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 Representatives of the United States of America in Congress assembled,

2 That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs,

3 and related agencies for the fiscal year ending September 30, 2009, and for other purposes, namely:
TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $4,801,536,000, to remain available until September 30, 2013: Provided, That of this amount, not to exceed $175,823,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings “Army” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representa-
tives to accompany this bill: Provided further, That of the
funds appropriated for “Military Construction, Army”
under Public Law 110–5, $34,720,000 are hereby re-
scinded: Provided further, That of the funds appropriated
for “Military Construction, Army” under Public Law 110–
161, $16,600,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

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

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $976,524,000, to remain available until September 30, 2013: Provided, That of this amount, not to exceed $77,314,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings “Air Force” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill: Provided further, That of the funds appropriated for “Military Construction, Air Force” under Public Law 109–114, $1,359,000 are hereby rescinded: Provided further, That of the funds appropriated for “Military Con-
struction, Air Force” under Public Law 110–5, $3,581,000 are hereby rescinded: Provided further, That of the funds appropriated for “Military Construction, Air Force” under Public Law 110–161, $12,741,000 are hereby rescinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(including transfer and rescission of funds)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $1,614,450,000, to remain available until September 30, 2013: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $211,606,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for
such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and
the reasons therefor: Provided further, That the amount
appropriated in this paragraph shall be for the projects
and activities, and in the amounts, specified under the
headings “Defense-Wide” in the table entitled “Military
Construction” in the report of the Committee on Approp-
riations of the House of Representatives to accompany
this bill: Provided further, That of the funds appropriated
for “Military Construction, Defense-Wide” under Public
Law 108–324, $3,589,000 are hereby rescinded.

Military Construction, Army National Guard

For construction, acquisition, expansion, rehabilita-
tion, and conversion of facilities for the training and ad-
ministration of the Army National Guard, and contribu-
tions therefor, as authorized by chapter 1803 of title 10,
United States Code, and Military Construction Authoriza-
tion Acts, $628,668,000, to remain available until Sep-
tember 30, 2013: Provided, That of the amount appro-
priated, not to exceed $50,563,000 shall be available for
study, planning, design, and architect and engineer serv-
ices, as authorized by law, unless the Secretary of Defense
determines that additional obligations are necessary for
such purposes and notifies the Committees on Appropria-
tions of both Houses of Congress of the determination and
the reasons therefor: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings “Army National Guard” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $142,809,000, to remain available until September 30, 2013: Provided, That of the amount appropriated, not to exceed $10,209,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings “Air National Guard” in the table entitled “Military
Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

**MILITARY CONSTRUCTION, ARMY RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $282,607,000, to remain available until September 30, 2013: *Provided,* That of the amount appropriated, not to exceed $14,883,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further,* That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings “Army Reserve” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.
MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $57,045,000, to remain available until September 30, 2013: Provided, That of the amount appropriated, not to exceed $2,045,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings “Navy Reserve” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by
chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $30,018,000, to remain available until September 30, 2013: Provided, That of the amount appropriated, not to exceed $5,675,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings “Air Force Reserve” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Mili-
temary Construction Authorization Acts, $218,867,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $646,580,000, to remain available until September 30, 2013: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Family Housing Construction, Army” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $716,110,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as
authorized by law, $382,778,000, to remain available until September 30, 2013: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Family Housing Construction, Navy and Marine Corps” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $376,062,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $395,879,000, to remain available until September 30, 2013: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Family Housing Construction, Air Force” in the table entitled “Military Construction” in the report of the Committee on App-
propriations of the House of Representatives to accompany this bill.

**FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE**

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $594,465,000.

**FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE**

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

**DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND**

For the Department of Defense Family Housing Improvement Fund, $850,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.
HOMEOWNERS ASSISTANCE FUND

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

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $134,278,000, to remain available until September 30, 2013: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the
amounts, specified in the table entitled “Chemical Demili-
tarization Construction” in the report of the Committee
on Appropriations of the House of Representatives to ac-
company this bill.

**DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT**

1990

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

**DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT**

2005

For deposit into the Department of Defense Base
Closure Account 2005, established by section 2906A(a)(1)
of the Defense Base Closure and Realignment Act of 1990
(10 U.S.C. 2687 note), $9,065,386,000, to remain avail-
able until expended: *Provided*, That the Department of
Defense shall notify the Committees on Appropriations of
both Houses of Congress 14 days prior to obligating an
amount for a construction project that exceeds or reduces
the amount identified for that project in the most recently
submitted budget request for this account by 20 percent
or $2,000,000, whichever is less: *Provided further*, That
the previous proviso shall not apply to projects costing less
than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under 10 U.S.C. 2805.

**Administrative Provisions**

**Sec. 101.** None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

**Sec. 102.** Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

**Sec. 103.** Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

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

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

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

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

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

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

Sec. 110. None of the funds made available in this
title may be used to initiate a new installation overseas
without prior notification to the Committees on Approp-
riations of both Houses of Congress.

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

Sec. 112. None of the funds made available in this
title for military construction in the United States terri-
tories and possessions in the Pacific and on Kwajalein
Atoll, or in countries bordering the Arabian Sea, may be
used to award any contract estimated by the Government
to exceed $1,000,000 to a foreign contractor: Provided,
That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.
SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

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

SEC. 118. (a) The Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress, by February 15 of each year, an annual report, in unclassified and, if necessary classified form, on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encourage host countries
to assume a greater share of the common defense burden of such countries and the United States.

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

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

(5) for host countries that are members of the North Atlantic Treaty Organization (NATO), the amount contributed to NATO by host countries, in dollars and in terms of the percent of the total NATO budget.
(c) In this section, the term “host country” means other member countries of NATO, Japan, South Korea, and United States allies bordering the Arabian Sea.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883, of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in “Family Housing” accounts, to be
merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in “Military Construction” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund. Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

Sec. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

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

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 123. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: 

*Provided, That* not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further, That* the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the pur-
poses specified in subsection (i)(1) of such section or until
transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this
title, or in any Act making appropriations for military con-
struction which remain available for obligation, may be ob-
ligated or expended to carry out a military construction,
land acquisition, or family housing project at or for a mili-
tary installation approved for closure, or at a military in-
stallation for the purposes of supporting a function that
has been approved for realignment to another installation,
in 2005 under the Defense Base Closure and Realignment
Act of 1990 (part A of title XXIX of Public Law 101–
510; 10 U.S.C. 2687 note), unless such a project at a mili-
tary installation approved for realignment will support a
continuing mission or function at that installation or a
new mission or function that is planned for that installa-
tion, or unless the Secretary of Defense certifies that the
cost to the United States of carrying out such project
would be less than the cost to the United States of cancel-
ling such project, or if the project is at an active compo-
nent base that shall be established as an enclave or in the
case of projects having multi-agency use, that another
Government agency has indicated it will assume ownership
of the completed project. The Secretary of Defense may
not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 126. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation “Foreign Currency Fluctuations, Construction, Defense”, to be merged
with and to be available for the same time period and for
the same purposes as the appropriation to which trans-
ferred.

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

TITLE II

department of veterans affairs

Veterans Benefits Administration

Compensation and pensions

(including transfer of funds)

For the payment of compensation benefits to or on
behalf of veterans and a pilot program for disability ex-
aminations as authorized by section 107 and chapters 11,
13, 18, 51, 53, 55, and 61 of title 38, United States Code;
pension benefits to or on behalf of veterans as authorized
by chapters 15, 51, 53, 55, and 61 of title 38, United
States Code; and burial benefits, the Reinstated Entitle-
ment Program for Survivors, emergency and other offi-
cers’ retirement pay, adjusted-service credits and certifi-
cates, payment of premiums due on commercial life insur-
ance policies guaranteed under the provisions of title IV
of the Servicemembers Civil Relief Act (50 U.S.C. App.
and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $43,111,681,000, to remain available until expended: Provided, That not to exceed $26,798,000 of the amount appropriated under this heading shall be reimbursed to “General operating expenses”, “Medical support and compliance”, and “Information technology systems” for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the “Compensation and pensions” appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to “Medical care collections fund” to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $3,086,944,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of
section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen’s indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, $42,300,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2009, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $157,210,000.
VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $61,000, as authorized by chapter 31 of title 38, United States Code: Provided,

That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,180,000.

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

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

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

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

For the administrative expenses to carry out the guaranteed transitional housing loan program authorized by subchapter VI of chapter 20 of title 38, United States Code, not to exceed $750,000 of the amounts appropriated
by this Act for “General operating expenses” and “Medical support and compliance” may be expended.

Veterans Health Administration

Medical Services

(Including Transfer of Funds)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; $30,854,270,000, plus reimbursements, of which not less than $3,800,000,000 shall be expended for specialty mental health care: Provided, That of the funds made available under this heading, not to exceed $1,350,000,000 shall be available until September 30, 2010: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That, notwithstanding any other
provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That for the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, a minimum of $15,000,000, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the De-
partment as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.): $4,400,000,000, plus reimbursements, of which $250,000,000 shall be available until September 30, 2010.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $5,029,000,000, plus reimbursements, of which $350,000,000 shall be available until September 30, 2010: Provided, That $300,000,000 for non-recurring maintenance provided under this heading shall be allocated in
a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $500,000,000, plus reimbursements, to remain available until September 30, 2010.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the Department, $240,000,000, of which not to exceed $20,000,000 shall be available until September 30, 2010.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for
official reception and representation expenses; hire of pas-

ger motor vehicles; and reimbursement of the General

Services Administration for security guard services, and

the Department of Defense for the cost of overseas em-

ployee mail, $1,801,867,000: Provided, That expenses for

services and assistance authorized under paragraphs (1),

(2), (5), and (11) of section 3104(a) of title 38, United

States Code, that the Secretary of Veterans Affairs deter-

mines are necessary to enable entitled veterans: (1) to the

maximum extent feasible, to become employable and to ob-

tain and maintain suitable employment; or (2) to achieve

maximum independence in daily living, shall be charged

to this account: Provided further, That the Veterans Bene-

fits Administration shall be funded at not less than

$1,473,753,000: Provided further, That of the funds made

available under this heading, not to exceed $75,000,000

shall be available for obligation until September 30, 2010:

Provided further, That from the funds made available

under this heading, the Veterans Benefits Administration

may purchase (on a one-for-one replacement basis only)

up to two passenger motor vehicles for use in operations

of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology

systems and telecommunications support, including devel-
opmental information systems and operational information systems; including pay and associated cost; for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $2,492,066,000, plus reimbursements, to be available until September 30, 2010: Provided, That none of these funds may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That within 30 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.
OFFICE OF INSPECTOR GENERAL

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

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $923,382,000, to remain available until expended, of which $10,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes
Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds appropriated under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2009, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2009; and (2) by the awarding of a construction contract by September 30, 2010: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: Provided further, That
none of the funds appropriated in this or any other Act may be used to reduce the mission, services, or infrastructure, including land, of the 18 facilities on the Capital Asset Realignment for Enhanced Services (CARES) list requiring further study, as specified by the Secretary of Veterans Affairs, without prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That of the amount appropriated in this paragraph, $798,852,000 shall be for the site specific projects, and in the amounts, specified under this heading in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code,
where the estimated cost of a project is equal to or less
than the amount set forth in section 8104(a)(3)(A) of title
38, United States Code, $991,492,000, to remain avail-
able until expended, along with unobligated balances of
previous “Construction, minor projects” appropriations
which are hereby made available for any project where the
estimated cost is equal to or less than the amount set forth
in such section: Provided, That funds in this account shall
be available for: (1) repairs to any of the nonmedical facili-
ties under the jurisdiction or for the use of the Depart-
ment which are necessary because of loss or damage
cauis by any natural disaster or catastrophe; and (2)
temporary measures necessary to prevent or to minimize
further loss by such causes: Provided further: That
$7,000,000 of the amount appropriated in this paragraph
shall be for the installation of alternative fueling stations
at 35 medical facility campuses.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
FACILITIES

For grants to assist States to acquire or construct
State nursing home and domiciliary facilities and to re-
model, modify, or alter existing hospital, nursing home,
and domiciliary facilities in State homes, for furnishing
care to veterans as authorized by sections 8131 through
8137 of title 38, United States Code, $165,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 201. Any appropriation for fiscal year 2009 for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

SEC. 202. Amounts made available for fiscal year 2009, in this Act or any other Act, under the “Medical services”, “Medical support and compliance”, and “Medical facilities” accounts may be transferred among the ac-
counts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts:

*Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

**SEC. 203.** Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

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

**SEC. 205.** No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, 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
6 Sec. 206. Appropriations available in this title for
7 “Compensation and pensions”, “Readjustment benefits”,
8 and “Veterans insurance and indemnities” shall be avail-
9 able for payment of prior year accrued obligations re-
10 quired to be recorded by law against the corresponding
11 prior year accounts within the last quarter of fiscal year
12 2008.
13
14 Sec. 207. Appropriations available in this title shall
15 be available to pay prior year obligations of corresponding
16 prior year appropriations accounts resulting from sections
17 3328(a), 3334, and 3712(a) of title 31, United States
18 Code, except that if such obligations are from trust fund
19 accounts they shall be payable only from “Compensation
20 and pensions”.
21
22 (INCLUDING TRANSFER OF FUNDS)
23
24 Sec. 208. Notwithstanding any other provision of
25 law, during fiscal year 2009, the Secretary of Veterans
26 Affairs shall, from the National Service Life Insurance
27 Fund (38 U.S.C. 1920), the Veterans’ Special Life Insur-
28 ance Fund (38 U.S.C. 1923), and the United States Gov-
29 ernment Life Insurance Fund (38 U.S.C. 1955), reim-
burse the “General operating expenses” and “Information technology systems” account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2009 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2009 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

Sec. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

Sec. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be
available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $34,158,000 for the Office of Resolution Management and $3,278,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to “General operating expenses” and “Information technology systems” for use by the office that provided the service.

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

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Sec-
Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

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

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

(1) for furnishing recreational facilities, supplies, and equipment; and

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

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans who are eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an existing Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Sec-
(INCLUDING TRANSFER OF FUNDS)

Sec. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the “Construction, major projects” and “Construction, minor projects” accounts, to remain available until expended for the purposes of these accounts.

Sec. 218. None of the funds available to the Department of Veterans Affairs, in this Act, or any other Act, may be used to replace the current system by which the Veterans Integrated Services Networks select and contract for diabetes monitoring supplies and equipment.

Sec. 219. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

Sec. 220. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.
(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available under the “Medical services”, “Medical support and compliance”, “Medical facilities”, “General operating expenses”, and “National Cemetery Administration” accounts for fiscal year 2009, may be transferred to or from the “Information technology systems” account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 222. Amounts made available for the “Information technology systems” account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Any balances in prior year accounts established for the payment of benefits under the Reinstated Entitlement Program for Survivors shall be transferred and merged with amounts available under the “Compensation and pensions” account, and, hereinafter, receipts that
would otherwise be credited to the accounts established for
the payment of benefits under the Reinstated Entitlement
Program for Survivors program shall be credited to
amounts available under the “Compensation and pen-
sions” account.

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

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

TITLE III
RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for,
of the American Battle Monuments Commission, including
the acquisition of land or interest in land in foreign coun-
tries; purchases and repair of uniforms for caretakers of
national cemeteries and monuments outside of the United
States and its territories and possessions; rent of office
and garage space in foreign countries; purchase (one-for-
one replacement basis only) and hire of passenger motor
vehicles; not to exceed $7,500 for official reception and
representation expenses; and insurance of official motor
vehicles in foreign countries, when required by law of such
countries, $55,470,000, to remain available until ex-

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

UNITED STATES COURT OF APPEALS FOR VETERANS

SALARIES AND EXPENSES

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

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for
maintenance, operation, and improvement of Arlington
National Cemetery and Soldiers’ and Airmen’s Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $31,230,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

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

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $63,010,000, of which $8,025,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington.
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.
SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 408. None of the funds provided by this Act shall be available to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).
SEC. 408. None of the funds made available in this Act may be used to implement section 2703 of Public Law 109–234.

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

SEC. _____. None of the funds made available in this Act may be used to modify the standards applicable to the determination of the entitlement of veterans to special monthly pensions under sections 1513(a) and 1521(e) of title 38, United States Code, as in effect pursuant to the opinion of the United States Court of Appeals for Veterans Claims in the case of Hartness v. Nicholson (No. 04-0888, July 21, 2006).

SEC. _____. None of the funds made available in this Act may be used to enforce section 3, Policy of VHA Directive 2008–25.

SEC. 408. None of the funds appropriated or otherwise made available in this Act may be used to take private property for public use without just compensation.

SEC. _________. None of the funds made available in this Act may be used for a project or program named for an individual then serving as a Member, Delegate, Resident Commissioner, or Senator of the United States Congress.
This Act may be cited as the “Military Construction and Veterans Affairs Appropriations Act, 2009”.

Passed the House of Representatives August 1, 2008.

Attest: LORRAINE C. MILLER,

Clerk.
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.

Passed the House of Representatives September 8, 2008.