

nomination of Kevin M. Kolevar, of Michigan, to be an Assistant Secretary of Energy (Electricity Delivery and Energy).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LUGAR. Mr. President, I ask unanimous consent that on Thursday, November 16, 2006 following the first vote Committee on Environment and Public Works be authorized to hold a Business Meeting to consider the following agenda:

Alex Beehler to be Inspector General of the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, November 16, 2006, at 2 p.m., in 215 Dirksen Senate Office Building, to hear testimony on "The CHIP Program From the States' Perspective."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing during the session of the Senate on Thursday, November 16, 2006 at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to hold an off-the-floor markup during the session on Thursday, November 16, 2006, to consider pending committee business (agenda attached).

Agenda

Legislation: S. 4046, Iraq Reconstruction Accountability Act of 2006.

Nominations: The Honorable James H. Bilbray to be Governor, U.S. Postal Service; Thurgood Marshall Jr. to be Governor, U.S. Postal Service; The Honorable Dan G. Blair to be Chairman, Postal Rate Commission, Stephen T. Conboy to be U.S. Marshal, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "Oversight of the Civil Rights Division" on Thursday, November 16, 2006 at 9:30 a.m. in Dirksen Senate Office Building Room 226. The witness list is attached.

Panel I: The Hon. Wan Kim, Assistant Attorney General, Civil Rights Di-

vision, U.S. Department of Justice, Washington, DC.

Panel II: Mr. Michael A. Carvin, Partner, Jones Day, Washington, DC; Mr. Ted Shaw, Director-Counsel and President, NAACP Legal Defense and Educational Fund, Inc. (LDF), New York, NY; Mr. Robert N. Driscoll, Partner, Alston & Bird, LLP Washington, DC; Mr. Joseph Rich, Director of Fair Housing and Community Development, Lawyer's Committee for Civil Rights Under Law Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet on Thursday, November 16, 2006, at 10 a.m., for a hearing entitled "The Defense Travel System: Boon or Boondoggle (Part 2)."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 16, 2006 at 10:30 a.m., to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on Thursday, November 16 at 2:30 p.m.

The purpose of the hearing is to receive testimony relating to S. 2626, a bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality economic development in Washington County, Utah, and for other purposes; and S. 3772, a bill to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in White Pine Nevada, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management support of the Committee on Armed Services be authorized to meet during the session of the Senate on November 16, 2006, at 9:30 a.m., in open session to receive testimony on Department of Defense business systems modernization efforts.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. LUGAR. Mr. President, I ask unanimous consent that Sharon

Squassoni, a specialist with the Congressional Research Service, be granted privileges of the floor during the duration of the Senate's consideration of S. 3709.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that William Johnson and Lona Stoll, who are fellows in Senator KENNEDY's office, be granted floor privileges during the consideration of S. 3709.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I ask unanimous consent that Henry Abeyta, a fellow with the Committee on Energy and Natural Resources, be granted the privileges of the floor for the duration of the debate on S. 3709, the United States-India Peaceful Atomic Energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. First, I ask unanimous consent on behalf of Senator FEINGOLD that a fellow in his office by the name of David Bonine be granted floor privileges for the duration of the debate on S. 3709, the India-United States nuclear legislation, and any vote thereon.

The PRESIDING OFFICER. (Mr. COLEMAN). Without objection, it is so ordered.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2007

On Tuesday, November 14, 2006, the Senate passed H.R. 5385, as follows:

H.R. 5385

*Resolved*, That the bill from the House of Representatives (H.R. 5385) entitled "An Act making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and for other purposes.", do pass with the following amendments:

Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, 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, \$2,172,622,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed \$199,540,000 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 of the funds appropriated for "Military Construction, Army" under Public Law 109-114, \$43,348,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 109-13, \$125,800,000 are hereby rescinded: Provided further, That of the amount provided under this heading, \$34,800,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

**MILITARY CONSTRUCTION, NAVY AND MARINE CORPS**

**(INCLUDING RESCISSIONS OF FUNDS)**

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, 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, \$1,238,065,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed \$71,626,000 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 of the funds appropriated for "Military Construction, Navy and Marine Corps" under Public Law 108-132, \$30,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Navy and Marine Corps" under Public Law 108-324, \$8,000,000 are hereby rescinded.

**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, \$1,214,885,000, to remain available until September 30, 2011: Provided, That of this amount, not to exceed \$71,381,000 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 of the funds appropriated for "Military Construction, Air Force" under Public Law 108-324, \$2,694,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 109-114, \$19,816,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 109-13, \$10,800,000 are hereby rescinded.

**MILITARY CONSTRUCTION, DEFENSE-WIDE**

**(INCLUDING RESCISSIONS AND TRANSFER 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, \$1,162,281,000, to remain available until September 30, 2011: 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 \$172,150,000 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 of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 108-132, \$9,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 108-324, \$43,000,000 are hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Defense-Wide" under Public Law 109-114, \$72,065,000 are hereby rescinded: Provided further, That of the amount provided under this heading, \$100,886,000 is designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234.

**MILITARY CONSTRUCTION, ARMY NATIONAL GUARD**

**(INCLUDING RESCISSION OF FUNDS)**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$539,804,000, to remain available until September 30, 2011: Provided, That of the funds appropriated for "Military Construction, Army National Guard" under Public Law 109-114, \$2,129,000 are hereby rescinded.

**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, \$252,834,000, to remain available until September 30, 2011.

**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, \$191,450,000, to remain available until September 30, 2011.

**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, \$48,408,000, to remain available until September 30, 2011.

**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, \$44,936,000, to remain available until September 30, 2011.

**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 Military Construction Authorization Acts, \$205,985,000, 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, \$578,791,000, to remain available until September 30, 2011.

**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, \$675,617,000.

**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, \$305,071,000, to remain available until September 30, 2011.

**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, \$498,525,000.

**FAMILY HOUSING CONSTRUCTION, AIR FORCE**

**(INCLUDING RESCISSIONS OF FUNDS)**

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$1,182,138,000, to remain available until September 30, 2011: Provided, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 108-324, \$23,400,000 are hereby rescinded: Provided further, That of the funds appropriated for "Family Housing Construction, Air Force" under Public Law 109-114, \$42,800,000 are hereby rescinded.

**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, \$755,071,000.

**FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE**

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$8,808,000, to remain available until September 30, 2011.

**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, \$48,506,000.

**DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND**

For the Department of Defense Family Housing Improvement Fund, \$2,500,000, 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.

CHEMICAL DEMILITARIZATION CONSTRUCTION,  
DEFENSE-WIDE

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, \$140,993,000, to remain available until September 30, 2011, which shall be only for the Assembled Chemical Weapons Alternatives program.

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), \$191,220,000, 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), \$5,237,100,000, to remain available until expended.

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 construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction

or family housing 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 Appropriations 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 Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea if that country has not increased its defense spending by at least 3 percent in calendar year 2005, 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 territories 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 \$750,000.

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) Not later than December 1, 2006, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committees on Appropriations of both Houses of Congress a report on actions taken by the Department of Defense and the Department of State during the previous fiscal year to encour-

age 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 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 installation for which housing is provided under the contract;

(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 Government 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 Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred 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: Provided further, That nothing in this section precludes the Secretary of a military department, after notifying the congressional defense committees and waiting 21 days, from using funds derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, for the maintenance or repair of general and flag officer quarters at the military service academy under the jurisdiction of that Secretary: Provided further, That each Secretary of a military department shall provide an annual report by February 15 to the congressional defense committees on the amount of funds that were derived under section 2601, chapter 403, chapter 603, or chapter 903 of title 10, United States Code, in the previous year and were obligated for the construction, improvement, repair, or maintenance of any military facility or infrastructure.

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 purposes 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 construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation 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 military 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 installation, 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 cancelling such project, or if the project is at an active component 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.

SEC. 126. Section 3001(o) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108-106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95-452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364), is amended to read as follows:

“(o) TERMINATION.—(1)(A) The Office of the Inspector General shall terminate 10 months after 80 percent of the funds appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund have been expended.

“(B) For purposes of calculating the termination of the Office of the Inspector General under this subsection, any United States funds appropriated or otherwise made available for fiscal year 2006 for the reconstruction of Iraq, irrespective of the designation of such funds, shall be deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.

“(2) The Special Inspector General for Iraq Reconstruction shall, prior to the termination of the Office of the Special Inspector General under paragraph (1), prepare a final forensic audit report on all funds deemed to be amounts appropriated or otherwise made available to the Iraq Relief and Reconstruction Fund.”

SEC. 127. (a) Of the amount appropriated or otherwise made available by this title under the heading “FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY”, \$7,500,000 may be available for the lease of not more than 300 additional housing units in the vicinity of Fairbanks, Alaska. Such funds may not be available for the construction or purchase of such units.

(b)(1) The total cost of a unit leased under subsection (a), including the cost of utilities, maintenance, and operation, may not exceed \$25,000 per year.

(2) A lease entered into under subsection (a) may not exceed 5 years in duration or include an option to extend the lease beyond the 5-year period beginning on the date the lease commences.

SEC. 128. (a) The amount appropriated or otherwise made available by this title under the heading “MILITARY CONSTRUCTION, NAVY AND MARINE CORPS” and available for “Replacement Vehicle Bridge, Increment 2, Naval Station, Newport, Rhode Island” is hereby increased by \$3,410,000.

(b) The amount appropriated or otherwise made available by this title under the heading “MILITARY CONSTRUCTION, NAVY AND MARINE CORPS” and available for “Hazardous Material Storage Facility, Naval Station Newport, Rhode Island” is hereby reduced by \$3,410,000.

SEC. 129. (a) The amount appropriated or otherwise made available by this title under the heading “MILITARY CONSTRUCTION, AIR FORCE” is hereby increased by \$750,000.

(b) Of the amount appropriated or otherwise made available by this title under the heading “MILITARY CONSTRUCTION, AIR FORCE”, as increased by subsection (a), \$750,000 may be available for the Air Force Financial Management Center.

(c) The amount appropriated or otherwise made available by this title under the heading “NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM” is hereby reduced by \$750,000.

SEC. 130. Subsection (c) of section 1077 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364) is hereby repealed.

SEC. 131. (a) The amount available for “MILITARY CONSTRUCTION, AIR FORCE” is hereby reduced by \$25,400,000 for “Basic Expeditionary Airmen Training Facility, Lackland AFB, Texas”.

(b) The amount available for “Department of Defense Base Closure Account 2005” is hereby increased by \$25,400,000.

SEC. 132. Of the amount appropriated or otherwise made available by chapter 7 of title I of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148) under the heading “MILITARY CONSTRUCTION, NAVY AND MARINE CORPS” and available for the replacement of a Bachelor Enlisted Quarters at Naval Construction Battalion Center, Gulfport, Mississippi, \$13,400,000 may be available for the construction of an additional Bachelor Enlisted Quarters at Naval Construction Battalion Center, Gulfport, Mississippi.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS PROGRAMS

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 examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 540 et seq.) and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), \$38,007,095,000, to remain available until expended: Provided, That not to exceed \$28,112,000 of the amount appropriated under this heading shall be reimbursed to “General operating expenses” and “Medical services” 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 law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), \$3,262,006,000, to remain available until expended: Provided,

That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under section 3104(a) of title 38, United States Code, other than under subsection (a)(1), (2), (5), and (11) of that section, 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, chapter 19; 70 Stat. 887; 72 Stat. 487, \$49,850,000, to remain available until expended.

#### VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

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 2007, 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, \$153,185,000.

#### VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, \$53,000, 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 \$4,242,000.

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

#### NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$615,000: Provided, That no new loans in excess of \$30,000,000 may be made in fiscal year 2007.

#### 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 37 of title 38, United States Code, not to exceed \$750,000 of the amounts appropriated by this Act for "General operating expenses" and "Medical services" 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 and salaries and expenses of healthcare employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; and 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 Department 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.); \$28,689,000,000, plus reimbursements: Provided, That of the funds made available under this heading, not to exceed \$1,350,000,000 shall be available until September 30, 2008: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for treatment for veterans who are service-connected disabled, 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.

#### MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities for 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 and food services, \$3,569,000,000, plus reimbursements, of which \$250,000,000 shall be available until September 30, 2008.

#### 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, to remain available until September 30, 2008, \$412,000,000, plus reimbursements, of which not less than \$15,000,000 shall be used for Gulf War Illness research.

#### 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; and hire of passenger motor vehicles, \$160,733,000, of which not to exceed \$8,037,000 shall be available until September 30, 2008.

#### DEPARTMENTAL ADMINISTRATION

##### GENERAL OPERATING EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

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 passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, \$1,467,764,000: 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 determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than \$1,167,859,000: 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, 2008: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

#### 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, \$70,599,000, of which \$3,474,950 shall remain available until September 30, 2008.

#### 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, \$429,000,000, to remain available until expended, of which \$2,000,000 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, such as 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 and CARES funds, including needs assessments which may or may not lead to capital investments, 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 2007, for each approved project (except those for CARES activities referenced above) shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2007; and (2) by the awarding of a construction contract by September 30, 2008: Provided further, That the Secretary of Veterans Affairs shall promptly report in writing to the Committees on Appropriations of both Houses of Congress any approved major construction project in which obligations are not incurred within the time limitations established above.

#### 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, \$168,000,000, to remain available 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 for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

#### 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 remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131–8137 of title 38, United States Code, \$85,000,000, to remain available until expended.

#### GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

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

#### INFORMATION TECHNOLOGY SYSTEMS

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; including pay and associated cost for operations and maintenance associated staff; 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 chapter 3109 of title 5, United States Code, \$1,255,900,000, to remain available until September 30, 2008: 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 60 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.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2007, in this Act or any other Act, 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 an approval is issued, or absent a response, a period of 30 days has elapsed.

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for fiscal year 2007, in this Act or any other Act, under the "Medical services" and "Medical facilities" accounts may be transferred between the accounts 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 therefor, as authorized by sections 5901–5902 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 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 under the laws bestowing such benefits to veterans, and persons receiving such treatment under sections 7901–7904 of title 5, United States Code or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of cost is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2006.

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

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2007, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" 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 an insurance program in fiscal year 2007 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 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 2007 which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such 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.

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 and the Office of Employment Discrimination Complaint Adjudication for all services provided at rates which will recover actual costs but not exceed \$31,246,000 for the Office of Resolution Management and \$3,059,000 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" 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 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 this account.

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans 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 Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department of Veterans Affairs or the Indian Health Service.

(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 for payment for E-Gov initiatives.

SEC. 219. None of the funds made available in this Act may be used to implement any policy prohibiting the Directors of the Veterans Integrated Service 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 facilities", "General operating expenses", and "National Cemetery Administration" accounts for fiscal year 2007, 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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. For purposes of perfecting the funding sources of the Department of Veterans Affairs' new "Information technology systems" account, funds made available for fiscal year 2007, in this or any other Act, may be transferred from the "General operating expenses", "National Cemetery Administration", and "Office of Inspector General" accounts to the "Medical services" account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. 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.

SEC. 224. No funds in this Act may be deposited into the DOD/VA Health Care Sharing Incentive Fund.

SEC. 225. The authority provided by section 2011 of title 38, United States Code, shall continue in effect through September 30, 2007.

SEC. 226. REPORT ON USE OF LANDS AT WEST LOS ANGELES DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER. (a) REPORT.—The Secretary of Veterans Affairs shall submit to Congress a report on the master plan of the Department of Veterans Affairs relating to the use of Department lands at the West Los Angeles Department of Veterans Medical Center, California.

(b) REPORT ELEMENTS.—The report under subsection (a) shall set forth the following:

(1) The master plan referred to in that subsection, if such a plan currently exists.

(2) A current assessment of the master plan.

(3) Any proposal of the Department for a veterans park on the lands referred to in subsection (a), and an assessment of each such proposal.

(4) Any proposal to use a portion of those lands as dedicated green space, and an assessment of each such proposal.

(c) ALTERNATIVE REPORT ELEMENT.—If a master plan referred to in subsection (a) does not exist as of the date of enactment of this Act, the Secretary shall set forth in the report under that subsection, in lieu of the matters specified in paragraphs (1) and (2) of subsection (b), a plan for the development of a master plan for the use of the lands referred to in subsection (a) during the period beginning on the date of the enactment of this Act and ending 25 years later and during the period beginning on the date of the enactment of this Act and ending 50 years later. The master plan referred to in subsection (a) shall be completed prior to the adoption of the Capital Asset Realignment for Enhanced Services (CARES) plan for that property, or prior to the issuance of any enhanced use lease on the subject property. The CARES plan for the subject property shall be consistent with the master plan required by this section.

(d) LIMITATIONS ON IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary may not implement any portion of the master plan referred to in subsection (a) until 120 days after the date of the receipt by the Committees on Appropriations of the Senate and the House of Representatives of the report required by that subsection.

(2) ACTIONS OTHER THAN DIRECT VETERANS SERVICES.—In the case of any portion of the master plan referred to in subsection (a) that does not relate exclusively to direct veterans services on the site referred to in subsection (a), the Secretary may not carry out such portion of the master plan without the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(e) EXEMPTIONS.—Nothing contained in this provision shall prevent the Department of Veterans Affairs from providing maintenance, service or programs consistent with the mission of the Department.

SEC. 227. 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. 228. The major medical facility project for a Department of Veterans Affairs Medical Center in New Orleans, Louisiana, for which funds were appropriated for the Department of Veterans Affairs for the "Construction, major projects" account in Public Law 109-234 and Public Law 109-148 shall be treated for purposes of section 8104(b) of title 38, United States Code, as a major medical facility project that has been specifically authorized by law, and the Secretary of Veterans Affairs may obligate and expend amounts so appropriated for that account for that project for the purchase of a site including property exchange for, and new construction, restoration, or replacement of, the Department of Veterans Affairs Medical Center in New Orleans, Louisiana.

SEC. 229. Of the amount appropriated by this title, up to \$18,000,000 may be available for necessary expenses, including salaries and expenses, for the provision of additional mental health services through centers for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code (commonly referred to as "Vet Centers"), to veterans who served in combat in Iraq or Afghanistan.

SEC. 230. Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report on the actions taken by the Secretary to test veterans for vestibular damage.

SEC. 231. (a) INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY PROJECTS.—Section 8104(a)(3)(A) of title 38, United States Code, is amended by striking "\$7,000,000" and inserting "\$10,000,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 232. Notwithstanding any other provision of law, the Secretary is authorized to carry out major medical facility projects and leases for which any funds have been appropriated under this Act or any other Act. Further, for major medical facility projects authorized under Public Law 108-170, the Secretary may carry out contracts through September 30, 2007, including land purchase on projects for which Phase I design has been authorized.

SEC. 233. Of the amount appropriated by this title under the heading "VETERANS HEALTH ADMINISTRATION", up to \$1,000,000 shall be available for the Office of Inspector General.

SEC. 234. (a) COLOCATION OF COMMUNITY BASED OUTPATIENT CLINIC WITH WAGNER INDIAN HEALTH SERVICE UNIT, WAGNER, SOUTH DAKOTA.—No amount appropriated or otherwise made available for the Department of Veterans Affairs by this title may be obligated or expended to implement a business plan of Veterans Integrated Service Network 23 (VISN 23) for the implementation of a Community Based Outpatient Clinic (CBOC) in Wagner, South Dakota, unless such business plan contains an evaluation and an analysis of the prospect of collocating such Community Based Outpatient Clinic with the Wagner Indian Health Service unit in Wagner, South Dakota.

(b) AVAILABILITY OF AMOUNTS FOR EMERGENCY ROOM SERVICES AT WAGNER INDIAN HEALTH SERVICE UNIT.—Of the amount appropriated or otherwise made available to the Department of Veterans Affairs by this title under the heading "MEDICAL FACILITIES", at the discretion of the Secretary of the Department of Veterans Affairs up to \$500,000 may be available for emergency room services at the Wagner Indian Health Service unit pending implementation of a business plan meeting the requirements in subsection (a).

SEC. 235. (a) STUDY ON COSTS OF COMPREHENSIVE SERVICE PROGRAMS FOR HOMELESS VETERANS.—The Secretary of Veterans Affairs shall carry out a study of costs associated with the Comprehensive Service Programs authorized by sections 2011 and 2012 of title 38 United States Code.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans Affairs and Appropriations of the Senate and the Committees on Veterans Affairs and Appropriations of the House of Representatives a report on the study required by subsection (a). The report shall set forth the following:

(1) The number of authorized and operational transitional housing beds and service centers under the programs referred to in subsection (a) in fiscal year 2006, and the number of such beds and centers in each State and in each Congressional District during such fiscal year.

(2) The cost in fiscal year 2006 of grants under section 2011 of title 38, United States Code, to authorized and operational transitional housing beds and service centers under the programs referred to in that subsection.

(3) The cost in fiscal year 2006 of per diem payments under section 2012 of title 38 United States Code, to authorized and operational transitional housing beds and service centers under the programs referred to in that subsection.

(4) The number of applications received, scored as qualified, and awarded pursuant to the Capital Grant Notice of Funds Availability published on April 20, 2006.

(5) The range of per diem payment rates, the average per diem payment rate, and the median per diem payment rate paid to recipients of

grants under section 2012 of title 38, United States Code, in fiscal year 2006.

(6) The number and percentage of total recipients of grants under section 2011 of title 38 United States Code, in fiscal year 2006 being paid under section 2012 of title 38, United States Code, the rate authorized for State homes for domiciliary care under section 1741(a)(1)(A) of that title for fiscal year 2006.

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 countries; 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 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, \$37,088,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, \$4,900,000, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR  
VETERANS CLAIMS  
SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251–7298 of title 38, United States Code, \$19,790,000: Provided, That \$1,260,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL  
CEMETERIAL EXPENSES, ARMY  
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, \$26,550,000, 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.

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain 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, \$54,846,000.

ADMINISTRATIVE PROVISIONS

SEC. 301. None of the funds in this title under the heading "American Battle Monuments Commission" shall be available for the Capital Security Costs Sharing program.

(INCLUDING RECISSION OF FUNDS)

SEC. 302. (a) For an additional amount for "United States Court of Appeals for Veterans Claims, Salaries and Expenses", \$500,000, to remain available until expended, for implementation of the Appellate Case Management Electronic Case Files System.

(b) Of the amount appropriated under the heading "United States Court of Appeals for Veterans Claims, Salaries and Expenses", in the Military Quality of Life, Military Construction, and Veterans Affairs Appropriations Act, 2006 (Public Law 109–114), \$500,000 are rescinded.

(c) This section shall take effect immediately upon enactment of this Act.

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 2007 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 Act 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 Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

TITLE V—DIGITAL AND WIRELESS  
TECHNOLOGY

SEC. 501. SHORT TITLE.

This title may be cited as the "Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2006".

SEC. 502. ESTABLISHMENT OF PROGRAM.

Section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3704) is amended by inserting the following after subsection (f):

"(g) MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY PROGRAM.—

"(1) IN GENERAL.—The Secretary, acting through the Under Secretary, shall establish a Minority Serving Institution Digital and Wireless Technology Opportunity Program to assist eligible institutions in acquiring, and augmenting their use of, digital and wireless networking technologies to improve the quality and delivery of educational services at eligible institutions.

"(2) AUTHORIZED ACTIVITIES.—An eligible institution may use a grant, cooperative agreement, or contract awarded under this subsection—

"(A) to acquire equipment, instrumentation, networking capability, hardware and software,

digital network technology, wireless technology, and infrastructure to further the objective of the Program described in paragraph (1);

"(B) to develop and provide training, education, and professional development programs, including faculty development, to increase the use of, and usefulness of, digital and wireless networking technology;

"(C) to provide teacher education, including the provision of preservice teacher training and in-service professional development at eligible institutions, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use digital and wireless networking technology in the classroom or instructional process, including instruction in science, mathematics, engineering, and technology subjects; and

"(D) to foster the use of digital and wireless networking technology to improve research and education, including scientific, mathematics, engineering, and technology instruction.

"(3) APPLICATION AND REVIEW PROCEDURES.—

"(A) IN GENERAL.—To be eligible to receive a grant, cooperative agreement, or contract under this subsection, an eligible institution shall submit an application to the Under Secretary at such time, in such manner, and containing such information as the Under Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used, including a description of any digital and wireless networking technology to be acquired, and a description of how the institution will ensure that digital and wireless networking will be made accessible to, and employed by, students, faculty, and administrators. The Under Secretary, consistent with subparagraph (B), shall establish procedures to review such applications. The Under Secretary shall publish the application requirements and review criteria in the Federal Register, along with a statement describing the availability of funds.

"(B) REVIEW PANELS.—Each application submitted under this subsection by an eligible institution shall be reviewed by a panel of individuals selected by the Under Secretary to judge the quality and merit of the proposal, including the extent to which the eligible institution can effectively and successfully utilize the proposed grant, cooperative agreement, or contract to carry out the program described in paragraph (1). The Under Secretary shall ensure that the review panels include representatives of minority serving institutions and others who are knowledgeable about eligible institutions and digital and wireless networking technology. The Under Secretary shall ensure that no individual assigned under this subsection to review any application has a conflict of interest with regard to that application. The Under Secretary shall take into consideration the recommendations of the review panel in determining whether to award a grant, cooperative agreement, or contract to an eligible institution.

"(C) MATCHING REQUIREMENT.—The Under Secretary may not award a grant, cooperative agreement, or contract to an eligible institution under this subsection unless such institution agrees that, with respect to the costs incurred by the institution in carrying out the program for which the grant, cooperative agreement, or contract was awarded, such institution shall make available, directly, or through donations from public or private entities, non-Federal contributions in an amount equal to one-quarter of the grant, cooperative agreement, or contract awarded by the Under Secretary, or \$500,000, whichever is the lesser amount. The Under Secretary shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than \$50,000,000.

"(D) AWARDS.—

"(i) LIMITATION.—An eligible institution that receives a grant, cooperative agreement, or contract under this subsection that exceeds

\$2,500,000 shall not be eligible to receive another grant, cooperative agreement, or contract.

“(ii) CONSORTIA.—Grants, cooperative agreements, and contracts may only be awarded to eligible institutions. Eligible institutions may seek funding under this subsection for consortia which may include other eligible institutions, a State or a State educational agency, local educational agencies, institutions of higher education, community-based organizations, national nonprofit organizations, or businesses, including minority businesses.

“(iii) PLANNING GRANTS.—The Under Secretary may provide funds to develop strategic plans to implement such grants, cooperative agreements, or contracts.

“(iv) INSTITUTIONAL DIVERSITY.—In awarding grants, cooperative agreements, and contracts to eligible institutions, the Under Secretary shall ensure, to the extent practicable, that awards are made to all types of institutions eligible for assistance under this subsection.

“(v) NEED.—In awarding funds under this subsection, the Under Secretary shall give priority to the institution with the greatest demonstrated need for assistance.

“(E) ANNUAL REPORT AND EVALUATION.—

“(i) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, cooperative agreement, or contract awarded under this subsection shall provide an annual report to the Under Secretary on its use of the grant, cooperative agreement, or contract.

“(ii) INDEPENDENT ASSESSMENT.—Not later than 6 months after the date of enactment of this subsection, the Under Secretary shall enter into a contract with the National Academy of Public Administration to conduct periodic assessments of the program. The Assessments shall be conducted once every 3 years during the 10-year period following the enactment of this subsection. The assessments shall include an evaluation of the effectiveness of the program in improving the education and training of students, faculty and staff at eligible institutions that have been awarded grants, cooperative agreements, or contracts under the program; an evaluation of the effectiveness of the program in improving access to, and familiarity with, digital and wireless networking technology for students, faculty, and staff at all eligible institutions; an evaluation of the procedures established under subparagraph (A); and recommendations for improving the program, including recommendations concerning the continuing need for Federal support. In carrying out its assessments, the National Academy of Public Administration shall review the reports submitted to the Under Secretary under clause (i).

“(iii) REPORT TO CONGRESS.—Upon completion of each independent assessment carried out under clause (ii), the Under Secretary shall transmit the assessment to Congress along with a summary of the Under Secretary’s plans, if any, to implement the recommendations of the National Academy of Public Administration.

“(F) DEFINITIONS.—In this subsection:

“(i) DIGITAL AND WIRELESS NETWORKING TECHNOLOGY.—The term ‘digital and wireless networking technology’ means computer and communications equipment and software that facilitates the transmission of information in a digital format.

“(ii) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means an institution that is—

“(I) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)), or an institution described in section 326(e)(1) of that Act (20 U.S.C. 1063b(e)(1));

“(II) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

“(III) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

“(IV) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

“(V) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

“(iii) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(iv) LOCAL EDUCATIONAL AGENCY.—The term ‘local educational agency’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(v) MINORITY BUSINESS.—The term ‘minority business’ includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)).

“(vi) MINORITY INDIVIDUAL.—The term ‘minority individual’ means an American Indian, Alaskan Native, Black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban and Central or South American origin), or Pacific Islander individual.

“(vii) STATE.—The term ‘State’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(viii) STATE EDUCATIONAL AGENCY.—The term ‘State educational agency’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).”

#### SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Technology Administration of the Department of Commerce to carry out section 5(g) of the Stevenson-Wydler Technology Innovation Act of 1980 such sums as may be necessary for each of the fiscal years 2007 through 2010.

This Act may be cited as the “Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2007”.

Amend the title so as to read: “An Act making appropriations for Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2007, and for other purposes.”

#### ROBERT SILVEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4073 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4073) to designate the outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, as the “Robert Silvey Department of Veterans Affairs Outpatient Clinic.”

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 4073) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 4073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### SECTION 1. ROBERT SILVEY DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC.

(a) DESIGNATION.—The outpatient clinic of the Department of Veterans Affairs located in Farmington, Missouri, shall be known and designated as the “Robert Silvey Department of Veterans Affairs Outpatient Clinic”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the “Robert Silvey Department of Veterans Affairs Outpatient Clinic”.

#### AUTHORIZING THE MAJORITY LEADER AND ONE STAFF MEMBER TO TRAVEL TO MEXICO FOR THE INAUGURATION OF THE NEW PRESIDENT OF MEXICO SCHEDULED FOR DECEMBER 2, 2006

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 616, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 616) authorizing the Majority Leader and one staff member to travel to Mexico for the inauguration of the new President of Mexico scheduled for December 2, 2006.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 616) was agreed to, as follows:

S. RES. 616

Resolved, That the Majority Leader and one staff member are authorized to travel to Mexico for the inauguration of the new President of Mexico scheduled for December 2, 2006.

#### PAINT BANK AND WYTHEVILLE NATIONAL FISH HATCHERIES CONVEYANCE ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 621, H.R. 5061.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5061) to direct the Secretary of the Interior to convey Paint Bank National Fish Hatchery and Wytheville National Fish Hatchery to the State of Virginia.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5061) was ordered to a third reading, was read the third time, and passed.