

109TH CONGRESS
1ST SESSION

H. R. 2528

IN THE SENATE OF THE UNITED STATES

MAY 26, 2005

Received; read twice and referred to the Committee on Appropriations

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:

9 TITLE I

10 DEPARTMENT OF DEFENSE

11 MILITARY CONSTRUCTION, ARMY

12 For acquisition, construction, installation, and equip-
 13 ment of temporary or permanent public works, military
 14 installations, facilities, and real property for the Army as
 15 currently authorized by law, including personnel in the
 16 Army Corps of Engineers and other personal services nec-
 17 essary for the purposes of this appropriation, and for con-
 18 struction and operation of facilities in support of the func-
 19 tions of the Commander in Chief, \$1,602,552,000, to re-
 20 main available until September 30, 2010: *Provided*, That
 21 of this amount, not to exceed \$168,804,000 shall be avail-
 22 able for study, planning, design, architect and engineer
 23 services, and host nation support, as authorized by law,
 24 unless the Secretary of Defense determines that additional
 25 obligations are necessary for such purposes and notifies

1 the Committees on Appropriations of both Houses of Con-
2 gress of the determination and the reasons therefor.

3 In addition, \$50,000,000, to remain available until
4 September 30, 2007, for overhead cover systems to sup-
5 port force protection activities in Iraq: *Provided*, That not-
6 withstanding any other provision of law, such funds may
7 be obligated or expended to carry out planning and design
8 and military construction projects not otherwise author-
9 ized by law.

10 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

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

1 MILITARY CONSTRUCTION, AIR FORCE

2 For acquisition, construction, installation, and equip-
3 ment of temporary or permanent public works, military
4 installations, facilities, and real property for the Air Force
5 as currently authorized by law, \$1,171,338,000, to remain
6 available until September 30, 2010: *Provided*, That of this
7 amount, not to exceed \$91,733,000 shall be available for
8 study, planning, design, and architect and engineer serv-
9 ices, as authorized by law, unless the Secretary of Defense
10 determines that additional obligations are necessary for
11 such purposes and notifies the Committees on Appropria-
12 tions of both Houses of Congress of the determination and
13 the reasons therefor.

14 MILITARY CONSTRUCTION, DEFENSE-WIDE

15 (INCLUDING TRANSFER OF FUNDS)

16 For acquisition, construction, installation, and equip-
17 ment of temporary or permanent public works, installa-
18 tions, facilities, and real property for activities and agen-
19 cies of the Department of Defense (other than the military
20 departments), as currently authorized by law,
21 \$976,664,000, to remain available until September 30,
22 2010: *Provided*, That such amounts of this appropriation
23 as may be determined by the Secretary of Defense may
24 be transferred to such appropriations of the Department
25 of Defense available for military construction or family

1 housing as the Secretary may designate, to be merged with
2 and to be available for the same purposes, and for the
3 same time period, as the appropriation or fund to which
4 transferred: *Provided further*, That of the amount appro-
5 priated, not to exceed \$107,285,000 shall be available for
6 study, planning, design, and architect and engineer serv-
7 ices, as authorized by law, unless the Secretary of Defense
8 determines that additional obligations are necessary for
9 such purposes and notifies the Committees on Appropria-
10 tions of both Houses of Congress of the determination and
11 the reasons therefor.

12 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

13 For construction, acquisition, expansion, rehabilita-
14 tion, and conversion of facilities for the training and ad-
15 ministration of the Army National Guard, and contribu-
16 tions therefor, as authorized by chapter 1803 of title 10,
17 United States Code, and Military Construction Authoriza-
18 tion Acts, \$410,624,000, to remain available until Sep-
19 tember 30, 2010.

20 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

21 For construction, acquisition, expansion, rehabilita-
22 tion, and conversion of facilities for the training and ad-
23 ministration of the Air National Guard, and contributions
24 therefor, as authorized by chapter 1803 of title 10, United
25 States Code, and Military Construction Authorization

1 Acts, \$225,727,000, to remain available until September
2 30, 2010.

3 MILITARY CONSTRUCTION, ARMY RESERVE

4 For construction, acquisition, expansion, rehabilita-
5 tion, and conversion of facilities for the training and ad-
6 ministration of the Army Reserve as authorized by chapter
7 1803 of title 10, United States Code, and Military Con-
8 struction Authorization Acts, \$138,425,000, to remain
9 available until September 30, 2010.

10 MILITARY CONSTRUCTION, NAVAL RESERVE

11 For construction, acquisition, expansion, rehabilita-
12 tion, and conversion of facilities for the training and ad-
13 ministration of the reserve components of the Navy and
14 Marine Corps as authorized by chapter 1803 of title 10,
15 United States Code, and Military Construction Authoriza-
16 tion Acts, \$45,226,000, to remain available until Sep-
17 tember 30, 2010.

18 MILITARY CONSTRUCTION, AIR FORCE RESERVE

19 For construction, acquisition, expansion, rehabilita-
20 tion, and conversion of facilities for the training and ad-
21 ministration of the Air Force Reserve as authorized by
22 chapter 1803 of title 10, United States Code, and Military
23 Construction Authorization Acts, \$110,847,000, to remain
24 available until September 30, 2010.

1 NORTH ATLANTIC TREATY ORGANIZATION
2 SECURITY INVESTMENT PROGRAM

3 For the United States share of the cost of the North
4 Atlantic Treaty Organization Security Investment Pro-
5 gram for the acquisition and construction of military fa-
6 cilities and installations (including international military
7 headquarters) and for related expenses for the collective
8 defense of the North Atlantic Treaty Area as authorized
9 by section 2806 of title 10, United States Code, and Mili-
10 tary Construction Authorization Acts, \$206,858,000, to
11 remain available until expended.

12 FAMILY HOUSING CONSTRUCTION, ARMY

13 For expenses of family housing for the Army for con-
14 struction, including acquisition, replacement, addition, ex-
15 pansion, extension, and alteration, as authorized by law,
16 \$549,636,000, to remain available until September 30,
17 2010.

18 FAMILY HOUSING OPERATION AND MAINTENANCE,

19 ARMY

20 For expenses of family housing for the Army for op-
21 eration and maintenance, including debt payment, leasing,
22 minor construction, principal and interest charges, and in-
23 surance premiums, as authorized by law, \$803,993,000.

1 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
2 CORPS

3 For expenses of family housing for the Navy and Ma-
4 rine Corps for construction, including acquisition, replace-
5 ment, addition, expansion, extension, and alteration, as
6 authorized by law, \$218,942,000, to remain available until
7 September 30, 2010.

8 FAMILY HOUSING OPERATION AND MAINTENANCE,
9 NAVY AND MARINE CORPS

10 For expenses of family housing for the Navy and Ma-
11 rine Corps for operation and maintenance, including debt
12 payment, leasing, minor construction, principal and inter-
13 est charges, and insurance premiums, as authorized by
14 law, \$588,660,000.

15 FAMILY HOUSING CONSTRUCTION, AIR FORCE

16 For expenses of family housing for the Air Force for
17 construction, including acquisition, replacement, addition,
18 expansion, extension, and alteration, as authorized by law,
19 \$1,236,220,000, to remain available until September 30,
20 2010.

21 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
22 FORCE

23 For expenses of family housing for the Air Force for
24 operation and maintenance, including debt payment, leas-
25 ing, minor construction, principal and interest charges,

1 and insurance premiums, as authorized by law,
2 \$755,319,000.

3 FAMILY HOUSING OPERATION AND MAINTENANCE,
4 DEFENSE-WIDE

5 For expenses of family housing for the activities and
6 agencies of the Department of Defense (other than the
7 military departments) for operation and maintenance,
8 leasing, and minor construction, as authorized by law,
9 \$46,391,000.

10 DEPARTMENT OF DEFENSE FAMILY HOUSING
11 IMPROVEMENT FUND

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

18 BASE REALIGNMENT AND CLOSURE ACCOUNT 1990

19 For deposit into the Department of Defense Base
20 Closure Account 1990, established by section 2906(a)(1)
21 of the Defense Base Closure and Realignment Act of 1990
22 (10 U.S.C. 2687 note), \$377,827,000, to remain available
23 until expended.

1 BASE REALIGNMENT AND CLOSURE ACCOUNT 2005

2 For deposit into the Department of Defense Base Re-
3 alignment and Closure Account 2005, established by sec-
4 tion 2906A(a)(1) of the Defense Base Closure and Re-
5 alignment Act of 1990 (10 U.S.C. 2687 note),
6 \$1,570,466,000, to remain available until expended.

7 BASIC ALLOWANCE FOR HOUSING, ARMY

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

10 BASIC ALLOWANCE FOR HOUSING, NAVY

11 For basic allowance for housing, for members of the
12 Navy on active duty, \$3,592,905,000.

13 BASIC ALLOWANCE FOR HOUSING, MARINE CORPS

14 For basic allowance for housing, for members of the
15 Marine Corps on active duty, \$1,179,071,000.

16 BASIC ALLOWANCE FOR HOUSING, AIR FORCE

17 For basic allowance for housing, for members of the
18 Air Force on active duty, \$3,240,113,000.

19 BASIC ALLOWANCE FOR HOUSING, ARMY NATIONAL

20 GUARD

21 For basic allowance for housing, for members of the
22 Army National Guard on active duty, \$453,690,000.

1 BASIC ALLOWANCE FOR HOUSING, AIR NATIONAL
2 GUARD

3 For basic allowance for housing, for members of the
4 Air National Guard on active duty, \$248,317,000.

5 BASIC ALLOWANCE FOR HOUSING, ARMY RESERVE

6 For basic allowance for housing, for members of the
7 Army Reserve on active duty, \$310,566,000.

8 BASIC ALLOWANCE FOR HOUSING, NAVAL RESERVE

9 For basic allowance for housing, for members of the
10 Naval Reserve on active duty, \$191,338,000.

11 BASIC ALLOWANCE FOR HOUSING, MARINE CORPS
12 RESERVE

13 For basic allowance for housing, for members of the
14 Marine Corps Reserve on active duty, \$40,609,000.

15 BASIC ALLOWANCE FOR HOUSING, AIR FORCE RESERVE

16 For basic allowance for housing, for members of the
17 Air Force Reserve on active duty, \$71,286,000.

18 FACILITIES SUSTAINMENT, RESTORATION AND
19 MODERNIZATION, ARMY

20 For expenses for facilities sustainment, restoration
21 and modernization of the Army, \$1,850,518,000.

22 FACILITIES SUSTAINMENT, RESTORATION AND
23 MODERNIZATION, NAVY

24 For expenses for facilities sustainment, restoration
25 and modernization of the Navy, \$1,344,971,000.

1 FACILITIES SUSTAINMENT, RESTORATION AND
2 MODERNIZATION, MARINE CORPS

3 For expenses for facilities sustainment, restoration
4 and modernization of the Marine Corps, \$553,960,000.

5 FACILITIES SUSTAINMENT, RESTORATION AND
6 MODERNIZATION, AIR FORCE

7 For expenses for facilities sustainment, restoration
8 and modernization of the Air Force, \$1,845,701,000.

9 FACILITIES SUSTAINMENT, RESTORATION AND
10 MODERNIZATION, DEFENSE-WIDE

11 For expenses for facilities sustainment, restoration
12 and modernization of the Department of Defense,
13 \$115,400,000.

14 FACILITIES SUSTAINMENT, RESTORATION AND
15 MODERNIZATION, ARMY NATIONAL GUARD

16 For expenses for facilities sustainment, restoration
17 and modernization of the Army National Guard,
18 \$391,544,000.

19 FACILITIES SUSTAINMENT, RESTORATION AND
20 MODERNIZATION, AIR NATIONAL GUARD

21 For expenses for facilities sustainment, restoration
22 and modernization of the Air National Guard,
23 \$184,791,000.

1 FACILITIES SUSTAINMENT, RESTORATION AND
2 MODERNIZATION, ARMY RESERVE

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

5 FACILITIES SUSTAINMENT, RESTORATION AND
6 MODERNIZATION, NAVAL RESERVE

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

9 FACILITIES SUSTAINMENT, RESTORATION AND
10 MODERNIZATION, MARINE CORPS RESERVE

11 For expenses for facilities sustainment, restoration
12 and modernization of the Marine Corps Reserve,
13 \$10,105,000.

14 FACILITIES SUSTAINMENT, RESTORATION AND
15 MODERNIZATION, AIR FORCE RESERVE

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

18 ENVIRONMENTAL RESTORATION, ARMY

19 (INCLUDING TRANSFER OF FUNDS)

20 For the Department of the Army, \$407,865,000, to
21 remain available until transferred: *Provided*, That the Sec-
22 retary of the Army shall, upon determining that such
23 funds are required for environmental restoration, reduc-
24 tion and recycling of hazardous waste, removal of unsafe
25 buildings and debris of the Department of the Army, or

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

10 ENVIRONMENTAL RESTORATION, NAVY

11 (INCLUDING TRANSFER OF FUNDS)

12 For the Department of the Navy, \$305,275,000, to
13 remain available until transferred: *Provided*, That the Sec-
14 retary of the Navy 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 Navy, 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 Navy, 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, AIR FORCE

4 (INCLUDING TRANSFER OF FUNDS)

5 For the Department of the Air Force, \$406,461,000,
6 to remain available until transferred: *Provided*, That the
7 Secretary of the Air Force shall, upon determining that
8 such funds are required for environmental restoration, re-
9 duction and recycling of hazardous waste, removal of un-
10 safe buildings and debris of the Department of the Air
11 Force, or for similar purposes, transfer the funds made
12 available by this appropriation to other appropriations
13 made available to the Department of the Air Force, to be
14 merged with and to be available for the same purposes
15 and for the same time period as the appropriations to
16 which transferred: *Provided further*, That upon a deter-
17 mination that all or part of the funds transferred from
18 this appropriation are not necessary for the purposes pro-
19 vided herein, such amounts may be transferred back to
20 this appropriation.

21 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of Defense, \$28,167,000, to re-
24 main available until transferred: *Provided*, That the Sec-
25 retary of Defense shall, upon determining that such funds

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

13 ENVIRONMENTAL RESTORATION, FORMERLY USED

14 DEFENSE SITES

15 (INCLUDING TRANSFER OF FUNDS)

16 For the Department of the Army, \$221,921,000, to
17 remain available until transferred: *Provided*, That the Sec-
18 retary of the Army shall, upon determining that such
19 funds are required for environmental restoration, reduc-
20 tion and recycling of hazardous waste, removal of unsafe
21 buildings and debris at sites formerly used by the Depart-
22 ment of Defense, transfer the funds made available by this
23 appropriation to other appropriations made available to
24 the Department of the Army, to be merged with and to
25 be available for the same purposes and for the same time

1 period as the appropriations to which transferred: *Pro-*
2 *vided further*, That upon a determination that all or part
3 of the funds transferred from this appropriation are not
4 necessary for the purposes provided herein, such amounts
5 may be transferred back to this appropriation.

6 DEFENSE HEALTH PROGRAM

7 For expenses, not otherwise provided for, for medical
8 and health care programs of the Department of Defense,
9 as authorized by law, \$19,983,912,000, of which
10 \$19,184,537,000 shall be for operation and maintenance,
11 of which not to exceed 2 percent shall remain available
12 until September 30, 2007, and of which up to
13 \$10,212,427,000 may be available for contracts entered
14 into under the TRICARE program; of which
15 \$355,119,000, to remain available for obligation until Sep-
16 tember 30, 2008, shall be for procurement; and of which
17 \$444,256,000, to remain available for obligation until Sep-
18 tember 30, 2007, shall be for research, development, test
19 and evaluation: *Provided*, That notwithstanding any other
20 provision of law, of the amount made available under this
21 heading for research, development, test and evaluation,
22 not less than \$7,500,000 shall be available for HIV pre-
23 vention educational activities undertaken in connection
24 with U.S. military training, exercises, and humanitarian

1 assistance activities conducted primarily in African na-
2 tions.

3 ADMINISTRATIVE PROVISIONS

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

11 SEC. 102. Funds appropriated in this title for con-
12 struction shall be available for hire of passenger motor ve-
13 hicles.

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

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

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

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

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

22 SEC. 108. None of the funds made available in this
23 title may be used for the procurement of steel for any con-
24 struction project or activity for which American steel pro-

1 ducers, fabricators, and manufacturers have been denied
2 the opportunity to compete for such steel procurement.

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

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

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

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

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

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

15 SEC. 114. Not more than 20 percent of the funds
16 made available in this title which are limited for obligation
17 during the current fiscal year shall be obligated during
18 the last 2 months of the fiscal year.

19 (TRANSFER OF FUNDS)

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

25 SEC. 116. For military construction or family housing
26 projects that are being completed with funds otherwise ex-

1 pired or lapsed for obligation, expired or lapsed funds may
2 be used to pay the cost of associated supervision, inspec-
3 tion, overhead, engineering and design on those projects
4 and on subsequent claims, if any.

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

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

1 common defense burden of such nations and the United
2 States.

3 (TRANSFER OF FUNDS)

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

15 (TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

15 (TRANSFER OF FUNDS)

16 SEC. 123. In addition to any other transfer authority
17 available to the Department of Defense, amounts may be
18 transferred from the account established by section
19 2906(a)(1) of the Defense Base Closure and Realignment
20 Act of 1990 (10 U.S.C. 2687 note), to the fund estab-
21 lished by section 1013(d) of the Demonstration Cities and
22 Metropolitan Development Act of 1966 (42 U.S.C. 3374)
23 to pay for expenses associated with the Homeowners As-
24 sistance Program. Any amounts transferred shall be
25 merged with and be available for the same purposes and
26 for the same time period as the fund to which transferred.

1 SEC. 124. Notwithstanding this or any other provi-
2 sion of law, funds made available in this title for operation
3 and maintenance of family housing shall be the exclusive
4 source of funds for repair and maintenance of all family
5 housing units, including general or flag officer quarters:
6 *Provided*, That not more than \$35,000 per unit may be
7 spent annually for the maintenance and repair of any gen-
8 eral or flag officer quarters without 30 days prior notifica-
9 tion to the Committees on Appropriations of both Houses
10 of Congress, except that an after-the-fact notification shall
11 be submitted if the limitation is exceeded solely due to
12 costs associated with environmental remediation that
13 could not be reasonably anticipated at the time of the
14 budget submission: *Provided further*, That the Under Sec-
15 retary of Defense (Comptroller) is to report annually to
16 the Committees on Appropriations of both Houses of Con-
17 gress all operation and maintenance expenditures for each
18 individual general or flag officer quarters for the prior fis-
19 cal year.

20 SEC. 125. None of the funds made available in this
21 title under the heading “North Atlantic Treaty Organiza-
22 tion Security Investment Program”, and no funds appro-
23 priated for any fiscal year before fiscal year 2006 for that
24 program that remain available for obligation, may be obli-

1 gated or expended for the conduct of studies of missile
2 defense.

3 SEC. 126. Whenever the Secretary of Defense or any
4 other official of the Department of Defense is requested
5 by the subcommittee on Military Quality of Life and Vet-
6 erans Affairs, and Related Agencies of the Committee on
7 Appropriations of the House of Representatives or the
8 subcommittee on Military Construction and Veterans Af-
9 fairs, and Related Agencies of the Committee on Appro-
10 priations of the Senate to respond to a question or inquiry
11 submitted by the chairman or another member of that
12 subcommittee pursuant to a subcommittee hearing or
13 other activity, the Secretary (or other official) shall re-
14 spond to the request, in writing, within 21 days of the
15 date on which the request is transmitted to the Secretary
16 (or other official).

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

23 (TRANSFER OF FUNDS)

24 SEC. 128. During the 5-year period after appropria-
25 tions available to the Department of Defense for military
26 construction and family housing operation and mainte-

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

12 SEC. 129. None of the funds appropriated in this title
13 available for the Civilian Health and Medical Program of
14 the Uniformed Services (CHAMPUS) or TRICARE shall
15 be available for the reimbursement of any health care pro-
16 vider for inpatient mental health service for care received
17 when a patient is referred to a provider of inpatient men-
18 tal health care or residential treatment care by a medical
19 or health care professional having an economic interest in
20 the facility to which the patient is referred: *Provided*, That
21 this limitation does not apply in the case of inpatient men-
22 tal health services provided under the program for persons
23 with disabilities under subsection (d) of section 1079 of
24 title 10, United States Code, provided as partial hospital
25 care, or provided pursuant to a waiver authorized by the

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

8 SEC. 130. The Secretary of Defense, in coordination
9 with the Secretary of Health and Human Services, may
10 carry out a program to distribute surplus dental and med-
11 ical equipment of the Department of Defense, at no cost
12 to the Department of Defense, to Indian Health Service
13 facilities and to federally-qualified health centers (within
14 the meaning of section 1905(l)(2)(B) of the Social Secu-
15 rity Act (42 U.S.C. 1396d(l)(2)(B))).

16 SEC. 131. None of the funds made available in this
17 title may be used to carry out a military construction
18 project, land acquisition, or family housing project for a
19 military installation approved for closure in 2005 under
20 the Defense Base Closure and Realignment Act of 1990
21 (part A of title XXIX of Public Law 101–510; 10 U.S.C.
22 2687 note), and the Secretary of Defense may not transfer
23 funds appropriated for such a military construction
24 project, land acquisition, or family housing project to an-
25 other account or use such funds for another purpose or

1 project without the approval of the Committees on Appro-
2 priations of both Houses of Congress.

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

9 TITLE II

10 DEPARTMENT OF VETERANS AFFAIRS

11 VETERANS BENEFITS ADMINISTRATION

12 COMPENSATION AND PENSIONS

13 (INCLUDING TRANSFER OF FUNDS)

14 For the payment of compensation benefits to or on
15 behalf of veterans and a pilot program for disability ex-
16 aminations as authorized by law (38 U.S.C. 107, chapters
17 11, 13, 18, 51, 53, 55, and 61); pension benefits to or
18 on behalf of veterans as authorized by law (38 U.S.C.
19 chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and bur-
20 ial benefits, emergency and other officers' retirement pay,
21 adjusted-service credits and certificates, payment of pre-
22 miums due on commercial life insurance policies guaran-
23 teed under the provisions of title IV of the Servicemembers
24 Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other
25 benefits as authorized by law (38 U.S.C. 107, 1312, 1977,
26 and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122,

1 123; 45 Stat. 735; 76 Stat. 1198), \$33,412,879,000, to
2 remain available until expended: *Provided*, That not to ex-
3 ceed \$23,491,000 of the amount appropriated under this
4 heading shall be reimbursed to “General operating ex-
5 penses” and “Medical services” for necessary expenses in
6 implementing the provisions of chapters 51, 53, and 55
7 of title 38, United States Code), the funding source for
8 which is specifically provided as the “Compensation and
9 pensions” appropriation: *Provided further*, That such sums
10 as may be earned on an actual qualifying patient basis,
11 shall be reimbursed to “Medical facilities revolving fund”
12 to augment the funding of individual medical facilities for
13 nursing home care provided to pensioners as authorized.

14 READJUSTMENT BENEFITS

15 For the payment of readjustment and rehabilitation
16 benefits to or on behalf of veterans as authorized by law
17 (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53,
18 55, and 61), \$3,214,246,000, to remain available until ex-
19 pended: *Provided*, That expenses for rehabilitation pro-
20 gram services and assistance which the Secretary is au-
21 thorized to provide under section 3104(a) of title 38,
22 United States Code, other than under subsection (a)(1),
23 (2), (5), and (11) of that section, shall be charged to this
24 account.

1 VETERANS INSURANCE AND INDEMNITIES

2 For military and naval insurance, national service life
3 insurance, servicemen's indemnities, service-disabled vet-
4 erans insurance, and veterans mortgage life insurance as
5 authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72
6 Stat. 487, \$45,907,000, to remain available until ex-
7 pended.

8 VETERANS HOUSING BENEFIT PROGRAM FUND

9 PROGRAM ACCOUNT

10 (INCLUDING TRANSFER OF FUNDS)

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

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

1 VOCATIONAL REHABILITATION LOANS PROGRAM

2 ACCOUNT

3 (INCLUDING TRANSFER OF FUNDS)

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

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

16 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

17 ACCOUNT

18 (INCLUDING TRANSFER OF FUNDS)

19 For administrative expenses to carry out the direct
20 loan program authorized by subchapter V of chapter 37
21 of title 38, United States Code, \$580,000, which may be
22 transferred to and merged with the appropriation for
23 “General operating expenses”: *Provided*, That no new
24 loans in excess of \$30,000,000 may be made in fiscal year
25 2006.

1 GUARANTEED TRANSITIONAL HOUSING LOANS FOR
2 HOMELESS VETERANS PROGRAM ACCOUNT

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

9 VETERANS HEALTH ADMINISTRATION
10 MEDICAL SERVICES

11 For necessary expenses for furnishing, as authorized
12 by law, inpatient and outpatient care and treatment to
13 beneficiaries of the Department of Veterans Affairs and
14 veterans described in section 1705(a) of title 38, United
15 States Code, including care and treatment in facilities not
16 under the jurisdiction of the Department, and including
17 medical supplies and equipment and salaries and expenses
18 of health-care employees hired under title 38, United
19 States Code, and aid to State homes as authorized by sec-
20 tion 1741 of title 38, United States Code;
21 \$20,995,141,000, plus reimbursements, of which not less
22 than \$2,200,000,000 shall be expended for specialty men-
23 tal health care: *Provided*, That of the funds made available
24 under this heading, not to exceed \$1,100,000,000 shall be
25 available until September 30, 2007: *Provided further*,

1 That, notwithstanding any other provision of law, the Sec-
2 retary of Veterans Affairs shall establish a priority for
3 treatment for veterans who are service-connected disabled,
4 lower income, or have special needs: *Provided further*,
5 That, notwithstanding any other provision of law, the Sec-
6 retary of Veterans Affairs shall give priority funding for
7 the provision of basic medical benefits to veterans in en-
8 rollment priority groups 1 through 6: *Provided further*,
9 That, notwithstanding any other provision of law, the Sec-
10 retary of Veterans Affairs may authorize the dispensing
11 of prescription drugs from Veterans Health Administra-
12 tion facilities to enrolled veterans with privately written
13 prescriptions based on requirements established by the
14 Secretary: *Provided further*, That the implementation of
15 the program described in the previous proviso shall incur
16 no additional cost to the Department of Veterans Affairs:
17 *Provided further*, That for the Department of Defense/De-
18 partment of Veterans Affairs Health Care Sharing Incen-
19 tive Fund, as authorized by section 721 of Public Law
20 107–314, a minimum of \$15,000,000, to remain available
21 until expended, for the purposes authorized by section
22 8111 of title 38, United States Code.

23 MEDICAL ADMINISTRATION

24 For necessary expenses in the administration of the
25 medical, hospital, nursing home, domiciliary, construction,
26 supply, and research activities, as authorized by law; ad-

1 ministrative expenses in support of capital policy activi-
2 ties; information technology hardware and software; uni-
3 forms or allowances therefor, as authorized by sections
4 5901–5902 of title 5, United States Code; administrative
5 and legal expenses of the Department for collecting and
6 recovering amounts owed the Department as authorized
7 under chapter 17 of title 38, United States Code, and the
8 Federal Medical Care Recovery Act (42 U.S.C. 2651 et
9 seq.); \$4,134,874,000, plus reimbursements, of which
10 \$250,000,000 shall be available until September 30, 2007.

11 MEDICAL FACILITIES

12 For necessary expenses for the maintenance and op-
13 eration of hospitals, nursing homes, and domiciliary facili-
14 ties and other necessary facilities for the Veterans Health
15 Administration; for administrative expenses in support of
16 planning, design, project management, real property ac-
17 quisition and disposition, construction and renovation of
18 any facility under the jurisdiction or for the use of the
19 Department; for oversight, engineering and architectural
20 activities not charged to project costs; for repairing, alter-
21 ing, improving or providing facilities in the several hos-
22 pitals and homes under the jurisdiction of the Depart-
23 ment, not otherwise provided for, either by contract or by
24 the hire of temporary employees and purchase of mate-
25 rials; for leases of facilities; and for laundry and food serv-

1 ices, \$3,297,669,000, plus reimbursements, of which
2 \$250,000,000 shall be available until September 30, 2007.

3 MEDICAL AND PROSTHETIC RESEARCH

4 For necessary expenses in carrying out programs of
5 medical and prosthetic research and development as au-
6 thorized by chapter 73 of title 38, United States Code,
7 to remain available until September 30, 2007,
8 \$393,000,000, plus reimbursements.

9 DEPARTMENTAL ADMINISTRATION

10 GENERAL OPERATING EXPENSES

11 For necessary operating expenses of the Department
12 of Veterans Affairs, not otherwise provided for, including
13 administrative expenses in support of Department-wide
14 capital planning, management and policy activities, uni-
15 forms or allowances therefor; not to exceed \$25,000 for
16 official reception and representation expenses; hire of pas-
17 senger motor vehicles; and reimbursement of the General
18 Services Administration for security guard services, and
19 the Department of Defense for the cost of overseas em-
20 ployee mail, \$1,411,827,000: *Provided*, That expenses for
21 services and assistance authorized under paragraphs (1),
22 (2), (5), and (11) of section 3104(a) of title 38, United
23 States Code, that the Secretary determines are necessary
24 to enable entitled veterans: (1) to the maximum extent
25 feasible, to become employable and to obtain and maintain
26 suitable employment; or (2) to achieve maximum inde-

1 pence in daily living, shall be charged to this account:
2 *Provided further*, That the Veterans Benefits Administra-
3 tion shall be funded at not less than \$1,086,938,000: *Pro-*
4 *vided further*, That of the funds made available under this
5 heading, not to exceed \$70,000,000 shall be available for
6 obligation until September 30, 2007: *Provided further*,
7 That from the funds made available under this heading,
8 the Veterans Benefits Administration may purchase up to
9 two passenger motor vehicles for use in operations of that
10 Administration in Manila, Philippines.

11 NATIONAL CEMETERY ADMINISTRATION

12 For necessary expenses of the National Cemetery Ad-
13 ministration for operations and maintenance, not other-
14 wise provided for, including uniforms or allowances there-
15 for; cemeterial expenses as authorized by law; purchase
16 of one passenger motor vehicle for use in cemeterial oper-
17 ations; and hire of passenger motor vehicles,
18 \$156,447,000: *Provided*, That of the funds made available
19 under this heading, not to exceed \$7,800,000 shall be
20 available until September 30, 2007.

21 OFFICE OF INSPECTOR GENERAL

22 For necessary expenses of the Office of Inspector
23 General in carrying out the provisions of the Inspector
24 General Act of 1978, \$70,174,000, to remain available
25 until September 30, 2007.

1 CONSTRUCTION, MAJOR PROJECTS

2 For constructing, altering, extending and improving
3 any of the facilities including parking projects under the
4 jurisdiction or for the use of the Department of Veterans
5 Affairs, or for any of the purposes set forth in sections
6 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
7 and 8122 of title 38, United States Code, including plan-
8 ning, architectural and engineering services, maintenance
9 or guarantee period services costs associated with equip-
10 ment guarantees provided under the project, services of
11 claims analysts, offsite utility and storm drainage system
12 construction costs, and site acquisition, where the esti-
13 mated cost of a project is more than the amount set forth
14 in section 8104(a)(3)(A) of title 38, United States Code,
15 or where funds for a project were made available in a pre-
16 vious major project appropriation, \$607,100,000, to re-
17 main available until expended, of which \$532,010,000
18 shall be for Capital Asset Realignment for Enhanced Serv-
19 ices (CARES) activities; and of which \$8,091,000 shall
20 be to make reimbursements as provided in section 13 of
21 the Contract Disputes Act of 1978 (41 U.S.C. 612) for
22 claims paid for contract disputes: *Provided*, That except
23 for advance planning activities, including needs assess-
24 ments which may or may not lead to capital investments,
25 and other capital asset management related activities,

1 such as portfolio development and management activities,
2 and investment strategy studies funded through the ad-
3 vance planning fund and the planning and design activities
4 funded through the design fund and CARES funds, in-
5 cluding needs assessments which may or may not lead to
6 capital investments, none of the funds appropriated under
7 this heading shall be used for any project which has not
8 been approved by the Congress in the budgetary process:
9 *Provided further*, That funds provided in this appropria-
10 tion for fiscal year 2006, for each approved project (except
11 those for CARES activities referenced above) shall be obli-
12 gated: (1) by the awarding of a construction documents
13 contract by September 30, 2006; and (2) by the awarding
14 of a construction contract by September 30, 2007: *Pro-*
15 *vided further*, That the Secretary of Veterans Affairs shall
16 promptly report in writing to the Committees on Appro-
17 priations of the House of Representatives and Senate any
18 approved major construction project in which obligations
19 are not incurred within the time limitations established
20 above.

21 CONSTRUCTION, MINOR PROJECTS

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

1 which may lead to capital investments, architectural and
2 engineering services, maintenance or guarantee period
3 services costs associated with equipment guarantees pro-
4 vided under the project, services of claims analysts, offsite
5 utility and storm drainage system construction costs, and
6 site acquisition, or for any of the purposes set forth in
7 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
8 8110, 8122, and 8162 of title 38, United States Code,
9 where the estimated cost of a project is equal to or less
10 than the amount set forth in section 8104(a)(3)(A) of title
11 38, United States Code, \$208,937,000, to remain avail-
12 able until expended, along with unobligated balances of
13 previous “Construction, minor projects” appropriations
14 which are hereby made available for any project where the
15 estimated cost is equal to or less than the amount set forth
16 in such section, of which \$160,000,000 shall be for Capital
17 Asset Realignment for Enhanced Services (CARES) ac-
18 tivities: *Provided*, That funds in this account shall be
19 available for: (1) repairs to any of the nonmedical facilities
20 under the jurisdiction or for the use of the Department
21 which are necessary because of loss or damage caused by
22 any natural disaster or catastrophe; and (2) temporary
23 measures necessary to prevent or to minimize further loss
24 by such causes.

1 GRANTS FOR CONSTRUCTION OF STATE
2 EXTENDED CARE FACILITIES

3 For grants to assist States to acquire or construct
4 State nursing home and domiciliary facilities and to re-
5 model, modify or alter existing hospital, nursing home and
6 domiciliary facilities in State homes, for furnishing care
7 to veterans as authorized by sections 8131–8137 of title
8 38, United States Code, \$25,000,000, to remain available
9 until expended.

10 GRANTS FOR THE CONSTRUCTION OF STATE
11 VETERANS CEMETERIES

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

16 ADMINISTRATIVE PROVISIONS
17 (INCLUDING TRANSFER OF FUNDS)

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

22 SEC. 202. Appropriations available in this title for
23 salaries and expenses shall be available for services au-
24 thorized by section 3109 of title 5, United States Code,
25 hire of passenger motor vehicles; lease of a facility or land

1 or both; and uniforms or allowances therefore, as author-
2 ized by sections 5901–5902 of such title.

3 SEC. 203. No appropriations in this title (except the
4 appropriations for “Construction, major projects”, and
5 “Construction, minor projects”) shall be available for the
6 purchase of any site for or toward the construction of any
7 new hospital or home.

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

18 SEC. 205. Appropriations available in this title for
19 “Compensation and pensions”, “Readjustment benefits”,
20 and “Veterans insurance and indemnities” shall be avail-
21 able for payment of prior year accrued obligations re-
22 quired to be recorded by law against the corresponding
23 prior year accounts within the last quarter of fiscal year
24 2005.

1 SEC. 206. Appropriations available in this title shall
2 be available to pay prior year obligations of corresponding
3 prior year appropriations accounts resulting from sections
4 3328(a), 3334, and 3712(a) of title 31, United States
5 Code, except that if such obligations are from trust fund
6 accounts they shall be payable from “Compensation and
7 pensions”.

8 SEC. 207. Notwithstanding any other provision of
9 law, during fiscal year 2006, the Secretary of Veterans
10 Affairs shall, from the National Service Life Insurance
11 Fund (38 U.S.C. 1920), the Veterans’ Special Life Insur-
12 ance Fund (38 U.S.C. 1923), and the United States Gov-
13 ernment Life Insurance Fund (38 U.S.C. 1955), reim-
14 burse the “General operating expenses” account for the
15 cost of administration of the insurance programs financed
16 through those accounts: *Provided*, That reimbursement
17 shall be made only from the surplus earnings accumulated
18 in an insurance program in fiscal year 2006 that are avail-
19 able for dividends in that program after claims have been
20 paid and actuarially determined reserves have been set
21 aside: *Provided further*, That if the cost of administration
22 of an insurance program exceeds the amount of surplus
23 earnings accumulated in that program, reimbursement
24 shall be made only to the extent of such surplus earnings:
25 *Provided further*, That the Secretary shall determine the

1 cost of administration for fiscal year 2006 which is prop-
2 erly allocable to the provision of each insurance program
3 and to the provision of any total disability income insur-
4 ance included in such insurance program.

5 SEC. 208. Notwithstanding any other provision of
6 law, the Department of Veterans Affairs shall continue the
7 Franchise Fund pilot program authorized to be estab-
8 lished by section 403 of Public Law 103–356 until Octo-
9 ber 1, 2006: *Provided*, That the Franchise Fund, estab-
10 lished by title I of Public Law 104–204 to finance the
11 operations of the Franchise Fund pilot program, shall con-
12 tinue until October 1, 2006.

13 SEC. 209. Amounts deducted from enhanced-use
14 lease proceeds to reimburse an account for expenses in-
15 curred by that account during a prior fiscal year for pro-
16 viding enhanced-use lease services, may be obligated dur-
17 ing the fiscal year in which the proceeds are received.

18 SEC. 210. Funds available in this title or funds for
19 salaries and other administrative expenses shall also be
20 available to reimburse the Office of Resolution Manage-
21 ment and the Office of Employment Discrimination Com-
22 plaint Adjudication for all services provided at rates which
23 will recover actual costs but not exceed \$29,758,000 for
24 the Office of Resolution Management and \$3,059,000 for
25 the Office of Employment and Discrimination Complaint

1 Adjudication: *Provided*, That payments may be made in
2 advance for services to be furnished based on estimated
3 costs: *Provided further*, That amounts received shall be
4 credited to “General operating expenses” for use by the
5 office that provided the service.

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

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

1 provided in a prior fiscal year may be obligated by the
2 Secretary during the fiscal year in which amounts are re-
3 ceived.

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

8 SEC. 214. Notwithstanding any other provision of
9 law, at the discretion of the Secretary of Veterans Affairs,
10 proceeds or revenues derived from enhanced-use leasing
11 activities (including disposal) may be deposited into the
12 “Construction, major projects” and “Construction, minor
13 projects” accounts and be used for construction (including
14 site acquisition and disposition), alterations and improve-
15 ments of any medical facility under the jurisdiction or for
16 the use of the Department of Veterans Affairs. Such sums
17 as realized are in addition to the amount provided for in
18 “Construction, major projects” and “Construction, minor
19 projects”.

20 SEC. 215. Amounts made available under “Medical
21 services” are available—

22 (1) for furnishing recreational facilities, sup-
23 plies, and equipment; and

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

4 SEC. 216. That such sums as may be deposited to
5 the Medical Care Collections Fund pursuant to section
6 1729A of title 38, United States Code, may be transferred
7 to “Medical services”, to remain available until expended
8 for the purposes of this account.

9 SEC. 217. Amounts made available for fiscal year
10 2006 under the “Medical services”, “Medical administra-
11 tion”, and “Medical facilities” accounts may be trans-
12 ferred between the accounts to the extent necessary to im-
13 plement the restructuring of the Veterans Health Admin-
14 istration accounts after notice of the amount and purpose
15 of the transfer is provided to the Committees on Appro-
16 priations of the Senate and House of Representatives and
17 a period of 30 days has elapsed: *Provided*, That the limita-
18 tion on transfers is 20 percent in fiscal year 2006.

19 SEC. 218. Any appropriation for fiscal year 2006 for
20 the Veterans Benefits Administration made available
21 under the heading “General operating expenses” may be
22 transferred to the “Veterans Housing Benefit Program
23 Fund Program Account” for the purpose of providing
24 funds for the nationwide property management contract

1 if the administrative costs of such contract exceed
2 \$8,800,000 in the budget year.

3 SEC. 219. Notwithstanding any other provision of
4 law, the Secretary of Veterans Affairs (Secretary) shall
5 allow veterans eligible under existing VA Medical Care re-
6 quirements and who reside in Alaska to obtain medical
7 care services from medical facilities supported by the In-
8 dian Health Services or tribal organizations. The Sec-
9 retary shall: (1) limit the application of this provision to
10 rural Alaskan veterans in areas where an existing VA fa-
11 cility or VA-contracted service is unavailable; (2) require
12 participating veterans and facilities to comply with all ap-
13 propriate rules and regulations, as established by the Sec-
14 retary; (3) require this provision to be consistent with
15 CARES; and (4) result in no additional cost to the De-
16 partment of Veterans Affairs or the Indian Health Serv-
17 ice.

18 SEC. 220. That such sums as may be deposited to
19 the Department of Veterans Affairs Capital Asset Fund
20 pursuant to section 8118 of title 38, United States Code,
21 may be transferred to the “Construction, major projects”
22 and “Construction, minor projects” accounts, to remain
23 available until expended for the purposes of these ac-
24 counts.

1 SEC. 221. None of the funds available to the Depart-
2 ment of Veterans Affairs in this Act, or any other Act,
3 may be used by the Department of Veterans Affairs to
4 implement a national standardized contract for diabetes
5 monitoring systems.

6 TITLE III

7 RELATED AGENCIES

8 AMERICAN BATTLE MONUMENTS COMMISSION

9 SALARIES AND EXPENSES

10 For necessary expenses, not otherwise provided for,
11 of the American Battle Monuments Commission, including
12 the acquisition of land or interest in land in foreign coun-
13 tries; purchases and repair of uniforms for caretakers of
14 national cemeteries and monuments outside of the United
15 States and its territories and possessions; rent of office
16 and garage space in foreign countries; purchase (one for
17 replacement only) and hire of passenger motor vehicles;
18 not to exceed \$7,500 for official reception and representa-
19 tion expenses; and insurance of official motor vehicles in
20 foreign countries, when required by law of such countries,
21 \$35,750,000, to remain available until expended.

22 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

23 For necessary expenses, not otherwise provided for,
24 of the American Battle Monuments Commission,
25 \$15,250,000, to remain available until expended, for pur-

1 poses authorized by section 2109 of title 36, United States
2 Code.

3 UNITED STATES COURT OF APPEALS FOR VETERANS

4 CLAIMS

5 SALARIES AND EXPENSES

6 For necessary expenses for the operation of the
7 United States Court of Appeals for Veterans Claims as
8 authorized by sections 7251–7298 of title 38, United
9 States Code, \$18,295,000, of which \$1,260,000 shall be
10 available for the purpose of providing financial assistance
11 as described, and in accordance with the process and re-
12 porting procedures set forth, under this heading in Public
13 Law 102–229.

14 DEPARTMENT OF DEFENSE—CIVIL

15 CEMETERIAL EXPENSES, ARMY

16 SALARIES AND EXPENSES

17 For necessary expenses, as authorized by law, for
18 maintenance, operation, and improvement of Arlington
19 National Cemetery and Soldiers’ and Airmen’s Home Na-
20 tional Cemetery, including the purchase of two passenger
21 motor vehicles for replacement only, and not to exceed
22 \$1,000 for official reception and representation expenses,
23 \$29,550,000, to remain available until expended. In addi-
24 tion, such sums as may be necessary for parking mainte-
25 nance, repairs and replacement, to be derived from the

1 Lease of Department of Defense Real Property for De-
2 fense Agencies account.

3 ARMED FORCES RETIREMENT HOME

4 For expenses necessary for the Armed Forces Retire-
5 ment Home to operate and maintain the Armed Forces
6 Retirement Home—Washington and the Armed Forces
7 Retirement Home—Gulfport, to be paid from funds avail-
8 able in the Armed Forces Retirement Home Trust Fund,
9 \$58,281,000, of which \$1,248,000 shall remain available
10 until expended for construction and renovation of the
11 physical plants at the Armed Forces Retirement Home—
12 Washington and the Armed Forces Retirement Home—
13 Gulfport.

14 TITLE IV

15 GENERAL PROVISIONS

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

19 SEC. 402. None of the funds provided in this Act may
20 be used, directly or through grants, to pay or to provide
21 reimbursement for payment of the salary of a consultant
22 (whether retained by the Federal Government or a grant-
23 ee) at more than the daily equivalent of the rate paid for
24 level IV of the Executive Schedule, unless specifically au-
25 thorized by law.

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

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

11 SEC. 405. No part of any funds appropriated in this
12 Act shall be used by an agency of the executive branch,
13 other than for normal and recognized executive-legislative
14 relationships, for publicity or propaganda purposes, and
15 for the preparation, distribution or use of any kit, pam-
16 phlet, booklet, publication, radio, television or film presen-
17 tation designed to support or defeat legislation pending
18 before Congress, except in presentation to Congress itself.

19 SEC. 406. All departments and agencies funded under
20 this Act are encouraged, within the limits of the existing
21 statutory authorities and funding, to expand their use of
22 “E-Commerce” technologies and procedures in the con-
23 duct of their business practices and public service activi-
24 ties.

1 SEC. 407. None of the funds made available in this
2 Act may be transferred to any department, agency, or in-
3 strumentality of the United States Government except
4 pursuant to a transfer made by, or transfer authority pro-
5 vided in, this Act or any other appropriations Act.

6 SEC. 408. Unless stated otherwise, all reports and no-
7 tifications required by this Act shall be submitted to the
8 Subcommittee on Military Quality of Life and Veterans
9 Affairs, and Related Agencies of the Committee on Appro-
10 priations of the House of Representatives and the Sub-
11 committee on Military Construction and Veterans Affairs,
12 and Related Agencies of the Committee on Appropriations
13 of the Senate.

14 SEC. 409. None of the funds made available by this
15 Act may be used to close or realign any military installa-
16 tion approved for closure or realignment in 2005 before
17 the Secretary of Defense makes the information available
18 upon which the Secretary's closure and realignment rec-
19 ommendations were based, as required by section
20 2903(c)(4) of the Defense Base Closure and Realignment
21 Act of 1990 (title XXIX of Public Law 101-510; 10
22 U.S.C. 2687 note).

1 This Act may be cited as the “Military Quality of
2 Life and Veterans Affairs Appropriations Act, 2006”.

Passed the House of Representatives May 26, 2005.

Attest: JEFF TRANDAHL,
Clerk.