 *eral shall submit to Congress a report on the study con-*
9 *ducted under this section.*

10 *SEC. 223. (a) Not later than 60 days after the date*
11 *of enactment of this Act, the Secretary of Veterans Affairs,*
12 *after consultation with the National Association of County*
13 *Veterans Service Officers, other veterans service organiza-*
14 *tions, and State departments of veterans affairs shall sub-*
15 *mit a report to the Committee on Appropriations of the*
16 *Senate that describes a plan (including estimated costs) to*
17 *provide an adequate supply of the 2006 edition of handbook*
18 *entitled, Federal Benefits for Veterans and Dependents, and*
19 *all subsequent editions, to all county veterans service offi-*
20 *cers in the United States.*

21 *SEC. 224. None of the funds made available in this*
22 *Act or any other Act may be used—*

23 (1) *to revoke or reduce a veteran's disability*
24 *compensation for post traumatic stress disorder based*
25 *on a finding that the Department of Veterans Affairs*

1 *failed to collect justifying documentation unless such*
2 *failure was the direct result of fraud by the applicant;*
3 *or*

4 *(2) for the implementation of Recommendation 3*
5 *of VA Inspector General Report No. 05–00765–137 or*
6 *any related review and investigation of post trau-*
7 *matic stress disorder unemployability and 100 sched-*
8 *uler percent ratings cases, until the Department of*
9 *Veterans’ Affairs reports to the Committee on Appro-*
10 *propriations on its plan for implementing this rec-*
11 *ommendation, and outlines the staffing and funding*
12 *requirements.*

13 *SEC. 225. CLINICAL TRAINING AND PROTOCOLS. (a)*
14 *FINDINGS.—Congress finds that—*

15 *(1) the Iraq War Clinician Guide has tremen-*
16 *dous value; and*

17 *(2) the Secretary of Defense and the National*
18 *Center on Post Traumatic Stress Disorder should con-*
19 *tinue to work together to ensure that the mental*
20 *health care needs of servicemembers and veterans are*
21 *met.*

22 *(b) COLLABORATION.—The National Center on Post*
23 *Traumatic Stress Disorder shall collaborate with the Sec-*
24 *retary of Defense—*

1 (1) *to enhance the clinical skills of military cli-*
2 *nicians through training, treatment protocols, web-*
3 *based interventions, and the development of evidence-*
4 *based interventions; and*

5 (2) *to promote pre-deployment resilience and*
6 *post-deployment readjustment among servicemembers*
7 *serving in Operation Iraqi Freedom and Operation*
8 *Enduring Freedom.*

9 (c) *TRAINING.—The National Center on Post Trau-*
10 *matic Stress Disorder shall work with the Secretary of De-*
11 *fense to ensure that clinicians in the Department of Defense*
12 *are provided with the training and protocols developed pur-*
13 *suant to subsection (b)(1).*

14 SEC. 226. (a) *The Secretary of Veterans Affairs shall*
15 *immediately submit to the Committees on Veterans' Affairs*
16 *and Appropriations of the Senate and the House of Rep-*
17 *resentatives a report on any Department of Veterans Affairs*
18 *budget shortfall totaling 2 percent or more of the Depart-*
19 *ment's total discretionary funding budget for a fiscal year.*

20 (b) *The Secretary of Veterans Affairs shall, not later*
21 *than 180 days after the date of the enactment of this Act,*
22 *submit to the Committees on Veterans' Affairs and Appro-*
23 *priations of the Senate and the House of Representatives*
24 *a comprehensive plan to improve long-term budget plan-*

1 *ning and actuarial forecasting at the Department of Vet-*
2 *erans Affairs.*

3 *SEC. 227. (a) In conducting advanced planning activi-*
4 *ties under this Act, the Secretary of Veterans Affairs shall*
5 *reevaluate Veterans Health Administration Handbook*
6 *1006.1 and other guidance and procedures related to plan-*
7 *ning, activating, staffing, and maintaining community-*
8 *based outpatient clinics.*

9 *(b) In conducting such planning, the Secretary shall—*

10 *(1) revise as appropriate existing policies to*
11 *make them less disadvantageous to rural veterans;*
12 *and*

13 *(2) reexamine criteria used in planning, acti-*
14 *vating, staffing, and maintaining such clinics, in-*
15 *cluding geographic access, number of Priority 1–6*
16 *veterans, market penetration, cost effectiveness, and*
17 *distance to parent facilities, to determine whether*
18 *such criteria are weighted in a manner that nega-*
19 *tively affects rural veterans.*

20 *TITLE III—RELATED AGENCIES*

21 *AMERICAN BATTLE MONUMENTS COMMISSION*

22 *SALARIES AND EXPENSES*

23 *For necessary expenses, not otherwise provided for, of*
24 *the American Battle Monuments Commission, including the*
25 *acquisition of land or interest in land in foreign countries;*

1 *purchases and repair of uniforms for caretakers of national*
2 *cemeteries and monuments outside of the United States and*
3 *its territories and possessions; rent of office and garage*
4 *space in foreign countries; purchase (one for replacement*
5 *only) and hire of passenger motor vehicles; not to exceed*
6 *\$7,500 for official reception and representation expenses;*
7 *and insurance of official motor vehicles in foreign countries,*
8 *when required by law of such countries, \$36,250,000, to re-*
9 *main available until expended.*

10 *FOREIGN CURRENCY FLUCTUATIONS*

11 *For necessary expenses, not otherwise provided for, of*
12 *the American Battle Monuments Commission, \$15,250,000,*
13 *to remain available until expended, for purposes authorized*
14 *by title 36, United States Code, section 2109.*

15 *UNITED STATES COURT OF APPEALS FOR*

16 *VETERANS CLAIMS*

17 *SALARIES AND EXPENSES*

18 *For necessary expenses for the operation of the United*
19 *States Court of Appeals for Veterans Claims as authorized*
20 *by title 38, United States Code, sections 7251–7298,*
21 *\$18,795,000, of which \$1,260,000 shall be available for the*
22 *purpose of providing financial assistance as described, and*
23 *in accordance with the process and reporting procedures set*
24 *forth, under this heading in Public Law 102–229.*

1 *DEPARTMENT OF DEFENSE—CIVIL*2 *CEMETERIAL EXPENSES, ARMY*3 *SALARIES AND EXPENSES*

4 *For necessary expenses, as authorized by law, for*
5 *maintenance, operation, and improvement of Arlington Na-*
6 *tional Cemetery and Soldiers' and Airmen's Home Na-*
7 *tional Cemetery, including the purchase of two passenger*
8 *motor vehicles for replacement only, and not to exceed*
9 *\$1,000 for official reception and representation expenses,*
10 *\$28,550,000, to remain available until expended. In addi-*
11 *tion, such sums as may be necessary for parking mainte-*
12 *nance, repairs and replacement, to be derived from the lease*
13 *of Department of Defense Real Property for Defense Agen-*
14 *cies account.*

15 *ARMED FORCES RETIREMENT HOME*16 *ARMED FORCES RETIREMENT HOME*

17 *For expenses necessary for the Armed Forces Retire-*
18 *ment Home to operate and maintain the Armed Forces Re-*
19 *tirement Home—Washington, District of Columbia and the*
20 *Armed Forces Retirement Home—Gulfport, Mississippi, to*
21 *be paid from funds available in the Armed Forces Retire-*
22 *ment Home Trust Fund, \$58,281,000, of which \$1,248,000*
23 *shall remain available until expended for construction and*
24 *renovation of the physical plants at the Armed Forces Re-*

1 *retirement Home—Washington, District of Columbia and the*
2 *Armed Forces Retirement Home—Gulfport, Mississippi.*

3 **GENERAL PROVISIONS**

4 *SEC. 301. Any limitation, directive, or earmarking*
5 *contained in either the House of Representatives or Senate*
6 *report accompanying H.R. 2528 shall also be included in*
7 *the conference report or joint statement accompanying H.R.*
8 *2528 in order to be considered as having been approved by*
9 *both Houses of Congress.*

10 *This Act may be cited as the “Military Construction*
11 *and Veterans Affairs, and Related Agencies Appropriations*
12 *Act, 2006”.*

Amend the title so as to read: “An Act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.”.

Passed the House of Representatives May 26, 2005.

Attest: **JEFF TRANDAHL,**
Clerk.

Passed the Senate September 22, 2005.

Attest: **EMILY J. REYNOLDS,**
Secretary.