

## Calendar No. 945

110TH CONGRESS  
2D SESSION**H. R. 6599**

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 8, 2008

Received; read twice and placed on the calendar

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**AN ACT**

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for  
5 military construction, the Department of Veterans Affairs,  
6 and related agencies for the fiscal year ending September  
7 30, 2009, and for other purposes, namely:

1 TITLE I  
2 DEPARTMENT OF DEFENSE  
3 MILITARY CONSTRUCTION, ARMY  
4 (INCLUDING RESCISSIONS OF FUNDS)

5 For acquisition, construction, installation, and equip-  
6 ment of temporary or permanent public works, military  
7 installations, facilities, and real property for the Army as  
8 currently authorized by law, including personnel in the  
9 Army Corps of Engineers and other personal services nec-  
10 essary for the purposes of this appropriation, and for con-  
11 struction and operation of facilities in support of the func-  
12 tions of the Commander in Chief, \$4,801,536,000, to re-  
13 main available until September 30, 2013: *Provided*, That  
14 of this amount, not to exceed \$175,823,000 shall be avail-  
15 able for study, planning, design, architect and engineer  
16 services, and host nation support, as authorized by law,  
17 unless the Secretary of Defense determines that additional  
18 obligations are necessary for such purposes and notifies  
19 the Committees on Appropriations of both Houses of Con-  
20 gress of the determination and the reasons therefor: *Pro-*  
21 *vided further*, That the amount appropriated in this para-  
22 graph shall be for the projects and activities, and in the  
23 amounts, specified under the headings “Army” in the  
24 table entitled “Military Construction” in the report of the  
25 Committee on Appropriations of the House of Representa-

1 tives to accompany this bill: *Provided further*, That of the  
2 funds appropriated for “Military Construction, Army”  
3 under Public Law 110–5, \$34,720,000 are hereby re-  
4 scinded: *Provided further*, That of the funds appropriated  
5 for “Military Construction, Army” under Public Law 110–  
6 161, \$16,600,000 are hereby rescinded.

7 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

8 For acquisition, construction, installation, and equip-  
9 ment of temporary or permanent public works, naval in-  
10 stallations, facilities, and real property for the Navy and  
11 Marine Corps as currently authorized by law, including  
12 personnel in the Naval Facilities Engineering Command  
13 and other personal services necessary for the purposes of  
14 this appropriation, \$3,280,809,000, to remain available  
15 until September 30, 2013: *Provided*, That of this amount,  
16 not to exceed \$247,128,000 shall be available for study,  
17 planning, design, and architect and engineer services, as  
18 authorized by law, unless the Secretary of Defense deter-  
19 mines that additional obligations are necessary for such  
20 purposes and notifies the Committees on Appropriations  
21 of both Houses of Congress of the determination and the  
22 reasons therefor: *Provided further*, That the amount ap-  
23 propriated in this paragraph shall be for the projects and  
24 activities, and in the amounts, specified under the head-  
25 ings “Navy” in the table entitled “Military Construction”

1 in the report of the Committee on Appropriations of the  
2 House of Representatives to accompany this bill.

3           MILITARY CONSTRUCTION, AIR FORCE

4           (INCLUDING RESCISSIONS OF FUNDS)

5       For acquisition, construction, installation, and equip-  
6 ment of temporary or permanent public works, military  
7 installations, facilities, and real property for the Air Force  
8 as currently authorized by law, \$976,524,000, to remain  
9 available until September 30, 2013: *Provided*, That of this  
10 amount, not to exceed \$77,314,000 shall be available for  
11 study, planning, design, and architect and engineer serv-  
12 ices, as authorized by law, unless the Secretary of Defense  
13 determines that additional obligations are necessary for  
14 such purposes and notifies the Committees on Appropria-  
15 tions of both Houses of Congress of the determination and  
16 the reasons therefor: *Provided further*, That the amount  
17 appropriated in this paragraph shall be for the projects  
18 and activities, and in the amounts, specified under the  
19 headings “Air Force” in the table entitled “Military Con-  
20 struction” in the report of the Committee on Appropria-  
21 tions of the House of Representatives to accompany this  
22 bill: *Provided further*, That of the funds appropriated for  
23 “Military Construction, Air Force” under Public Law  
24 109–114, \$1,359,000 are hereby rescinded: *Provided fur-*  
25 *ther*, That of the funds appropriated for “Military Con-

1 struction, Air Force” under Public Law 110–5,  
2 \$3,581,000 are hereby rescinded: *Provided further*, That  
3 of the funds appropriated for “Military Construction, Air  
4 Force” under Public Law 110–161, \$12,741,000 are here-  
5 by rescinded.

6           MILITARY CONSTRUCTION, DEFENSE-WIDE

7           (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

8           For acquisition, construction, installation, and equip-  
9 ment of temporary or permanent public works, installa-  
10 tions, facilities, and real property for activities and agen-  
11 cies of the Department of Defense (other than the military  
12 departments), as currently authorized by law,  
13 \$1,614,450,000, to remain available until September 30,  
14 2013: *Provided*, That such amounts of this appropriation  
15 as may be determined by the Secretary of Defense may  
16 be transferred to such appropriations of the Department  
17 of Defense available for military construction or family  
18 housing as the Secretary may designate, to be merged with  
19 and to be available for the same purposes, and for the  
20 same time period, as the appropriation or fund to which  
21 transferred: *Provided further*, That of the amount appro-  
22 priated, not to exceed \$211,606,000 shall be available for  
23 study, planning, design, and architect and engineer serv-  
24 ices, as authorized by law, unless the Secretary of Defense  
25 determines that additional obligations are necessary for

1 such purposes and notifies the Committees on Appropria-  
2 tions of both Houses of Congress of the determination and  
3 the reasons therefor: *Provided further*, That the amount  
4 appropriated in this paragraph shall be for the projects  
5 and activities, and in the amounts, specified under the  
6 headings “Defense-Wide” in the table entitled “Military  
7 Construction” in the report of the Committee on Appro-  
8 priations of the House of Representatives to accompany  
9 this bill: *Provided further*, That of the funds appropriated  
10 for “Military Construction, Defense-Wide” under Public  
11 Law 108–324, \$3,589,000 are hereby rescinded.

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, \$628,668,000, to remain available until Sep-  
19 tember 30, 2013: *Provided*, That of the amount appro-  
20 priated, not to exceed \$50,563,000 shall be available for  
21 study, planning, design, and architect and engineer serv-  
22 ices, as authorized by law, unless the Secretary of Defense  
23 determines that additional obligations are necessary for  
24 such purposes and notifies the Committees on Appropria-  
25 tions of both Houses of Congress of the determination and

1 the reasons therefor: *Provided further*, That the amount  
2 appropriated in this paragraph shall be for the projects  
3 and activities, and in the amounts, specified under the  
4 headings “Army National Guard” in the table entitled  
5 “Military Construction” in the report of the Committee  
6 on Appropriations of the House of Representatives to ac-  
7 company this bill.

8       MILITARY CONSTRUCTION, AIR NATIONAL GUARD

9       For construction, acquisition, expansion, rehabilita-  
10 tion, and conversion of facilities for the training and ad-  
11 ministration of the Air National Guard, and contributions  
12 therefor, as authorized by chapter 1803 of title 10, United  
13 States Code, and Military Construction Authorization  
14 Acts, \$142,809,000, to remain available until September  
15 30, 2013: *Provided*, That of the amount appropriated, not  
16 to exceed \$10,209,000 shall be available for study, plan-  
17 ning, design, and architect and engineer services, as au-  
18 thorized by law, unless the Secretary of Defense deter-  
19 mines that additional obligations are necessary for such  
20 purposes and notifies the Committees on Appropriations  
21 of both Houses of Congress of the determination and the  
22 reasons therefor: *Provided further*, That the amount ap-  
23 propriated in this paragraph shall be for the projects and  
24 activities, and in the amounts, specified under the head-  
25 ings “Air National Guard” in the table entitled “Military

1 Construction” in the report of the Committee on Appro-  
2 priations of the House of Representatives to accompany  
3 this bill.

4           MILITARY CONSTRUCTION, ARMY RESERVE

5           For construction, acquisition, expansion, rehabilita-  
6 tion, and conversion of facilities for the training and ad-  
7 ministration of the Army Reserve as authorized by chapter  
8 1803 of title 10, United States Code, and Military Con-  
9 struction Authorization Acts, \$282,607,000, to remain  
10 available until September 30, 2013: *Provided*, That of the  
11 amount appropriated, not to exceed \$14,883,000 shall be  
12 available for study, planning, design, and architect and en-  
13 gineer services, as authorized by law, unless the Secretary  
14 of Defense determines that additional obligations are nec-  
15 essary for such purposes and notifies the Committees on  
16 Appropriations of both Houses of Congress of the deter-  
17 mination and the reasons therefor: *Provided further*, That  
18 the amount appropriated in this paragraph shall be for  
19 the projects and activities, and in the amounts, specified  
20 under the headings “Army Reserve” in the table entitled  
21 “Military Construction” in the report of the Committee  
22 on Appropriations of the House of Representatives to ac-  
23 company this bill.



## 1           MILITARY CONSTRUCTION, NAVY RESERVE

2           For construction, acquisition, expansion, rehabilita-  
3 tion, and conversion of facilities for the training and ad-  
4 ministration of the reserve components of the Navy and  
5 Marine Corps as authorized by chapter 1803 of title 10,  
6 United States Code, and Military Construction Authoriza-  
7 tion Acts, \$57,045,000, to remain available until Sep-  
8 tember 30, 2013: *Provided*, That of the amount appro-  
9 priated, not to exceed \$2,045,000 shall be available for  
10 study, planning, design, and architect and engineer serv-  
11 ices, as authorized by law, unless the Secretary of Defense  
12 determines that additional obligations are necessary for  
13 such purposes and notifies the Committees on Appropria-  
14 tions of both Houses of Congress of the determination and  
15 the reasons therefor: *Provided further*, That the amount  
16 appropriated in this paragraph shall be for the projects  
17 and activities, and in the amounts, specified under the  
18 headings “Navy Reserve” in the table entitled “Military  
19 Construction” in the report of the Committee on Appro-  
20 priations of the House of Representatives to accompany  
21 this bill.

## 22           MILITARY CONSTRUCTION, AIR FORCE RESERVE

23           For construction, acquisition, expansion, rehabilita-  
24 tion, and conversion of facilities for the training and ad-  
25 ministration of the Air Force Reserve as authorized by

1 chapter 1803 of title 10, United States Code, and Military  
2 Construction Authorization Acts, \$30,018,000, to remain  
3 available until September 30, 2013: *Provided*, That of the  
4 amount appropriated, not to exceed \$5,675,000 shall be  
5 available for study, planning, design, and architect and en-  
6 gineer services, as authorized by law, unless the Secretary  
7 of Defense determines that additional obligations are nec-  
8 essary for such purposes and notifies the Committees on  
9 Appropriations of both Houses of Congress of the deter-  
10 mination and the reasons therefor: *Provided further*, That  
11 the amount appropriated in this paragraph shall be for  
12 the projects and activities, and in the amounts, specified  
13 under the headings “Air Force Reserve” in the table enti-  
14 tled “Military Construction” in the report of the Com-  
15 mittee on Appropriations of the House of Representatives  
16 to accompany this bill.

17 NORTH ATLANTIC TREATY ORGANIZATION

18 SECURITY INVESTMENT PROGRAM

19 For the United States share of the cost of the North  
20 Atlantic Treaty Organization Security Investment Pro-  
21 gram for the acquisition and construction of military fa-  
22 cilities and installations (including international military  
23 headquarters) and for related expenses for the collective  
24 defense of the North Atlantic Treaty Area as authorized  
25 by section 2806 of title 10, United States Code, and Mili-

1 tary Construction Authorization Acts, \$218,867,000, to  
2 remain available until expended.

3           FAMILY HOUSING CONSTRUCTION, ARMY

4           For expenses of family housing for the Army for con-  
5 struction, including acquisition, replacement, addition, ex-  
6 pansion, extension, and alteration, as authorized by law,  
7 \$646,580,000, to remain available until September 30,  
8 2013: *Provided*, That the amount appropriated in this  
9 paragraph shall be for the projects and activities, and in  
10 the amounts, specified under the heading “Family Hous-  
11 ing Construction, Army” in the table entitled “Military  
12 Construction” in the report of the Committee on Appro-  
13 priations of the House of Representatives to accompany  
14 this bill.

15           FAMILY HOUSING OPERATION AND MAINTENANCE,

16   ARMY

17           For expenses of family housing for the Army for op-  
18 eration and maintenance, including debt payment, leasing,  
19 minor construction, principal and interest charges, and in-  
20 surance premiums, as authorized by law, \$716,110,000.

21           FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE

22   CORPS

23           For expenses of family housing for the Navy and Ma-  
24 rine Corps for construction, including acquisition, replace-  
25 ment, addition, expansion, extension, and alteration, as

1 authorized by law, \$382,778,000, to remain available until  
2 September 30, 2013: *Provided*, That the amount appro-  
3 priated in this paragraph shall be for the projects and ac-  
4 tivities, and in the amounts, specified under the heading  
5 “Family Housing Construction, Navy and Marine Corps”  
6 in the table entitled “Military Construction” in the report  
7 of the Committee on Appropriations of the House of Rep-  
8 resentatives to accompany this bill.

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

11       For expenses of family housing for the Navy and Ma-  
12 rine Corps for operation and maintenance, including debt  
13 payment, leasing, minor construction, principal and inter-  
14 est charges, and insurance premiums, as authorized by  
15 law, \$376,062,000.

16       FAMILY HOUSING CONSTRUCTION, AIR FORCE

17       For expenses of family housing for the Air Force for  
18 construction, including acquisition, replacement, addition,  
19 expansion, extension, and alteration, as authorized by law,  
20 \$395,879,000, to remain available until September 30,  
21 2013: *Provided*, That the amount appropriated in this  
22 paragraph shall be for the projects and activities, and in  
23 the amounts, specified under the heading “Family Hous-  
24 ing Construction, Air Force” in the table entitled “Mili-  
25 tary Construction” in the report of the Committee on Ap-

1 appropriations of the House of Representatives to accom-  
2 pany this bill.

3 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR  
4 FORCE

5 For expenses of family housing for the Air Force for  
6 operation and maintenance, including debt payment, leas-  
7 ing, minor construction, principal and interest charges,  
8 and insurance premiums, as authorized by law,  
9 \$594,465,000.

10 FAMILY HOUSING OPERATION AND MAINTENANCE,  
11 DEFENSE-WIDE

12 For expenses of family housing for the activities and  
13 agencies of the Department of Defense (other than the  
14 military departments) for operation and maintenance,  
15 leasing, and minor construction, as authorized by law,  
16 \$49,231,000.

17 DEPARTMENT OF DEFENSE FAMILY HOUSING  
18 IMPROVEMENT FUND

19 For the Department of Defense Family Housing Im-  
20 provement Fund, \$850,000, to remain available until ex-  
21 pended, for family housing initiatives undertaken pursu-  
22 ant to section 2883 of title 10, United States Code, pro-  
23 viding alternative means of acquiring and improving mili-  
24 tary family housing and supporting facilities.

## 1 HOMEOWNERS ASSISTANCE FUND

2 For the Homeowners Assistance Fund established by  
3 section 1013 of the Demonstration Cities and Metropoli-  
4 tan Development Act of 1966, as amended (42 U.S.C.  
5 3374), \$4,500,000, to remain available until expended.

## 6 CHEMICAL DEMILITARIZATION CONSTRUCTION,

## 7 DEFENSE-WIDE

## 8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses of construction, not otherwise provided  
10 for, necessary for the destruction of the United States  
11 stockpile of lethal chemical agents and munitions in ac-  
12 cordance with section 1412 of the Department of Defense  
13 Authorization Act, 1986 (50 U.S.C. 1521), and for the  
14 destruction of other chemical warfare materials that are  
15 not in the chemical weapon stockpile, as currently author-  
16 ized by law, \$134,278,000, to remain available until Sep-  
17 tember 30, 2013: *Provided*, That such amounts of this ap-  
18 propriation as may be determined by the Secretary of De-  
19 fense may be transferred to such appropriations of the De-  
20 partment of Defense available for military construction as  
21 the Secretary may designate, to be merged with and to  
22 be available for the same purposes, and for the same time  
23 period, as the appropriation to which transferred: *Pro-*  
24 *vided further*, That the amount appropriated in this para-  
25 graph shall be for the projects and activities, and in the

1 amounts, specified in the table entitled “Chemical Demili-  
2 tarization Construction” in the report of the Committee  
3 on Appropriations of the House of Representatives to ac-  
4 company this bill.

5 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT  
6 1990

7 For deposit into the Department of Defense Base  
8 Closure Account 1990, established by section 2906(a)(1)  
9 of the Defense Base Closure and Realignment Act of 1990  
10 (10 U.S.C. 2687 note), \$473,377,000, to remain available  
11 until expended.

12 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT  
13 2005

14 For deposit into the Department of Defense Base  
15 Closure Account 2005, established by section 2906A(a)(1)  
16 of the Defense Base Closure and Realignment Act of 1990  
17 (10 U.S.C. 2687 note), \$9,065,386,000, to remain avail-  
18 able until expended: *Provided*, That the Department of  
19 Defense shall notify the Committees on Appropriations of  
20 both Houses of Congress 14 days prior to obligating an  
21 amount for a construction project that exceeds or reduces  
22 the amount identified for that project in the most recently  
23 submitted budget request for this account by 20 percent  
24 or \$2,000,000, whichever is less: *Provided further*, That  
25 the previous proviso shall not apply to projects costing less

1 than \$5,000,000, except for those projects not previously  
2 identified in any budget submission for this account and  
3 exceeding the minor construction threshold under 10  
4 U.S.C. 2805.

5 ADMINISTRATIVE PROVISIONS

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

13 SEC. 102. Funds made available in this title for con-  
14 struction shall be available for hire of passenger motor ve-  
15 hicles.

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

23 SEC. 104. None of the funds made available in this  
24 title may be used to begin construction of new bases in



1 the United States for which specific appropriations have  
2 not been made.

3       SEC. 105. None of the funds made available in this  
4 title shall be used for purchase of land or land easements  
5 in excess of 100 percent of the value as determined by  
6 the Army Corps of Engineers or the Naval Facilities Engi-  
7 neering Command, except: (1) where there is a determina-  
8 tion of value by a Federal court; (2) purchases negotiated  
9 by the Attorney General or the designee of the Attorney  
10 General; (3) where the estimated value is less than  
11 \$25,000; or (4) as otherwise determined by the Secretary  
12 of Defense to be in the public interest.

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

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

24       SEC. 108. None of the funds made available in this  
25 title may be used for the procurement of steel for any con-

1 construction project or activity for which American steel pro-  
2 ducers, fabricators, and manufacturers have been denied  
3 the opportunity to compete for such steel procurement.

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

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

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

20       SEC. 112. None of the funds made available in this  
21 title for military construction in the United States terri-  
22 tories and possessions in the Pacific and on Kwajalein  
23 Atoll, or in countries bordering the Arabian Sea, may be  
24 used to award any contract estimated by the Government  
25 to exceed \$1,000,000 to a foreign contractor: *Provided,*

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

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

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

20                               (INCLUDING TRANSFER OF FUNDS)

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

1        SEC. 116. For military construction or family housing  
2 projects that are being completed with funds otherwise ex-  
3 pired or lapsed for obligation, expired or lapsed funds may  
4 be used to pay the cost of associated supervision, inspec-  
5 tion, overhead, engineering and design on those projects  
6 and on subsequent claims, if any.

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

19        SEC. 118. (a) The Secretary of Defense, in consulta-  
20 tion with the Secretary of State, shall submit to the Com-  
21 mittees on Appropriations of both Houses of Congress, by  
22 February 15 of each year, an annual report, in unclassi-  
23 fied and, if necessary classified form, on actions taken by  
24 the Department of Defense and the Department of State  
25 during the previous fiscal year to encourage host countries

1 to assume a greater share of the common defense burden  
2 of such countries and the United States.

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

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

8 (2) attempts to achieve economic incentives of-  
9 fered by host countries to encourage private invest-  
10 ment for the benefit of the United States Armed  
11 Forces;

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

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

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

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

4 (INCLUDING TRANSFER OF FUNDS)

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

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 120. Subject to 30 days prior notification, or  
18 14 days for a notification provided in an electronic me-  
19 dium pursuant to sections 480 and 2883, of title 10,  
20 United States Code, to the Committees on Appropriations  
21 of both Houses of Congress, such additional amounts as  
22 may be determined by the Secretary of Defense may be  
23 transferred to: (1) the Department of Defense Family  
24 Housing Improvement Fund from amounts appropriated  
25 for construction in “Family Housing” accounts, to be

1 merged with and to be available for the same purposes  
2 and for the same period of time as amounts appropriated  
3 directly to the Fund; or (2) the Department of Defense  
4 Military Unaccompanied Housing Improvement Fund  
5 from amounts appropriated for construction of military  
6 unaccompanied housing in “Military Construction” ac-  
7 counts, to be merged with and to be available for the same  
8 purposes and for the same period of time as amounts ap-  
9 propriated directly to the Fund: *Provided*, That appropria-  
10 tions made available to the Funds shall be available to  
11 cover the costs, as defined in section 502(5) of the Con-  
12 gressional Budget Act of 1974, of direct loans or loan  
13 guarantees issued by the Department of Defense pursuant  
14 to the provisions of subchapter IV of chapter 169 of title  
15 10, United States Code, pertaining to alternative means  
16 of acquiring and improving military family housing, mili-  
17 tary unaccompanied housing, and supporting facilities.

18       SEC. 121. (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 (INCLUDING TRANSFER OF FUNDS)

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



1 purposes and for the same time period as the fund to  
2 which transferred.

3       SEC. 123. Notwithstanding this or any other provi-  
4 sion of law, funds made available in this title for operation  
5 and maintenance of family housing shall be the exclusive  
6 source of funds for repair and maintenance of all family  
7 housing units, including general or flag officer quarters:  
8 *Provided*, That not more than \$35,000 per unit may be  
9 spent annually for the maintenance and repair of any gen-  
10 eral or flag officer quarters without 30 days prior notifica-  
11 tion to the Committees on Appropriations of both Houses  
12 of Congress, except that an after-the-fact notification shall  
13 be submitted if the limitation is exceeded solely due to  
14 costs associated with environmental remediation that  
15 could not be reasonably anticipated at the time of the  
16 budget submission: *Provided further*, That the Under Sec-  
17 retary of Defense (Comptroller) is to report annually to  
18 the Committees on Appropriations of both Houses of Con-  
19 gress all operation and maintenance expenditures for each  
20 individual general or flag officer quarters for the prior fis-  
21 cal year.

22       SEC. 124. Amounts contained in the Ford Island Im-  
23 provement Account established by subsection (h) of sec-  
24 tion 2814 of title 10, United States Code, are appro-  
25 priated and shall be available until expended for the pur-

1 poses specified in subsection (i)(1) of such section or until  
2 transferred pursuant to subsection (i)(3) of such section.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 125. None of the funds made available in this  
5 title, or in any Act making appropriations for military con-  
6 struction which remain available for obligation, may be ob-  
7 ligated or expended to carry out a military construction,  
8 land acquisition, or family housing project at or for a mili-  
9 tary installation approved for closure, or at a military in-  
10 stallation for the purposes of supporting a function that  
11 has been approved for realignment to another installation,  
12 in 2005 under the Defense Base Closure and Realignment  
13 Act of 1990 (part A of title XXIX of Public Law 101–  
14 510; 10 U.S.C. 2687 note), unless such a project at a mili-  
15 tary installation approved for realignment will support a  
16 continuing mission or function at that installation or a  
17 new mission or function that is planned for that installa-  
18 tion, or unless the Secretary of Defense certifies that the  
19 cost to the United States of carrying out such project  
20 would be less than the cost to the United States of cancel-  
21 ling such project, or if the project is at an active compo-  
22 nent base that shall be established as an enclave or in the  
23 case of projects having multi-agency use, that another  
24 Government agency has indicated it will assume ownership  
25 of the completed project. The Secretary of Defense may

1 not transfer funds made available as a result of this limi-  
2 tation from any military construction project, land acquisi-  
3 tion, or family housing project to another account or use  
4 such funds for another purpose or project without the  
5 prior approval of the Committees on Appropriations of  
6 both Houses of Congress. This section shall not apply to  
7 military construction projects, land acquisition, or family  
8 housing projects for which the project is vital to the na-  
9 tional security or the protection of health, safety, or envi-  
10 ronmental quality: *Provided*, That the Secretary of De-  
11 fense shall notify the congressional defense committees  
12 within seven days of a decision to carry out such a military  
13 construction project.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 126. During the 5-year period after appropria-  
16 tions available in this Act to the Department of Defense  
17 for military construction and family housing operation and  
18 maintenance and construction have expired for obligation,  
19 upon a determination that such appropriations will not be  
20 necessary for the liquidation of obligations or for making  
21 authorized adjustments to such appropriations for obliga-  
22 tions incurred during the period of availability of such ap-  
23 propriations, unobligated balances of such appropriations  
24 may be transferred into the appropriation “Foreign Cur-  
25 rency Fluctuations, Construction, Defense”, to be merged

1 with and to be available for the same time period and for  
2 the same purposes as the appropriation to which trans-  
3 ferred.

4 SEC. 127. None of the funds appropriated or other-  
5 wise made available in this title may be used for any action  
6 that is related to or promotes the expansion of the bound-  
7 aries or size of the Pinon Canyon Maneuver Site, Colo-  
8 rado.

## 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 section 107 and chapters 11,  
17 13, 18, 51, 53, 55, and 61 of title 38, United States Code;  
18 pension benefits to or on behalf of veterans as authorized  
19 by chapters 15, 51, 53, 55, and 61 of title 38, United  
20 States Code; and burial benefits, the Reinstated Entitle-  
21 ment Program for Survivors, emergency and other offi-  
22 cers' retirement pay, adjusted-service credits and certifi-  
23 cates, payment of premiums due on commercial life insur-  
24 ance policies guaranteed under the provisions of title IV  
25 of the Servicemembers Civil Relief Act (50 U.S.C. App.

1 541 et seq.) and for other benefits as authorized by sec-  
2 tions 107, 1312, 1977, and 2106, and chapters 23, 51,  
3 53, 55, and 61 of title 38, United States Code,  
4 \$43,111,681,000, to remain available until expended: *Pro-*  
5 *vided*, That not to exceed \$26,798,000 of the amount ap-  
6 propriated under this heading shall be reimbursed to  
7 “General operating expenses”, “Medical support and com-  
8 pliance”, and “Information technology systems” for nec-  
9 essary expenses in implementing the provisions of chapters  
10 51, 53, and 55 of title 38, United States Code, the funding  
11 source for which is specifically provided as the “Com-  
12 pensation and pensions” appropriation: *Provided further*,  
13 That such sums as may be earned on an actual qualifying  
14 patient basis, shall be reimbursed to “Medical care collec-  
15 tions fund” to augment the funding of individual medical  
16 facilities for nursing home care provided to pensioners as  
17 authorized.

18 READJUSTMENT BENEFITS

19 For the payment of readjustment and rehabilitation  
20 benefits to or on behalf of veterans as authorized by chap-  
21 ters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61 of  
22 title 38, United States Code, \$3,086,944,000, to remain  
23 available until expended: *Provided*, That expenses for re-  
24 habilitation program services and assistance which the  
25 Secretary is authorized to provide under subsection (a) of

1 section 3104 of title 38, United States Code, other than  
2 under paragraphs (1), (2), (5), and (11) of that sub-  
3 section, shall be charged to this account.

4 VETERANS INSURANCE AND INDEMNITIES

5 For military and naval insurance, national service life  
6 insurance, servicemen's indemnities, service-disabled vet-  
7 erans insurance, and veterans mortgage life insurance as  
8 authorized by title 38, United States Code, chapters 19  
9 and 21, \$42,300,000, to remain available until expended.

10 VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM

11 ACCOUNT

12 For the cost of direct and guaranteed loans, such  
13 sums as may be necessary to carry out the program, as  
14 authorized by subchapters I through III of chapter 37 of  
15 title 38, United States Code: *Provided*, That such costs,  
16 including the cost of modifying such loans, shall be as de-  
17 fined in section 502 of the Congressional Budget Act of  
18 1974: *Provided further*, That during fiscal year 2009,  
19 within the resources available, not to exceed \$500,000 in  
20 gross obligations for direct loans are authorized for spe-  
21 cially adapted housing loans.

22 In addition, for administrative expenses to carry out  
23 the direct and guaranteed loan programs, \$157,210,000.

1 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT  
2 (INCLUDING TRANSFER OF FUNDS)

3 For the cost of direct loans, \$61,000, as authorized  
4 by chapter 31 of title 38, United States Code: *Provided*,  
5 That such costs, including the cost of modifying such  
6 loans, shall be as defined in section 502 of the Congres-  
7 sional Budget Act of 1974: *Provided further*, That funds  
8 made available under this heading are available to sub-  
9 sidize gross obligations for the principal amount of direct  
10 loans not to exceed \$3,180,000.

11 In addition, for administrative expenses necessary to  
12 carry out the direct loan program, \$320,000, which may  
13 be transferred to and merged with the appropriation for  
14 “General operating expenses”.

15 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM  
16 ACCOUNT

17 For administrative expenses to carry out the direct  
18 loan program authorized by subchapter V of chapter 37  
19 of title 38, United States Code, \$646,000.

20 GUARANTEED TRANSITIONAL HOUSING LOANS FOR  
21 HOMELESS VETERANS PROGRAM ACCOUNT

22 For the administrative expenses to carry out the  
23 guaranteed transitional housing loan program authorized  
24 by subchapter VI of chapter 20 of title 38, United States  
25 Code, not to exceed \$750,000 of the amounts appropriated

1 by this Act for “General operating expenses” and “Med-  
2 ical support and compliance” may be expended.

3 VETERANS HEALTH ADMINISTRATION

4 MEDICAL SERVICES

5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses for furnishing, as authorized  
7 by law, inpatient and outpatient care and treatment to  
8 beneficiaries of the Department of Veterans Affairs and  
9 veterans described in section 1705(a) of title 38, United  
10 States Code, including care and treatment in facilities not  
11 under the jurisdiction of the Department, and including  
12 medical supplies and equipment, food services, and sala-  
13 ries and expenses of health-care employees hired under  
14 title 38, United States Code, and aid to State homes as  
15 authorized by section 1741 of title 38, United States Code;  
16 \$30,854,270,000, plus reimbursements, of which not less  
17 than \$3,800,000,000 shall be expended for specialty men-  
18 tal health care: *Provided*, That of the funds made available  
19 under this heading, not to exceed \$1,350,000,000 shall be  
20 available until September 30, 2010: *Provided further*,  
21 That, notwithstanding any other provision of law, the Sec-  
22 retary of Veterans Affairs shall establish a priority for the  
23 provision of medical treatment for veterans who have serv-  
24 ice-connected disabilities, lower income, or have special  
25 needs: *Provided further*, That, notwithstanding any other



1 provision of law, the Secretary of Veterans Affairs shall  
2 give priority funding for the provision of basic medical  
3 benefits to veterans in enrollment priority groups 1  
4 through 6: *Provided further*, That, notwithstanding any  
5 other provision of law, the Secretary of Veterans Affairs  
6 may authorize the dispensing of prescription drugs from  
7 Veterans Health Administration facilities to enrolled vet-  
8 erans with privately written prescriptions based on re-  
9 quirements established by the Secretary: *Provided further*,  
10 That the implementation of the program described in the  
11 previous proviso shall incur no additional cost to the De-  
12 partment of Veterans Affairs: *Provided further*, That for  
13 the Department of Defense/Department of Veterans Af-  
14 fairs Health Care Sharing Incentive Fund, as authorized  
15 by section 8111(d) of title 38, United States Code, a min-  
16 imum of \$15,000,000, to remain available until expended,  
17 for any purpose authorized by section 8111 of title 38,  
18 United States Code.

19 MEDICAL SUPPORT AND COMPLIANCE

20 For necessary expenses in the administration of the  
21 medical, hospital, nursing home, domiciliary, construction,  
22 supply, and research activities, as authorized by law; ad-  
23 ministrative expenses in support of capital policy activi-  
24 ties; and administrative and legal expenses of the Depart-  
25 ment for collecting and recovering amounts owed the De-

1 partment as authorized under chapter 17 of title 38,  
2 United States Code, and the Federal Medical Care Recov-  
3 ery Act (42 U.S.C. 2651 et seq.): \$4,400,000,000, plus  
4 reimbursements, of which \$250,000,000 shall be available  
5 until September 30, 2010.

6 MEDICAL FACILITIES

7 For necessary expenses for the maintenance and op-  
8 eration of hospitals, nursing homes, and domiciliary facili-  
9 ties and other necessary facilities of the Veterans Health  
10 Administration; for administrative expenses in support of  
11 planning, design, project management, real property ac-  
12 quisition and disposition, construction, and renovation of  
13 any facility under the jurisdiction or for the use of the  
14 Department; for oversight, engineering, and architectural  
15 activities not charged to project costs; for repairing, alter-  
16 ing, improving, or providing facilities in the several hos-  
17 pitals and homes under the jurisdiction of the Depart-  
18 ment, not otherwise provided for, either by contract or by  
19 the hire of temporary employees and purchase of mate-  
20 rials; for leases of facilities; and for laundry services,  
21 \$5,029,000,000, plus reimbursements, of which  
22 \$350,000,000 shall be available until September 30, 2010:  
23 *Provided*, That \$300,000,000 for non-recurring mainte-  
24 nance provided under this heading shall be allocated in

1 a manner not subject to the Veterans Equitable Resource  
2 Allocation.

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 \$500,000,000, plus reimbursements, to remain available  
8 until September 30, 2010.

9 NATIONAL CEMETERY ADMINISTRATION

10 For necessary expenses of the National Cemetery Ad-  
11 ministration for operations and maintenance, not other-  
12 wise provided for, including uniforms or allowances there-  
13 for; cemeterial expenses as authorized by law; purchase  
14 of one passenger motor vehicle for use in cemeterial oper-  
15 ations; hire of passenger motor vehicles; and repair, alter-  
16 ation or improvement of facilities under the jurisdiction  
17 of the Department, \$240,000,000, of which not to exceed  
18 \$20,000,000 shall be available until September 30, 2010.

19 DEPARTMENTAL ADMINISTRATION

20 GENERAL OPERATING EXPENSES

21 For necessary operating expenses of the Department  
22 of Veterans Affairs, not otherwise provided for, including  
23 administrative expenses in support of Department-Wide  
24 capital planning, management and policy activities, uni-  
25 forms, or allowances therefor; not to exceed \$25,000 for

1 official reception and representation expenses; hire of pas-  
2 senger motor vehicles; and reimbursement of the General  
3 Services Administration for security guard services, and  
4 the Department of Defense for the cost of overseas em-  
5 ployee mail, \$1,801,867,000: *Provided*, That expenses for  
6 services and assistance authorized under paragraphs (1),  
7 (2), (5), and (11) of section 3104(a) of title 38, United  
8 States Code, that the Secretary of Veterans Affairs deter-  
9 mines are necessary to enable entitled veterans: (1) to the  
10 maximum extent feasible, to become employable and to ob-  
11 tain and maintain suitable employment; or (2) to achieve  
12 maximum independence in daily living, shall be charged  
13 to this account: *Provided further*, That the Veterans Bene-  
14 fits Administration shall be funded at not less than  
15 \$1,473,753,000: *Provided further*, That of the funds made  
16 available under this heading, not to exceed \$75,000,000  
17 shall be available for obligation until September 30, 2010:  
18 *Provided further*, That from the funds made available  
19 under this heading, the Veterans Benefits Administration  
20 may purchase (on a one-for-one replacement basis only)  
21 up to two passenger motor vehicles for use in operations  
22 of that Administration in Manila, Philippines.

23 INFORMATION TECHNOLOGY SYSTEMS

24 For necessary expenses for information technology  
25 systems and telecommunications support, including devel-

1 opmental information systems and operational information  
2 systems; including pay and associated cost; for the capital  
3 asset acquisition of information technology systems, in-  
4 cluding management and related contractual costs of said  
5 acquisitions, including contractual costs associated with  
6 operations authorized by section 3109 of title 5, United  
7 States Code, \$2,492,066,000, plus reimbursements, to be  
8 available until September 30, 2010: *Provided*, That none  
9 of these funds may be obligated until the Department of  
10 Veterans Affairs submits to the Committees on Appropria-  
11 tions of both Houses of Congress, and such Committees  
12 approve, a plan for expenditure that: (1) meets the capital  
13 planning and investment control review requirements es-  
14 tablished by the Office of Management and Budget; (2)  
15 complies with the Department of Veterans Affairs enter-  
16 prise architecture; (3) conforms with an established enter-  
17 prise life cycle methodology; and (4) complies with the ac-  
18 quisition rules, requirements, guidelines, and systems ac-  
19 quisition management practices of the Federal Govern-  
20 ment: *Provided further*, That within 30 days of enactment  
21 of this Act, the Secretary of Veterans Affairs shall submit  
22 to the Committees on Appropriations of both Houses of  
23 Congress a reprogramming base letter which provides, by  
24 project, the costs included in this appropriation.

## 1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector  
3 General, to include information technology, in carrying out  
4 the provisions of the Inspector General Act of 1978 (5  
5 U.S.C. App.), \$87,818,000, of which \$5,000,000 shall be  
6 available until September 30, 2010.

## 7 CONSTRUCTION, MAJOR PROJECTS

8 For constructing, altering, extending, and improving  
9 any of the facilities, including parking projects, under the  
10 jurisdiction or for the use of the Department of Veterans  
11 Affairs, or for any of the purposes set forth in sections  
12 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,  
13 and 8122 of title 38, United States Code, including plan-  
14 ning, architectural and engineering services, construction  
15 management services, maintenance or guarantee period  
16 services costs associated with equipment guarantees pro-  
17 vided under the project, services of claims analysts, offsite  
18 utility and storm drainage system construction costs, and  
19 site acquisition, where the estimated cost of a project is  
20 more than the amount set forth in section 8104(a)(3)(A)  
21 of title 38, United States Code, or where funds for a  
22 project were made available in a previous major project  
23 appropriation, \$923,382,000, to remain available until ex-  
24 pended, of which \$10,000,000 shall be to make reimburse-  
25 ments as provided in section 13 of the Contract Disputes

1 Act of 1978 (41 U.S.C. 612) for claims paid for contract  
2 disputes: *Provided*, That except for advance planning ac-  
3 tivities, including needs assessments which may or may  
4 not lead to capital investments, and other capital asset  
5 management related activities, including portfolio develop-  
6 ment and management activities, and investment strategy  
7 studies funded through the advance planning fund and the  
8 planning and design activities funded through the design  
9 fund, including needs assessments which may or may not  
10 lead to capital investments, and funds provided for the  
11 purchase of land for the National Cemetery Administra-  
12 tion through the land acquisition line item, none of the  
13 funds appropriated under this heading shall be used for  
14 any project which has not been approved by the Congress  
15 in the budgetary process: *Provided further*, That funds  
16 provided in this appropriation for fiscal year 2009, for  
17 each approved project shall be obligated: (1) by the award-  
18 ing of a construction documents contract by September  
19 30, 2009; and (2) by the awarding of a construction con-  
20 tract by September 30, 2010: *Provided further*, That the  
21 Secretary of Veterans Affairs shall promptly submit to the  
22 Committees on Appropriations of both Houses of Congress  
23 a written report on any approved major construction  
24 project for which obligations are not incurred within the  
25 time limitations established above: *Provided further*, That

1 none of the funds appropriated in this or any other Act  
2 may be used to reduce the mission, services, or infrastruc-  
3 ture, including land, of the 18 facilities on the Capital  
4 Asset Realignment for Enhanced Services (CARES) list  
5 requiring further study, as specified by the Secretary of  
6 Veterans Affairs, without prior approval of the Commit-  
7 tees on Appropriations of both Houses of Congress: *Pro-*  
8 *vided further*, That of the amount appropriated in this  
9 paragraph, \$798,852,000 shall be for the site specific  
10 projects, and in the amounts, specified under this heading  
11 in the report of the Committee on Appropriations of the  
12 House of Representatives to accompany this bill.

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, \$991,492,000, 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: *Provided*, That funds in this account shall  
9 be available for: (1) repairs to any of the nonmedical facili-  
10 ties under the jurisdiction or for the use of the Depart-  
11 ment which are necessary because of loss or damage  
12 caused by any natural disaster or catastrophe; and (2)  
13 temporary measures necessary to prevent or to minimize  
14 further loss by such causes: *Provided further*: That  
15 \$7,000,000 of the amount appropriated in this paragraph  
16 shall be for the installation of alternative fueling stations  
17 at 35 medical facility campuses.

18 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE

19 FACILITIES

20 For grants to assist States to acquire or construct  
21 State nursing home and domiciliary facilities and to re-  
22 model, modify, or alter existing hospital, nursing home,  
23 and domiciliary facilities in State homes, for furnishing  
24 care to veterans as authorized by sections 8131 through

1 8137 of title 38, United States Code, \$165,000,000, to  
2 remain available until expended.

3 GRANTS FOR CONSTRUCTION OF STATE VETERANS  
4 CEMETERIES

5 For grants to assist States in establishing, expand-  
6 ing, or improving State veterans cemeteries as authorized  
7 by section 2408 of title 38, United States Code,  
8 \$45,000,000, to remain available until expended.

9 ADMINISTRATIVE PROVISIONS  
10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 201. Any appropriation for fiscal year 2009 for  
12 “Compensation and pensions”, “Readjustment benefits”,  
13 and “Veterans insurance and indemnities” may be trans-  
14 ferred as necessary to any other of the mentioned appro-  
15 priations: *Provided*, That before a transfer may take place,  
16 the Secretary of Veterans Affairs shall request from the  
17 Committees on Appropriations of both Houses of Congress  
18 the authority to make the transfer and such Committees  
19 issue an approval, or absent a response, a period of 30  
20 days has elapsed.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 202. Amounts made available for fiscal year  
23 2009, in this Act or any other Act, under the “Medical  
24 services”, “Medical support and compliance”, and “Med-  
25 ical facilities” accounts may be transferred among the ac-

1 counts to the extent necessary to implement the restruc-  
2 turing of the Veterans Health Administration accounts:  
3 *Provided*, That before a transfer may take place, the Sec-  
4 retary of Veterans Affairs shall request from the Commit-  
5 tees on Appropriations of both Houses of Congress the  
6 authority to make the transfer and an approval is issued.

7       SEC. 203. Appropriations available in this title for  
8 salaries and expenses shall be available for services au-  
9 thorized by section 3109 of title 5, United States Code,  
10 hire of passenger motor vehicles; lease of a facility or land  
11 or both; and uniforms or allowances therefore, as author-  
12 ized by sections 5901 through 5902 of title 5, United  
13 States Code.

14       SEC. 204. No appropriations in this title (except the  
15 appropriations for “Construction, major projects”, and  
16 “Construction, minor projects”) shall be available for the  
17 purchase of any site for or toward the construction of any  
18 new hospital or home.

19       SEC. 205. No appropriations in this title shall be  
20 available for hospitalization or examination of any persons  
21 (except beneficiaries entitled to such hospitalization or ex-  
22 amination under the laws providing such benefits to vet-  
23 erans, and persons receiving such treatment under sec-  
24 tions 7901 through 7904 of title 5, United States Code,  
25 or the Robert T. Stafford Disaster Relief and Emergency

1 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-  
2 bursement of the cost of such hospitalization or examina-  
3 tion is made to the “Medical services” account at such  
4 rates as may be fixed by the Secretary of Veterans Affairs.

5 SEC. 206. Appropriations available in this title for  
6 “Compensation and pensions”, “Readjustment benefits”,  
7 and “Veterans insurance and indemnities” shall be avail-  
8 able for payment of prior year accrued obligations re-  
9 quired to be recorded by law against the corresponding  
10 prior year accounts within the last quarter of fiscal year  
11 2008.

12 SEC. 207. Appropriations available in this title shall  
13 be available to pay prior year obligations of corresponding  
14 prior year appropriations accounts resulting from sections  
15 3328(a), 3334, and 3712(a) of title 31, United States  
16 Code, except that if such obligations are from trust fund  
17 accounts they shall be payable only from “Compensation  
18 and pensions”.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 208. Notwithstanding any other provision of  
21 law, during fiscal year 2009, the Secretary of Veterans  
22 Affairs shall, from the National Service Life Insurance  
23 Fund (38 U.S.C. 1920), the Veterans’ Special Life Insur-  
24 ance Fund (38 U.S.C. 1923), and the United States Gov-  
25 ernment Life Insurance Fund (38 U.S.C. 1955), reim-

1 burse the “General operating expenses” and “Information  
2 technology systems” account for the cost of administration  
3 of the insurance programs financed through those ac-  
4 counts: *Provided*, That reimbursement shall be made only  
5 from the surplus earnings accumulated in such an insur-  
6 ance program during fiscal year 2009 that are available  
7 for dividends in that program after claims have been paid  
8 and actuarially determined reserves have been set aside:  
9 *Provided further*, That if the cost of administration of such  
10 an insurance program exceeds the amount of surplus earn-  
11 ings accumulated in that program, reimbursement shall be  
12 made only to the extent of such surplus earnings: *Provided*  
13 *further*, That the Secretary shall determine the cost of ad-  
14 ministration for fiscal year 2009 which is properly allo-  
15 cable to the provision of each such insurance program and  
16 to the provision of any total disability income insurance  
17 included in that insurance program.

18 SEC. 209. Amounts deducted from enhanced-use  
19 lease proceeds to reimburse an account for expenses in-  
20 curred by that account during a prior fiscal year for pro-  
21 viding enhanced-use lease services, may be obligated dur-  
22 ing the fiscal year in which the proceeds are received.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 210. Funds available in this title or funds for  
25 salaries and other administrative expenses shall also be

1 available to reimburse the Office of Resolution Manage-  
2 ment of the Department of Veterans Affairs and the Of-  
3 fice of Employment Discrimination Complaint Adjudica-  
4 tion under section 319 of title 38, United States Code,  
5 for all services provided at rates which will recover actual  
6 costs but not exceed \$34,158,000 for the Office of Resolu-  
7 tion Management and \$3,278,000 for the Office of Em-  
8 ployment and Discrimination Complaint Adjudication:  
9 *Provided*, That payments may be made in advance for  
10 services to be furnished based on estimated costs: *Provided*  
11 *further*, That amounts received shall be credited to “Gen-  
12 eral operating expenses” and “Information technology sys-  
13 tems” for use by the office that provided the service.

14 SEC. 211. No appropriations in this title shall be  
15 available to enter into any new lease of real property if  
16 the estimated annual rental is more than \$300,000 unless  
17 the Secretary submits a report which the Committees on  
18 Appropriations of both Houses of Congress approve within  
19 30 days following the date on which the report is received.

20 SEC. 212. No funds of the Department of Veterans  
21 Affairs shall be available for hospital care, nursing home  
22 care, or medical services provided to any person under  
23 chapter 17 of title 38, United States Code, for a non-serv-  
24 ice-connected disability described in section 1729(a)(2) of  
25 such title, unless that person has disclosed to the Sec-

1 retary of Veterans Affairs, in such form as the Secretary  
2 may require, current, accurate third-party reimbursement  
3 information for purposes of section 1729 of such title: *Pro-*  
4 *vided*, That the Secretary may recover, in the same man-  
5 ner as any other debt due the United States, the reason-  
6 able charges for such care or services from any person who  
7 does not make such disclosure as required: *Provided fur-*  
8 *ther*, That any amounts so recovered for care or services  
9 provided in a prior fiscal year may be obligated by the  
10 Secretary during the fiscal year in which amounts are re-  
11 ceived.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 213. Notwithstanding any other provision of  
14 law, at the discretion of the Secretary of Veterans Affairs,  
15 proceeds or revenues derived from enhanced-use leasing  
16 activities (including disposal) may be deposited into the  
17 “Construction, major projects” and “Construction, minor  
18 projects” accounts and be used for construction (including  
19 site acquisition and disposition), alterations, and improve-  
20 ments of any medical facility under the jurisdiction or for  
21 the use of the Department of Veterans Affairs. Such sums  
22 as realized are in addition to the amount provided for in  
23 “Construction, major projects” and “Construction, minor  
24 projects”.

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

3           (1) for furnishing recreational facilities, sup-  
4 plies, and equipment; and

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

8                   (INCLUDING TRANSFER OF FUNDS)

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

14       SEC. 216. Notwithstanding any other provision of  
15 law, the Secretary of Veterans Affairs shall allow veterans  
16 who are eligible under existing Department of Veterans  
17 Affairs medical care requirements and who reside in Alas-  
18 ka to obtain medical care services from medical facilities  
19 supported by the Indian Health Service or tribal organiza-  
20 tions. The Secretary shall: (1) limit the application of this  
21 provision to rural Alaskan veterans in areas where an ex-  
22 isting Department of Veterans Affairs facility or Veterans  
23 Affairs-contracted service is unavailable; (2) require par-  
24 ticipating veterans and facilities to comply with all appro-  
25 priate rules and regulations, as established by the Sec-



1 retary; (3) require this provision to be consistent with  
2 Capital Asset Realignment for Enhanced Services activi-  
3 ties; and (4) result in no additional cost to the Department  
4 of Veterans Affairs or the Indian Health Service.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 217. Such sums as may be deposited to the De-  
7 partment of Veterans Affairs Capital Asset Fund pursu-  
8 ant to section 8118 of title 38, United States Code, may  
9 be transferred to the “Construction, major projects” and  
10 “Construction, minor projects” accounts, to remain avail-  
11 able until expended for the purposes of these accounts.

12 SEC. 218. None of the funds available to the Depart-  
13 ment of Veterans Affairs, in this Act, or any other Act,  
14 may be used to replace the current system by which the  
15 Veterans Integrated Services Networks select and contract  
16 for diabetes monitoring supplies and equipment.

17 SEC. 219. None of the funds made available in this  
18 title may be used to implement any policy prohibiting the  
19 Directors of the Veterans Integrated Services Networks  
20 from conducting outreach or marketing to enroll new vet-  
21 erans within their respective Networks.

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 221. Amounts made available under the “Med-  
3 ical services”, “Medical support and compliance”, “Med-  
4 ical facilities”, “General operating expenses”, and “Na-  
5 tional Cemetery Administration” accounts for fiscal year  
6 2009, may be transferred to or from the “Information  
7 technology systems” account: *Provided*, That before a  
8 transfer may take place, the Secretary of Veterans Affairs  
9 shall request from the Committees on Appropriations of  
10 both Houses of Congress the authority to make the trans-  
11 fer and an approval is issued.

12 SEC. 222. Amounts made available for the “Informa-  
13 tion technology systems” account may be transferred be-  
14 tween projects: *Provided*, That no project may be in-  
15 creased or decreased by more than \$1,000,000 of cost  
16 prior to submitting a request to the Committees on Appro-  
17 priations of both Houses of Congress to make the transfer  
18 and an approval is issued, or absent a response, a period  
19 of 30 days has elapsed.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 223. Any balances in prior year accounts estab-  
22 lished for the payment of benefits under the Reinstated  
23 Entitlement Program for Survivors shall be transferred to  
24 and merged with amounts available under the “Compensa-  
25 tion and pensions” account, and, hereinafter, receipts that

1 would otherwise be credited to the accounts established for  
2 the payment of benefits under the Reinstated Entitlement  
3 Program for Survivors program shall be credited to  
4 amounts available under the “Compensation and pen-  
5 sions” account.

6 SEC. 224. Section 1710(f)(2)(B) of title 38, United  
7 States Code, is amended by striking “September 30,  
8 2008,” and inserting “September 30, 2009,”.

9 SEC. 225. Section 1729(a)(2)(E) of title 38, United  
10 States Code, is amended by striking “October 1, 2008,”  
11 and inserting “October 1, 2009,”.

### 12 TITLE III

#### 13 RELATED AGENCIES

##### 14 AMERICAN BATTLE MONUMENTS COMMISSION

##### 15 SALARIES AND EXPENSES

16 For necessary expenses, not otherwise provided for,  
17 of the American Battle Monuments Commission, including  
18 the acquisition of land or interest in land in foreign coun-  
19 tries; purchases and repair of uniforms for caretakers of  
20 national cemeteries and monuments outside of the United  
21 States and its territories and possessions; rent of office  
22 and garage space in foreign countries; purchase (one-for-  
23 one replacement basis only) and hire of passenger motor  
24 vehicles; not to exceed \$7,500 for official reception and  
25 representation expenses; and insurance of official motor

1 vehicles in foreign countries, when required by law of such  
2 countries, \$55,470,000, to remain available until ex-  
3 pended.

4 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

5 For necessary expenses, not otherwise provided for,  
6 of the American Battle Monuments Commission, such  
7 sums as may be necessary, to remain available until ex-  
8 pended, for purposes authorized by section 2109 of title  
9 36, United States Code.

10 UNITED STATES COURT OF APPEALS FOR VETERANS

11 CLAIMS

12 SALARIES AND EXPENSES

13 For necessary expenses for the operation of the  
14 United States Court of Appeals for Veterans Claims as  
15 authorized by sections 7251 through 7298 of title 38,  
16 United States Code, \$73,975,000, of which \$1,700,000  
17 shall be available for the purpose of providing financial  
18 assistance as described, and in accordance with the proc-  
19 ess and reporting procedures set forth, under this heading  
20 in Public Law 102–229.

21 DEPARTMENT OF DEFENSE—CIVIL

22 CEMETERIAL EXPENSES

23 SALARIES AND EXPENSES

24 For necessary expenses, as authorized by law, for  
25 maintenance, operation, and improvement of Arlington

1 National Cemetery and Soldiers' and Airmen's Home Na-  
2 tional Cemetery, including the purchase of two passenger  
3 motor vehicles for replacement only, and not to exceed  
4 \$1,000 for official reception and representation expenses,  
5 \$31,230,000, to remain available until expended. In addi-  
6 tion, such sums as may be necessary for parking mainte-  
7 nance, repairs and replacement, to be derived from the  
8 Lease of Department of Defense Real Property for De-  
9 fense Agencies account.

10 Funds appropriated under this Act may be provided  
11 to Arlington County, Virginia, for the relocation of the  
12 federally-owned water main at Arlington National Ceme-  
13 tery making additional land available for ground burials.

14 ARMED FORCES RETIREMENT HOME

15 TRUST FUND

16 For expenses necessary for the Armed Forces Retire-  
17 ment Home to operate and maintain the Armed Forces  
18 Retirement Home—Washington, District of Columbia and  
19 the Armed Forces Retirement Home—Gulfport, Mis-  
20 sissippi, to be paid from funds available in the Armed  
21 Forces Retirement Home Trust Fund, \$63,010,000, of  
22 which \$8,025,000 shall remain available until expended  
23 for construction and renovation of the physical plants at  
24 the Armed Forces Retirement Home—Washington.

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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. Such sums as may be necessary for fiscal year 2009 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

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

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

1        SEC. 405. All departments and agencies funded under  
2 this Act are encouraged, within the limits of the existing  
3 statutory authorities and funding, to expand their use of  
4 “E-Commerce” technologies and procedures in the con-  
5 duct of their business practices and public service activi-  
6 ties.

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

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

20        SEC. 408. None of the funds provided by this Act  
21 shall be available to enforce section 526 of the Energy  
22 Independence and Security Act of 2007 (Public Law 110–  
23 140; 42 U.S.C. 17142).

1       SEC. 408. None of the funds made available in this  
2 Act may be used to implement section 2703 of Public Law  
3 109–234.

4       SEC. 408. None of the funds made available in this  
5 Act may be used to carry out section 111(c)(5) of title  
6 38, United States Code, during fiscal year 2009.

7       SEC. \_\_\_\_\_. None of the funds made available in this  
8 Act may be used to modify the standards applicable to  
9 the determination of the entitlement of veterans to special  
10 monthly pensions under sections 1513(a) and 1521(e) of  
11 title 38, United States Code, as in effect pursuant to the  
12 opinion of the United States Court of Appeals for Vet-  
13 erans Claims in the case of *Hartness v. Nicholson* (No. 04-  
14 0888, July 21, 2006).

15       SEC. \_\_\_\_\_. None of the funds made available in this  
16 Act may be used to enforce section 3, Policy of VHA Di-  
17 rective 2008–25.

18       SEC. 408. None of the funds appropriated or other-  
19 wise made available in this Act may be used to take pri-  
20 vate property for public use without just compensation.

21       SEC. \_\_\_\_\_. None of the funds made available  
22 in this Act may be used for a project or program named  
23 for an individual then serving as a Member, Delegate,  
24 Resident Commissioner, or Senator of the United States  
25 Congress.





Calendar No. 945

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION  
**H. R. 6599**

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**AN ACT**

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes.

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SEPTEMBER 8, 2008

Received: read twice and placed on the calendar