



Military Quality of Life/VA (House) and Military Construction/VA (Senate): FY2006 Appropriations

(name redacted)

Specialist in National Defense

(name redacted)

(name redacted)

Analyst in Veterans Policy

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Summary

The structure of the Committees on Appropriations underwent significant change with the beginning of the 109th Congress. As a result, jurisdictions over the appropriations covered in this report, including military construction, military housing allowances, military installation maintenance and operation, the Department of Veterans Affairs, and other veteran-related agencies, rest in the House Committee on Appropriations with the new Subcommittee on Military Quality of Life and Veterans Affairs. In the Senate Committee on Appropriations, jurisdiction for military construction, the Department of Veterans Affairs, and other veteran-related agencies lies with the Subcommittee on Military Construction and Veterans Affairs, while military housing allowances and military installation maintenance and operation are the responsibility of the Subcommittee on Defense. Authorization jurisdictions lie with the two Committees on the Armed Services and Committees on Veterans Affairs.

Key issues in congressional action to date include:

- **Military Construction:** The changing structure of the Army, the redeployment of troops from overseas garrisons to domestic bases, and the current BRAC round have drawn committee attention during the appropriation process. The report of the Commission on Review of Overseas Military Facility Structure of the United States (the Overseas Basing Commission), created by Congress, concluded that the Department of Defense (DOD) plan for withdrawing forces from long-standing garrisons in Europe and Asia is moving too fast and that DOD has not engaged in substantive consultation with other agencies whose operations would be affected by the changes. The funding of the construction of military infrastructure in support of Operation Enduring Freedom (Afghanistan) and Operation Iraqi Freedom (Iraq), whether continuing through emergency supplemental appropriations or transitioning to the normal annual appropriation cycle, has also been discussed in hearings.
- **Veteran Benefits:** Entitlement spending is rising as the number of beneficiaries is increasing, education benefits are being augmented, and annual cost of living adjustments are being granted. Benefits such as disability compensation, pensions, and education are mandatory payments and constitute more than half (\$36.6 billion) of the VA appropriation of approximately \$70 billion.
- **Veteran Medical Care:** The Administration has again requested legislative changes to increase certain co-payments and other cost-sharing fees for veterans in lower priority categories. After VA announced a shortfall of more than \$1 billion from its FY2005 enacted appropriations for veterans health programs, \$1.5 billion in supplemental appropriations was added by P.L. 109-54.

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Most Recent Developments

Military Quality of Life and Veterans Affairs Appropriations (H.R. 2528)

The House Committee on Appropriations reported its Military Quality of Life and Veterans Affairs appropriations bill (H.R. 2528) on May 23, 2005 (H.Rept. 109-95). The House undertook consideration of the bill on May 26 and passed it the same day. H.R. 2528 was received in the Senate on May 26, read twice and referred to the Committee on Appropriations. On July 21, the Senate Committee on Appropriations reported its amended version of the bill.¹ The Senate took up the measure on September 22, 2005, passing it the same day with an amendment and an amendment to the title. The House disagreed to the amendment on November 3 and appointed conferees. The conferees filed a conference report (H.Rept. 109-305) on November 17. Both House and Senate agreed to the conference report on November 18. The bill was signed by the President on November 30, 2005 (P.L. 109-114).

Defense Authorization (H.R. 1815)

The House Committee on Armed Services reported its version of the Defense Authorization bill (H.R. 1815) on May 20 (H.Rept. 109-89). The House passed the bill on May 25. It was received in the Senate, read twice, and referred to the Senate Committee on Armed Services on June 6. The Committee discharged the bill on November 15. The Senate substituted the language of S. 1042 and passed the amended bill by Unanimous Consent. The House instructed its conferees on December 15. On December 16, the conferees agreed to file their report (H.Rept. 109-360). The report was filed late on December 18 and was taken up and passed by the House early the next morning. The Senate took up the report on December 19, 2005. The bill was cleared for the White House on December 21 and was enacted by the President on January 3, 2006 (P.L. 109-163).

Defense Appropriation (H.R. 2863)

The House Committee on Appropriations reported an original measure on June 10, 2005 (H.Rept. 109-119). The House undertook consideration of the bill on June 20 and passed it the same day. The Senate received the bill on June 21, referred it to the Committee on Appropriations, and reported it with an amendment in the nature of a substitute without written report on June 28, 2005. The measure was laid before the Senate on September 29, at which time the Chairman of the Subcommittee on Defense, Senator Ted Stevens (AK) filed a written report (S.Rept. 109-141). The Senate passed an amended version of the bill on October 7, 2005, and insisted on a conference. On December 14, the House agreed to the conference. The conference filed its report (H.Rept. 109-359) with the House early on December 19, where it was passed within an hour. The Senate received the report the same day. The Senate introduced and passed a concurrent resolution (S.Con.Res. 74) that would correct the bill's enrollment by striking Division C, which in part removed restrictions on drilling in the Arctic National Wildlife Reserve (ANWR). A unanimous-consent agreement stipulated that Senate agreement to the conference report would be

¹ The House version of the appropriation bill included military construction, military housing allowances, military installation maintenance and operation, the Department of Veterans Affairs, and other veteran-related agencies, while the Senate amendment did not address military housing allowances or military installation maintenance and operation. The Senate Committee on Appropriations made an amendment in the form of a substitute.

vitiated should the House not agree to S.Con.Res. 74. The Senate then agreed to the conference report by unanimous vote on December 21, 2005, clearing the bill for the White House, and a message on Senate action was sent to the House on December 22. The bill was enacted as P.L. 109-148 on December 30, 2005.

Status of Legislation

Table 1. Status of FY2006 Military Quality of Life/Veterans Affairs (House) and Military Construction/Veterans Affairs (Senate) Appropriations (H.R. 2528)

Committee Markup		House Report	House Passage	Senate Report	Senate Passage	Conf. Report	Conference Report Approval		Public Law
House	Senate						House	Senate	
5/25/05	7/21/05	H.Rept. 109-95	5/26/05	S.Rept. 109-105	9/22/05	109-305	11/18/05	11/18/05	109-114

Table 2. Status of FY2006 Defense Authorization (H.R. 1815, S. 1042)

Committee Markup		House Report	House Passage	Senate Report	Senate Passage	Conf. Report	Conference Report Approval		Public Law
House	Senate						House	Senate	
5/18/05	5/12/05	H.Rept. 109-89	5/25/05	S.Rept. 109-69	11/15/05	H.Rept. 109-360	12/19/05	12/21/05	109-163

Table 3. Status of FY2006 Defense Appropriations (H.R. 2683)

Committee Markup		House Report	House Passage	Senate Report	Senate Passage	Conf. Report	Conference Report Approval		Public Law
House	Senate						House	Senate	
6/10/05	9/28/05	H.Rept. 109-119	6/20/05	S.Rept. 109-141	10/7/05	H.Rept. 109-359	12/19/05	12/19/05	109-148

Summary and Key Issues

Realignment of Appropriations Subcommittee Jurisdictions

House

During the last week of January 2005, Representative Jerry Lewis, chairman of the House Committee on Appropriations, proposed a significant reorganization of the Committee's subcommittee structure and realignment of subcommittee jurisdictions. In the resulting redistribution of subcommittee responsibilities, the Subcommittees on Veterans Affairs, Housing

and Urban Development (VA-HUD) and Military Construction were eliminated and some of their responsibilities were assigned to a new Subcommittee on Military Quality of Life and Veterans Affairs under the chairmanship of Representative James T. Walsh.

The new subcommittee was given jurisdiction for appropriations to the following accounts:

- *Department of Defense:* Military Construction, Army, Navy (including Marine Corps), Air Force, Defense-wide, and Guard and Reserve Forces, Facilities Sustainment, Restoration and Modernization, Army, Navy (including Marine Corps), Air Force, and Guard and Reserve Forces, Chemical Demilitarization Construction, Defense-wide Military Family Housing Construction and Operation and Maintenance, Army, Navy (including Marine Corps), Air Force, and Defense-wide Family Housing Improvement Fund, Military Unaccompanied Housing Improvement Fund, Homeowners Assistance Fund, Basic Allowance for Housing, Army, Navy (including Marine Corps), Air Force, and Guard and Reserve Forces, Environmental Restoration Accounts, Base Realignment and Closure Account, NATO Security Investment Program, Defense Health Program Account.
- *Department of Veterans Affairs*
- *Related Agencies:* American Battle Monuments Commission, Armed Forces Retirement Home, Cemeterial Expenses, Army (DOD), Court of Appeals for Veterans Claims.

Senate

The Senate Committee on Appropriations undertook its own reorganization under the chairmanship of Senator Thad Cochran. In the ensuing reassignment of responsibilities, the Committee's Subcommittee on Veterans Affairs, Housing and Urban Development was dissolved. The Subcommittee on Military Construction retained its responsibility for military construction appropriations and absorbed additional appropriation obligations for Veterans Affairs, the American Battle Monuments Commission, Cemeterial Expenses, Army (Arlington National Cemetery), the Court of Appeals for Veterans Claims, and the Selective Service Commission. Other appropriation accounts did not transfer.

The reconstituted subcommittee continued under the chairmanship of Senator Kay Bailey Hutchinson and was renamed the Subcommittee on Military Construction and Veterans Affairs.

Subsequent Agreement

House and Senate appropriators disagreed over whether to include several of the accounts governed by differing jurisdictions between the chambers (i.e., Defense Health Program, Basic Allowance for Housing). During the weeks before conferencing, these differences were resolved when the House agreed to follow Senate preferences and place the disputed accounts in the Defense appropriations bill (H.R. 2863) with the understanding that consideration will alternate annually between House- and Senate-preferred structures.²

² See Tim Starks, "Bill Targets Veterans' Funding Shortfall," *CQ Weekly* (November 18, 2005), p. 3136.

Title I: Department of Defense

Military Construction

Army Modularity

All of the military operating forces are undergoing significant structural reorganization as part of the Department of Defense transformation effort. The Army may be undertaking the most profound of these initiatives as Chief of Staff Gen. Peter J. Schoomaker guides its transition from an organization based on the division to one based on the smaller, lighter brigade.³ The Army has traditionally placed divisions in garrison as a unit.

One of the implications of breaking up the division into a number of smaller brigades could be to increase the number of installations that could be candidates as new garrisons. On July 27, the Department of Defense announced locations that will host 44 of the Army's new "Modular Brigade Combat Teams" (MBCT).⁴

The Senate Appropriations Committee noted in its report (S.Rept. 109-105) that the Army's change in organization is intertwined with two other initiatives, Military Base Realignment and Closure, and the redeployment of 60,000 - 70,000 troops from overseas garrisons to posts in the United States and its territories over the next decade. The Committee drew the attention of the Army to its expectations that the service would be requesting funding adequate to enable all three to be carried out simultaneously.

Military Base Realignments and Closures⁵

The 2005 round of Base Realignment and Closures (BRAC), authorized by Congress in December 2001 as Title XXX of the National Defense Authorization Act for Fiscal Year 2002, came to full maturity during 2005 with the appointment of the nine-member BRAC Commission (officially known as the Defense Base Closure and Realignment Commission of 2005) in early April, the creation of its supporting staff in early May, the release of the Department of Defense List of Recommended BRAC Actions to the Commission on May 13, and the initiation of a series of Commission hearings in Washington and around the country.

³ The division usually consists of three or four brigades.

⁴ Unattributed, "Army Unveils Active Component Brigade Combat Team Stationing," *U.S. Department of Defense Press Release*, July 27, 2005. These consist of 37 regular MBCTs, 6 so-called "Stryker" MBCTs (organized around the Stryker Light Armored Vehicle III), and one MBCT (-) (a light formation stationed at the National Training Center at Ft. Irwin, California).

⁵ CRS products that discuss the BRAC process in greater detail include CRS Report RL32216, *Military Base Closures: Implementing the 2005 Round*, by (name redacted), CRS Report RS22291, *Military Base Closures: Highlights of the 2005 BRAC Commission Report and Its Additional Proposed Legislation*, by (name redacted) and (name redacted), and CRS Report RL33092, *Base Realignment and Closure (BRAC): Property Transfer and Disposal* by Aaron Flynn. These and other BRAC-related products, including online video and videotapes of CRS seminars are most easily found through the CRS web page under *Current Legislative Issues: Defense* and then *Military Base Closures* or through the Multimedia Library in the web page's left-hand sidebar.

The Commission presented its own list of recommended BRAC actions to the President on September 8, 2005. The President approved these recommendations and so notified Congress on September 15, 2005.

Under the Defense Base Closure and Realignment Act of 1990 (10 USC 2687 note), as amended, Congress had a maximum of 45 days from receipt of the President's list to pass a joint resolution disapproving the list. Two such resolutions were introduced on September 20, 2005, H.J.Res. 64 by Representative Harold E. Ford, Jr., of Tennessee, and H.J.Res. 65 by Representative Ray LaHood, of Illinois. H.J.Res. 65 came to the floor on October 27 and failed on a recorded vote of 85-324 (Roll no. 548).⁶

The 2005 round marked the fifth time that a commission took part in determining which military installations are to be closed or significantly reduced in scope. The first, the Base Realignment and Closure Commission, was chartered by, and reported its recommendations to, the Secretary of Defense. All subsequent commissions were created by Congress in the Defense Base Closure and Realignment Act of 1990, as amended. Three subsequent rounds (in 1991, 1993, and 1995) were authorized by Congress in the original legislation. The 2005 round was authorized in an amendment to the original law.

Several BRAC-related issues arose during the formulation and consideration of the list of recommendations, as indicated below.

Recommendations Regarding the National Guard

The list of recommended BRAC actions released by the Department of Defense on May 13 included a significant number that affected Reserve Component (Reserves and National Guard) sites. Among its other recommendations, the DOD suggested the deactivation of the 111th Fighter Wing (Pennsylvania Air National Guard) and the distribution of the aircraft assigned to the 183rd Fighter Wing (Illinois Air National Guard) from the Abraham Lincoln Capital Airport Air Guard Station in Springfield, Illinois, to the Ft. Wayne International Airport Air Guard Station and the 122nd Fighter Wing (Indiana Air National Guard) in Ft. Wayne, Indiana.

On July 11, Governor Edward D. Rendell, Senator Arlen Specter, and Senator Rick Santorum of Pennsylvania, filed suit in U.S. District Court for the Eastern District of Pennsylvania, naming the Secretary of Defense as defendant. The governor complained that the recommendation to deactivate the 111th Fighter Wing without his consent constituted a change in organization of a National Guard unit barred by federal statute. The governor requested that the court issue "a Declaratory Judgment declaring that Secretary Rumsfeld may not, without first obtaining Governor Rendell's approval, deactivate the 111th Fighter Wing."

⁶ On September 29, 2005, the House adopted rule H.Res. 469, providing for consideration of H.J.Res. 68, making continuing appropriations for the Fiscal Year 2006. Section 3 of the rule barred rank and file House Members from making the motion to proceed to the consideration of a joint resolution disapproving the recommendations of the BRAC. H.Res. 469 stated, "A motion to proceed pursuant to section 2908 of the Defense Base Closure and Realignment Act of 1990 shall be in order only if offered by the Majority Leader or his designee." For more information on legislative procedure pertaining to the recommendations of the BRAC Commission, see CRS Report RS22144, "Fast Track" Congressional Consideration of Recommendations of the Base Realignment and Closure (BRAC) Commission, by (name redacted).

On July 21, Governor Rod Blagojevich of Illinois filed suit in the U.S. District Court for the Central District of Illinois, naming the Secretary of Defense and each of the BRAC Commissioners as defendants. His complaint, in part, claimed that the distribution of aircraft from Springfield to Ft. Wayne constituted a realignment, withdrawal, or relocation of Illinois Air National Guard units, and that this violated various provisions in both Title 10 (Armed Forces) and Title 32 (National Guard) of the United States Code. He asked that the court declare that the “realignment of the 183rd Fighter Wing as proposed by defendant Rumsfeld without the consent of the Governor of the State of Illinois is prohibited by federal law....”

Several other states initiated similar legal actions. All contended that the Secretary of Defense was required by law to obtain the consent of the respective state governors before recommending these actions.⁷

Requested Funding for BRAC Accounts

The appropriation request for Fiscal Year 2006 is split between two Base Realignment and Closure (BRAC) Accounts, one for 1990 and one for 2005.

The BRAC 1990 account is the consolidation of what had been four separate accounts, one for each of the previous BRAC rounds. Because all of the recommended BRAC actions from those rounds were completed in 2001, the BRAC 1990 account is devoted to funding the continuing environmental remediation required on the federal property deemed excess during those rounds but not yet conveyed to non-DOD ownership. \$246 million was appropriated to this account for FY2005. The President requested almost \$378 million in new budget authority for this account for FY2006. The House supported that request, and the Senate increased it to nearly \$403 million. The amount enacted was slightly less than \$255 million.

The BRAC 2005 account will fund the many realignment and closure actions, to include the movement of units and equipment, the construction of new infrastructure at receiving installations, and the realignment and closure of property deemed excess in the current BRAC round. The implementation of all enacted BRAC actions in the 2005 round must begin not later than two years and be completed not later than six years from the date of enactment. During previous BRAC rounds, appropriations tended to rise sharply during the first few years, peaking during the third or fourth year. They then gradually fell off as movement and construction activity was replaced by environmental remediation and land transfer to other agencies and local redevelopment authorities.

The BRAC 2005 appropriations account was established to fund the first year of realignment and closure activity. The President made his first appropriation request of \$1.88 billion. The House approved an appropriation of only \$1.57 billion, and the Senate Committee on Appropriations recommended only \$1.50 billion. In its report to the Senate (S.Rept. 109-105), the Committee noted that the President’s funding request had indicated his intention to retain some of the requested funding as unobligated at the end of the fiscal year. The Committee cited this as its rationale for reducing the appropriation. The Conference recommended \$1.50 billion.

⁷ For additional information regarding judicial review of military base closure recommendations, see CRS Report RL32963, *The Availability of Judicial Review Regarding Military Base Closures and Realignments*, by (name redacted).

Environmental Remediation on Closed Military Bases

A significant portion of land rendered surplus during previous BRAC rounds remains the property of the Department of Defense. The principal reason for this is the Department's enduring responsibility for property cleanup prior to transferring title.

In its report (H.Rept. 109-95), the House discussed the current situation at the former Ft. Ord, where large tracts remain in DOD hands, but where the Department has begun to take an innovative approach to speeding the transfer of remaining property.

The Committee is aware that the Army and the re-use authority at the former Fort Ord have begun discussions to develop creative means to transfer the remaining surplus land at the base to the re-use authority prior to the completion of clean up activities at the site. The Committee encourages the Army and the re-use authority to explore the use of an environmental services cooperative agreement. Such an arrangement would allow the Army to transfer the land immediately but guarantee the re-use authority access to funds to pursue clean up through third parties.

Attempt to Reopen the Airfield at Malmstrom Air Force Base, Montana

Malmstrom Air Force Base in Montana had once hosted both an intercontinental ballistic missile wing and an air refueling wing of KC-135 tanker aircraft. The 1995 BRAC Commission recommended that "all fixed-wing aircraft flying operations at Malmstrom AFB will cease and the airfield will be closed," an action that was subsequently carried out. A provision, Sec. 1942, inserted into the text of H.R. 3, the "Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005" prior to the filing of the bill's conference report (H.Rept. 109-203) on July 28, 2005, provided for the reopening of the airfield, stating that, "Not later than 60 days after the date of the enactment of this act, the Secretary of the Air Force shall—(1) open the airfield at Malmstrom Air Force Base, Montana; and (2) enable flying operations for all fixed-wing aircraft at that base."

The House subsequently drafted and passed H.Con.Res. 226, which amended the conference report to remove Sec. 1942. The Senate agreed to the resolution on July 29.

Conditional Recommendations

During the 1991, 1993, and 1995 rounds, the Secretary of Defense and/or the BRAC Commissions often "redirected" recommendations made during earlier rounds. For example, during the 1995 BRAC round, the Secretary of Defense recommended that the Commission "change the receiving sites for 'squadrons and related activities at NAS (Naval Air Station) Miramar' specified by the 1993 Commission ... from 'NAS Lemoore and NAS Fallon' to 'other naval air stations, primarily NAS Oceana, Virginia, NAS North Island, California, and NAS Fallon, Nevada.'"

Subsequent reconsideration was not possible in the 2005 round, so the Commission drafted several "conditional" recommendations. The two most significant of these concerned Cannon Air Force Base, near Clovis, New Mexico, and Naval Air Station Oceana, in Virginia Beach, Virginia.

Cannon Air Force Base, New Mexico. Cannon Air Force Base occupies more than 4,500 acres of open land near the town of Clovis in eastern New Mexico. Approximately 2,400 military and 400

DoD civil service employees work at the installation, supported by an estimated 2,000 indirect civilian workers. The base hosts the 27th Fighter Wing, an active duty F-16 unit composed of the 522nd, 523rd, 524th, and 428th Fighter Squadrons. It and the nearby Melrose Air Force Range support the operations and training of active duty Air Force, Air National Guard, and other U.S. and allied aircrew.

The Secretary of Defense recommended that Cannon be closed and its aircraft be distributed to other units, actions that would eliminate approximately 20% of the local employment base. Instead of including this recommendation in its own list, the BRAC Commission realigned Cannon, directing the Air Force to redistribute the aircraft based there according to its own master allocation plan, but keeping the base open by retaining an enclave on the site and instructing the Secretary of Defense to “seek other newly-identified missions with all military services for possible assignment” to Cannon. The recommendation was conditional in the sense that, should no new mission be identified and assigned by December 31, 2009, Cannon shall be closed. During early December 2005, Air Force Chief of Staff Gen. Michael Moseley informed Senators Pete Domenici and Jeff Bingaman that the service was working on finding that new mission.⁸

Naval Air Station Oceana, Virginia. NAS Oceana is a Navy Master Jet Base and home to the Navy’s Atlantic Fleet inventory of F-14 fighters and F/A-18 strike fighters. The Secretary of Defense made no recommendation regarding NAS Oceana. Nevertheless, the Commission was concerned that decades of real estate development near the air station could threaten the training and operation of the Navy’s air fleet and the safety of the station’s surrounding population. It therefore recommended that Oceana be realigned “by relocating the East Coast Master Jet Base to Cecil Field, Florida, if the Commonwealth of Virginia and the municipal governments of Virginia Beach, Virginia, and Chesapeake, Virginia, fail to enact and enforce legislation to prevent further encroachment of Naval Air Station Oceana by the end of March 2006.” The Commission added other conditions predicated on actions by the State of Florida and the City of Jacksonville, the location of the former NAS Cecil Field, a Navy jet base closed during a previous BRAC round. After facing opposition from community groups, John Peyton, the mayor of Jacksonville, withdrew his support for the plan to reopen NAS Cecil Field.⁹ Nevertheless, the City of Virginia Beach has continued its actions to meet the BRAC Commission’s conditions for retaining the Master Jet Base at Oceana.¹⁰

Commission-recommended Legislation. Current statute does not authorize a future BRAC round. Anticipating the need for a future reconfiguration of DoD infrastructure, Annex R to the 2005 Commission’s report suggested legislation focused on monitoring and reporting on the implementation of the 2005 round, preparing for a potential new BRAC round in 2014-2015, and creating new processes for transferring problematic properties out of the DoD inventory and expediting their redevelopment. These recommendations are discussed in CRS Report RS22291, *Military Base Closures: Highlights of the 2005 BRAC Commission Report and Its Additional Proposed Legislation*, by (name redacted) and (name redacted).

⁸ Leslie Linthicum, “Air Force Has New Idea for Cannon,” *Albuquerque Journal*, December 9, 2005, pg. B3.

⁹ Louis Hansen, “Jacksonville Mayor Withdraws Funding for Reopening Cecil Field,” *The Virginian-Pilot*, October 7, 2005.

¹⁰ The Associated Press, “Virginia Beach Council Considers Plan to Save Oceana Jets,” *Associated Press Newswires*, December 20, 2005, 12:33.

Expansion of DoD Activity at Ft. Belvoir, Virginia

As the result of a number of realignment and closures at other defense installations, Ft. Belvoir, located near Alexandria, Virginia, will add approximately 21,300 military, civilian, and contractor positions to the 16,700 currently existing on and around the post. The magnitude of this increase has led some observers to express concern that the surrounding transportation infrastructure will be unable to accommodate the expected large increase in vehicular traffic.

In an effort to upgrade certain roads and highways adjacent to Ft. Belvoir, Representatives Tom Davis (VA/11) and Jim Moran (VA/08) introduced H.R. 4457 on December 7, 2005. The bill would direct the Secretary of Defense and Secretary of Transportation to certify these roads as important to the national defense, pursuant to 23 USC 210. If enacted, this certification would make the identified thoroughfares part of the Defense Access Road Program, which could render them eligible to benefit from military construction appropriations.

Overseas Military Bases

The six-member Commission on Review of Overseas Military Facility Structure of the United States, created by Congress in Sec. 128 of the Military Construction Appropriations Act for Fiscal Year 2004 (H.R. 2559, P.L. 108-132), released its draft report on May 9, 2005. The Commission, commonly referred to as the “Overseas Basing Commission” (OBC), was given the task to “conduct a thorough study of matters relating to the military facility structure of the United States overseas.” In this, the Commission’s effort paralleled in part a Department of Defense examination of its installations worldwide.¹¹

The Commission was also enjoined to “submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate ... [and] the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department.”

During the period of the OBC study, the President announced that between 60,000 and 70,000 military personnel based in overseas garrisons would, over the ensuing decade, be redeployed to garrisons located within the United States and its territories. The military services were continuing the process of organizational transformation, while the DOD was drawing up its list of recommended actions for submission to the BRAC Commission. After weighing these and other factors, the OBC stated:

The Commission found that the overseas basing structure cannot be viewed in isolation from a myriad of other security-related considerations. Its feasibility and effectiveness can only be evaluated in context with all other aspects of national security mentioned elsewhere in this Report. We believe that at some time too much activity in too short a time threatens to change transformation into turbulence. We have concluded that we are doing too much too fast and a reordering of the steps is necessary. We call, therefore, for a process of deliberation and review to accompany the zeal and aggressiveness to act.¹²

¹¹ This is known as the DOD Integrated Global Presence and Basing Strategy (IGPBS).

¹² *Report of the Commission on Review of Overseas Military Facility Structure of the United States* (Draft), May 9, (continued...)

The report highlighted several issues of potential interest to Congress, including the ability of U.S. military bases to absorb the influx of personnel and their families from overseas, the interaction between BRAC, service transformation, and the DOD plan for continuing bases on foreign soil, and the amount of military construction that will be required to support that continuing presence.

Since the publication of the Commission's draft report, the Department of Defense announced that 11 military installations in Germany will be returned to full German national control during FY2007. Two additional facilities in Würzburg, Würzburg Hospital and Leighton Barracks, will be returned to German control at some later, as yet unspecified, date.¹³

Operation Enduring Freedom/Operation Iraqi Freedom

The Fiscal Year 2005 Emergency Supplemental Appropriation request¹⁴ included \$1.0 billion to support operations in Afghanistan and Iraq through military construction in these and surrounding countries. This was added to the \$912 million that had been appropriated for the same purpose in all other emergency supplemental appropriations enacted since September 11, 2001. These requests highlight several matters, some of which may be of interest to Congress, such as:

- whether the \$2.2 billion in funding in support of military operations in Iraq and Afghanistan signals a longer-term U.S. presence in the region or is primarily for short-term improvements to facilities for U.S. troops;
- whether Congress has received sufficient information to evaluate these projects;
- whether current authorities that give DOD additional flexibility to fund unanticipated needs in military construction give Congress adequate tools for oversight; or
- whether DOD's decisions to rely primarily on supplemental rather than regular military construction funding and military construction rather than Operation and Maintenance funding for projects in Iraq and Afghanistan are appropriate and ensure congressional oversight.¹⁵

Military forces of U.S. Central Command (CENTCOM) operate from installations in Iraq and Afghanistan, and provide support from locations in many of the states bordering the Persian Gulf, Pakistan, Uzbekistan, and Kyrgyzstan. Political unrest in the Kyrgyz Republic during April 2005 precipitated press reports describing assurances given by the interim Prime Minister of the

(...continued)

2005, p. viii. Following publication of the May 9 report, the Department of Defense advised the Commission of its concerns that certain information in the report might have a deleterious impact on the Department's activities. In response, the Commission edited those passages to remove any such information. In so doing, the Commission determined that the changes in the report had no affect on the conclusions and recommendations of the report. The revised report to the President and Congress was published on June 5, 2005, and can be downloaded from the Commission's website, <http://www.obc.gov>. The Commission's final report will be published by August 15, 2005.

¹³ "U.S. to Return 11 Bases to Germany Within Two Years," *State Department Press Releases and Documents*, July 29, 2005.

¹⁴ H.R. 1268, *Making Emergency Supplemental Appropriations for the Fiscal Year Ending September 30, 2005, and for Other Purposes*, enacted May 11, 2005 (P.L. 109-13).

¹⁵ For more detailed information, see CRS General Distribution Memorandum, *Military Construction in Support of Afghanistan and Iraq*, by (name redacted) and Daniel Else, dated April 21, 2005.

country, Kurmanbek Bakiyev, to the United States that continued use of the Manas Air Base, near the capital of Bishkek, was assured.¹⁶ Soon after his victory in July, now-acting President Bakiyev called for a reexamination of U.S. use of the airbase.¹⁷ The government of Uzbekistan has echoed this sentiment for reconsidering continued U.S. use of Karshi-Khanabad Air Base (also known as “K-2”) in that country. The Secretary of Defense visited the region in late July for discussions with the various governments.¹⁸

Nevertheless, on Friday, July 29, 2005, the government of Uzbekistan delivered a message to the U.S. Embassy in Tashkent giving the U.S. 180 days to cease operations at Khananabad.¹⁹

Other Defense Issues

Basic Allowance for Housing (BAH) and Military Housing Privatization

During the late 1990s, the Department of Defense undertook an initiative to eliminate substandard housing for military personnel. This initiative took two distinct paths, increasing the housing allowance paid to service personnel who reside in commercial housing (owning or renting apartments and houses) and upgrading government-furnished housing at military installations.

The original target date of 2010 for ensuring adequate housing for all was later revised forward to 2007 for personnel stationed within the United States and 2009 for personnel stationed overseas.²⁰ This was possible because the Department has been able to gradually increase the housing allowance paid to troops (the Basic Allowance for Housing), making off-base commercial housing affordable for a greater percentage of active duty personnel. The Department has also been able to effectively utilize a number of special authorizations granted by Congress to enter into public-private partnerships with commercial real estate developers to improve, increase capacity, and privatize family housing at some military installations.

Department of Defense Health Care

The House Committee on Appropriations report on the appropriations bill highlighted issues of importance to veterans undergoing continuing health care as they transition from active duty to veteran status through reversion to inactive reserve status or retirement. In particular, the

¹⁶ Greg Jaffe, “Kyrgyz Leader Assures U.S. on Use of Air Base,” *Wall Street Journal*, April 15, 2005, p. 8.

¹⁷ See CRS Report RL32864, *Coup in Kyrgyzstan: Developments and Implications*, by (name redacted), and CRS Report 97-690, *Kyrgyzstan: Recent Developments and U.S. Interests*, by (name redacted), for more information on developments in the Kyrgyz Republic.

¹⁸ Unattributed, “U.S. Struggles to Defend Bases in Central Asia,” *Agence France Presse*, July 18, 2005, 03:34, and Unattributed, “Rumsfeld Due in Kyrgyzstan for Talks on U.S. Airbase,” *Agence France Presse*, July 25, 2005, 07:56.

¹⁹ The U.S. government is reported to have paid approximately \$15 million since late 2001 to lease facilities at the airbase. While the U.S. has sought to renew the lease, the government of President Islam Karimov has been the target of international criticism since reports of the killing of large numbers of civilians by government troops in the city of Andijan during May. Nick Paton, “Uzbekistan Kicks U.S. Out of Military Base,” *The Guardian*, August 1, 2005. Additional information on developments relating to U.S. relations in the area can be found in CRS Report RS22295, *Uzbekistan's Closure of the Airbase at Karshi-Khanabad: Context and Implications*, by (name redacted), and CRS Report RS22161, *Unrest in Andijan, Uzbekistan: Context and Implications*, by (name redacted).

²⁰ The Department of Defense has been careful to point out that these target dates refer to the signing of contracts for the construction of adequate housing and not the appearance of the housing itself.

Committee encouraged the Department of Defense and the Department of Veterans Affairs to pursue initiatives to render their currently incompatible electronic information systems interoperable so that health-related data can follow the veteran from one department to the other.

Impact of Hurricanes Katrina and Rita

During August and September 2005, two powerful hurricanes swept through the nation's Gulf Coast region. In response to the subsequent widespread destruction, the 109th Congress completed action on two separate emergency supplemental appropriations bills (P.L. 109-61/H.R. 3645 and P.L. 109-62/H.R. 3673), which together provided \$62.3 billion for emergency response and recovery needs. Of the combined amount provided in the two measures, \$60 billion was appropriated for the Federal Emergency Management Agency (FEMA) to provide emergency food, shelter, and medical care to areas stricken by the hurricane and other disasters. In addition, \$1.9 billion was appropriated to the Department of Defense to pay for damage to its facilities and personnel evacuation costs, and \$400 million to the Army Corps for damaged flood control projects. On October 28, 2005, the Administration requested the reallocation of \$17.1 billion appropriated for FEMA use, primarily to pay for restoring damaged federal facilities, and submitted a rescission request of \$2.3 billion from 17 accounts to pay for some of the disaster costs.

For detailed information regarding these appropriations, see CRS Report RS22239, *Emergency Supplemental Appropriations for Hurricane Katrina Relief*, by (name redacted), and CRS Report RL33197, *Reallocation of Hurricane Katrina Emergency Appropriations: Defense and Other Issues*, by (name redacted) et al. The CRS has prepared a number of other products detailing the hurricanes' impact and the federal response. Copies can be obtained via download from the CRS website or by visiting the CRS Product Distribution Center adjacent to the LaFollette Congressional Reading Room in the James Madison Building of the Library of Congress.

Title II: Department of Veterans Affairs

Table 4. Department of Veterans Affairs Appropriations, FY2001-FY2005
(budget authority in billions)

	FY2001	FY2002	FY2003	FY2004	FY2005
VA	\$47.95	\$52.38	\$58.10	\$61.84	\$65.84

Source: Amounts shown are from reports of the Appropriations Committees accompanying the appropriations bills for the following years.

Agency Mission

Federal policy toward veterans recognizes the importance of their service to the nation and the effect that service may have on their subsequent civilian lives. The Department of Veterans Affairs (VA) administers, directly or in conjunction with other federal agencies, programs that provide benefits and other services to veterans and their dependents and beneficiaries. The three primary organizations in VA that work together to accomplish this mission are the Veterans Benefits Administration (VBA), the Veterans Health Administration (VHA), and the National Cemetery Administration (NCA). The benefits provided include compensation for disabilities

sustained or worsened as a result of active duty military service; pensions for totally disabled, poor war veterans; cash payments for certain categories of dependents and/or survivors; education, training, rehabilitation, and job placement services to assist veterans upon their return to civilian life; loan guarantees to help them obtain homes; free medical care for conditions sustained during military service as well as medical care for other conditions, much of which is provided free to low income veterans; life insurance to enhance financial security for their dependents; and burial assistance, flags, grave-sites, and headstones when they die.

Table 5.Appropriations: Department of Veterans Affairs, FY2005-FY2006
(budget authority in billions)

Program	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 Conf
Compens., pension, burial	\$32.608	\$33.413	\$33.413	\$33.413	\$33.898
Readjustment benefits	2.556	3.214	3.214	3.214	3.309
Insurance/indemnities	0.044	0.046	0.046	0.046	0.046
Housing prog.(net, indef.)	-0.100	-0.047	-0.047	-0.047	-0.047
<i>Subtotal: Mandatory</i>	<i>35.108</i>	<i>36.626</i>	<i>36.626</i>	<i>36.626</i>	<i>37.206</i>
Med. services	19.317	19.995	20.995	21.331	21.322
Emerg. funding	1.538 ^a	1.977	—	1.977	1.225
Emerg. funding (P.L. 109-148)	—	0.225	—	—	0.225
Med. administration	4.667	4.518	4.135	2.858	2.858
Emerg. funding (P.L. 108-324)	0.002	—	—	—	—
Information technology	—	—	—	1.457	—
Medical facilities	3.715	3.298	3.298	3.298	3.298
Emerg. funding (P.L. 108-324)	0.047	—	—	—	—
Med., prosthetic research	0.402	0.393	0.393	0.412	0.412
Med. care cost collect. ^b					
(offsetting receipts)	-1.986	-2.170	-2.170	-2.170	-2.17
(approps. indefinite)	1.986	2.170	2.170	2.170	2.17
<i>Subtotal: Med. programs & admin. (appropriations)</i>	<i>29.689</i>	<i>30.406</i>	<i>28.821</i>	<i>31.333</i>	<i>29.341</i>
<i>Total available to VHA</i>	<i>31.675</i>	<i>32.576</i>	<i>30.991</i>	<i>33.503</i>	<i>31.511</i>
Gen. admin. exp. (total)	1.314	1.419	1.412	1.419	1.411
Emerg. funding (P.L. 108-324)	0.001	—	—	—	—
Emerg. funding (P.L. 109-148)	—	0.025	—	—	0.025
Information technology	—	—	—	—	1.214
Nat'l Cemetery Admin.	0.148	0.156	0.156	0.156	0.156

Program	FY2005 enacted	FY2006 request	FY2006 House	FY2006 Senate	FY2006 Conf
Emerg. funding (P.L. 108-324)	c	—	—	—	—
Emerg. funding (P.L. 109-148)	—	d	—	—	d
Inspector General	0.069	0.070	0.070	0.070	0.070
Construction	0.684	0.816	0.816	0.816	0.806
Emerg. funding (P.L. 108-324)	0.036	—	—	—	—
Emerg. funding (P.L. 109-148)	—	1.157	—	—	0.369
Grants; state facilities	0.104	—	0.025	0.104	0.085
State veteran cemeteries	0.032	0.032	0.032	0.032	0.032
Housing & other loan admin.	0.154	0.155	0.155	0.155	0.155
Gen. prov.—Emerg. funding (P.L. 109-148)	—	0.003	—	—	0.003
<i>Subtotal: Discretionary</i>	<i>32.231</i>	<i>34.239</i>	<i>31.487</i>	<i>34.085</i>	<i>33.666</i>
Total: (VA)	\$67.339	\$70.864	\$68.112	\$70.711	\$70.872

Source: Table prepared by the Congressional Research Service based on H.Rept. 109-95, S.Rept. 109-105, H.Rept. 109-188, H.Rept. 109-305 and H.Rept. 109-359.

- a. Includes supplemental funding from the Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005 (P.L. 108-324) and from the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (P.L. 109-54).
- b. Medical Care Collections Fund (MCCF) receipts are restored to the VHA as an indefinite budget authority equal to the revenue collected.
- c. \$50,000.
- d. \$200,000.

Key Budget Issues

The budget submitted by the Administration in February 2005 called for funding VA at a level of \$66.5 billion dollars for FY2006. More recent estimates by VA of amounts required for both mandatory and discretionary medical care spending have raised this to \$69.5 billion. This would be an increase of \$2.1 billion, or 3.1%, over the FY2005 total including the supplemental appropriations noted in **Table 5** above.

Both the House and the Senate passed their versions of the budget resolution for FY2006 on March 17, 2005. The overall budget function 700 for veterans benefits and services addressed in the budget resolution is broader than just the Department of Veterans Affairs and includes money that will be appropriated in other bills for other departments as well. The House-passed resolution (H.Con.Res. 95) recommended \$68.9 billion in new budget authority for veterans benefits and services, including an increase of \$297 million in discretionary spending over the Administration's request. The Senate version (S.Con.Res. 18) was amended to provide \$69.0 billion for the veterans budget function. The final budget resolution approved by both houses on April 28, 2005, included \$69.0 billion for the veterans budget function in FY2006.

H.R. 2528, as approved by the House Appropriations Committee on May 18, 2005 and by the House on May 26, 2005, would have provided a total of \$68.1 billion for the VA budget with \$31.5 billion of the bill's \$85.2 billion 302(b) allocation going for VA discretionary spending. The Senate Appropriations Committee approved its version of H.R. 2528 on July 21, 2005, and the Senate passed the bill on September 22, 2005. This bill would have provided a total of \$70.7 billion for VA including \$34.1 billion in new budget authority for discretionary spending. The final conference report provides \$37.2 billion in mandatory funding and \$33.0 billion in discretionary funding for a total of \$70.2 billion.

VA Cash Benefits

Since spending for the VA cash benefit programs is mandatory as noted above, the amounts requested in the budget are based on projected caseloads. Eligibility requirements and benefit levels are specified in law. While the total number of veterans is declining, the number receiving benefits is increasing. VA entitlement spending, mostly service-connected compensation, pensions, and readjustment (primarily education) payments, reached \$32.7 billion in FY2004 and is projected to reach \$35.1 billion in FY2005 and \$37.2 billion in FY2006. In addition to the increased number of beneficiaries, much of the projected increases in recent years result from cost-of-living adjustments for compensation benefits and from liberalizations to the Montgomery GI Bill, the primary education program.

Out of concern for the disparity in the amounts of disability compensation awarded to veterans living in different regions of the country, the Senate passed an amendment on September 22, 2005, to instruct the Department of Veterans Affairs to conduct a veterans disability compensation information campaign in states with an average annual disability compensation payment of less than \$7,300. The conference report included this provision in §228.

Medical Care

On July 26, 2005, the conferees of the Department of the Interior, Environment, and Related Agencies appropriations bill, 2006 (H.R. 2361, H.Rept. 109-188) provided \$1.5 billion in supplemental appropriations for veterans medical services for FY2005, with carryover authority for FY2006 as well. This action was taken by Congress in response to the FY2005 budget shortfall of more than \$1 billion announced by the Administration.²¹ None of the supplemental appropriations would be contingent upon an emergency declaration.²² The House adopted the conference agreement on July 28, 2005, and the Senate adopted the conference agreement a day later. The Department of the Interior, Environment, and Related Agencies appropriations bill, 2006 (P.L. 109-54), was signed into law on August 2, 2005.

The President's FY2006 budget requested \$28.2 billion for VHA: \$20.0 billion for medical services, \$4.5 billion for medical administration, \$3.3 billion for medical facilities, and \$393 million for medical and prosthetic research. On July 14, 2005, the Administration requested an additional \$2.0 billion for medical services for FY2006, bringing the total request for VHA to

²¹ On June 23, 2005, at a hearing of the House Veterans' Affairs Committee, the Administration announced that the increased medical care cost for FY2005 was about \$1 billion more than the FY2005 enacted amount.

²² By not designating funding as an emergency requirement the bill would exceed the funding levels agreed by the House and Senate in the FY2005 Budget Resolution (H.Con.Res. 95, H.Rept. 108-498).

\$30.2 billion. VHA medical care collections (e.g., copays, third-party insurance payments) for FY2006 are expected to be \$2.2 billion.

The House budget resolution (H.Con.Res. 95) called for \$31.7 billion in discretionary budget authority for FY2006, most of which would be for VA medical care programs.²³ The Senate budget resolution (S.Con.Res. 18) did not provide a separate amount for discretionary budget authority for VA programs.

In its budget submission to Congress, the Administration is proposing several legislative changes. The major proposals are: to assess an annual enrollment fee of \$250 for all veterans in Priority Groups 7 and 8;²⁴ to increase pharmacy co-payments from \$7 to \$15 for a 30-day supply of prescriptions paid by Priority 7 and 8 veterans; to suspend grants to fund construction and renovation of state extended care facilities for a period of one year; to provide per diem payments to state veterans nursing homes only for the care of service-connected and catastrophically disabled veterans with special needs;²⁵ to authorize payment for insured veteran patients' out-of-pocket expenses for emergency services if their emergency care is obtained outside of the VA health care system; to exempt former Prisoners of War (POWs) from co-payments for extended care services; and to exempt co-payment requirements for hospice care provided in any VA setting. Many of these same proposals were offered in the Administration's budgets for FY2004 and FY2005 and rejected by Congress. S. 1182 as reported out of the Senate Veterans' Affairs Committee on September 22, 2005, would authorize payment for insured veteran patients' out-of-pocket expenses for emergency services if their emergency care is obtained outside of the VA health care system.

The House passed its version of H.R. 2528 (H.Rept. 109-95) making appropriations for Military Quality of Life and Veterans Affairs and Related Agencies for FY2006 (MIL-QUAL appropriations bill). Among other things, this bill appropriated \$28.8 billion for VHA. H.R. 2528 provided \$21.0 billion for medical services, \$4.1 billion for medical administration, \$3.3 billion for medical facilities, and \$393 million for medical and prosthetic research. Under the House-passed version of H.R. 2528, the total amount of funds available for VHA would be \$31.0 billion, including \$2.2 billion in collections (copays and third-party insurance payments). The MIL-QUAL appropriations bill did not authorize any of the fee increases proposed by the President.

On September 22, 2005, the Senate passed its version of H.R. 2528 (S.Rept. 109-105), making appropriations for Military Construction and Veterans Affairs and Related Agencies for FY2006 (MIL-CON appropriations bill). Among other things, this bill appropriated \$31.3 billion, for the Veterans Health Administration (VHA) programs. This is \$1.2 billion more than the Administration's request for FY2006 and \$2.5 billion more than the House-passed version of this

²³ U.S. Congress, House Committee on the Budget, *Concurrent Resolution on the Budget, Fiscal Year 2006*, report to accompany H.Con.Res. 95, 109th Cong., 1st sess., March 11, 2005, p.38.

²⁴ Priority Group 7 veterans have incomes above \$25,843 for a single veteran and below the Department of Housing and Urban Development (HUD) geographic means test level. Priority 8 veterans are those with incomes above \$25,843 for a single veteran and above the HUD geographic means test. The HUD geographic means test is established at a local level such as county. For a listing of geographic means test levels see: http://www.va.gov/healtheligibility/costs/docs/GMT_Income_Thresholds_2004.pdf.

²⁵ State veterans nursing homes will receive per diem payments for Priority Groups 1-4 veterans who have catastrophic disabilities and who need short-term care (less than 90 days), as well as those who need long-term maintenance care. For Priority Group 4 veterans who are not catastrophically disabled, and for Priority Groups 5-8 veterans, state veterans nursing homes will be reimbursed only for short-term care.

bill. The MIL-CON appropriations bill appropriated \$23.3 billion for medical services, of this amount almost \$2 billion has been designated as an emergency appropriation.²⁶ Furthermore, the MIL-CON appropriations bill appropriated \$2.9 billion for medical administration, \$3.3 billion for medical facilities, \$412 million for medical and prosthetic research, and \$1.5 billion for information technology programs. Under the Senate-passed version of H.R. 2528, the total amount of funds available for VHA would be \$33.5 billion, including \$2.2 billion in collections (copays and third-party insurance payments). The MIL-CON appropriations bill did not recommend any of the fee increases proposed by the President.

On November 30, 2005, the Military Quality of Life and Veterans Affairs Appropriations Act, 2006 (P.L. 109-114) was signed into law. This act provides \$29.1 billion, for VHA. P.L. 109-114 appropriated \$22.5 billion for medical services, of this amount \$1.2 billion has been designated as an emergency appropriation. Furthermore, the Military Quality of Life and Veterans Affairs Appropriations Act, 2006, appropriated \$2.9 billion for medical administration, \$3.3 for medical facilities, and \$412 million for medical and prosthetic research. Under P.L. 109-114, the total amount of funds available for VHA would be \$31.2 billion, including \$2.2 billion in collections.

For a more detailed discussion of the VA medical care budget, see CRS Report RL32975, *Veterans' Medical Care: FY2006 Appropriations*, by (name redacted).

Title III: Related Agencies

Independent Commissions

American Battle Monuments Commission

The American Battle Monuments Commission (ABMC) is responsible for the maintenance and construction of U.S. monuments and memorials commemorating the achievements in battle of U.S. armed forces since the nation's entry into World War I; the erection of monuments and markers by U.S. citizens and organizations in foreign countries; and the design, construction, and maintenance of permanent military cemetery memorials in foreign countries. The Commission maintains 24 military memorial cemeteries and 25 monuments, memorials, and markers in 15 countries, including three memorials on U.S. soil.

The ABMC was responsible for the planning and construction of the World War II Memorial on the Mall in Washington, DC. Though the National Park Service assumed responsibility for the operation and maintenance of the Memorial at its dedication, the ABMC retains a fiduciary responsibility for the remaining public contributions given for its construction. The ABMC is presently charged with erecting an Interpretive Center at the Normandy American Cemetery, Normandy, France.

²⁶ By designating funding as an emergency requirement, it is not subject to enforcement procedures under the congressional budget process.

U.S. Court of Appeals for Veterans Claims

The U.S. Court of Appeals for Veterans Claims was established by the Veterans' Judicial Review Act of 1988. The Court is an independent judicial tribunal with exclusive jurisdiction to review decisions of the Board of Veterans' Appeals. It has the authority to decide all relevant questions of law; interpret constitutional, statutory, and regulatory provisions; and determine the meaning or applicability of the terms of an action by the Department of Veterans Affairs (VA). It is authorized to compel action by the VA. It is authorized to hold unconstitutional or otherwise unlawful and set aside decisions, findings, conclusions, rules and regulations issued or adopted by the Department of Veterans Affairs or the Board of Veterans' Appeals.

The Senate Committee on Appropriations drew special attention to the Court's efforts to implement an electronic case management system.

Cemeterial Expenses, Army

The Secretary of the Army is responsible for the administration, operation and maintenance of Arlington National Cemetery and the Soldiers' and Airmen's Home National Cemetery. In addition to its principal function as a national cemetery, Arlington is the site of approximately 3,100 non-funeral ceremonies each year and has approximately 4,000,000 visitors annually.

In increasing the amount requested by the President for this account, the House suggested that the funding be used to speed the entry into electronic form of cemetery record data now existing only in paper-based records.

Armed Forces Retirement Home

The Armed Forces Retirement Home account provides funds to operate and maintain the Armed Forces Retirement Home in Washington, DC (also known as the United States Soldiers' and Airmen's Home), and the Armed Forces Retirement Home in Gulfport, MS (originally located in Philadelphia, PA, and known as the United States Naval Home). These two facilities provide long-term housing and medical care for approximately 1,600 needy veterans.

Appendix A. Consolidated Funding Tables

Table A-I. DOD Military Construction
(budget authority in \$000)

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
<i>Military Construction, Army</i>	1,981,084	1,479,841	1,652,552	1,640,641	1,775,260
Rescissions	(18,976)	—	—	—	(19,746)
Emergency Appropriation (P.L. 109-13)	847,191	—	—	—	—
<i>Total</i>	2,809,299	1,479,841	1,652,552	1,640,641	1,755,514
<i>Military Construction, Navy and Marine Corps</i>	1,069,947	1,029,249	1,109,177	1,045,882	1,157,141
Rescissions	(24,000)	—	—	(92,354)	(50,037)
Emergency Approps. (P.L. 108-324)	138,800	—	—	—	—
Additional Approps. (P.L. 108-447, Div. J)	(4,350)	—	—	—	—
Emergency Appropriation (P.L. 109-13)	139,880	—	—	—	—
<i>Total</i>	1,320,277	1,029,249	1,109,177	953,528	1,107,104
<i>Military Construction, Air Force</i>	866,331	1,069,640	1,171,338	1,209,128	1,288,530
Rescission	(21,800)	—	—	—	(29,100)
Emergency Appropriation (P.L. 109-13)	140,983	—	—	—	—
<i>Total</i>	985,514	1,069,640	1,171,338	1,209,128	1,259,430
<i>Military Construction, Defense-wide</i>	686,055	1,042,730	976,664	1,072,165	1,008,855
Rescission	(22,737)	—	—	—	(20,000)
<i>Total</i>	663,318	1,042,730	976,664	1,072,165	988,855
Total, Active components	5,778,408	4,621,460	4,909,731	4,875,462	5,110,903
<i>Military Construction, Army National Guard</i>	446,748	327,012	410,624	467,146	523,151
<i>Military Construction, Air National Guard</i>	243,043	165,256	225,727	279,156	316,117
Rescission	(5,000)	—	—	—	(13,700)
<i>Total</i>	238,043	165,256	225,727	279,156	302,417
<i>Military Construction, Army Reserve</i>	92,377	106,077	138,425	136,077	152,569
Emergency Approps. (P.L. 108-324)	8,700	—	—	—	—
<i>Total</i>	101,077	106,077	138,425	136,077	152,569
<i>Military Construction, Naval Reserve</i>	44,246	45,226	45,226	46,676	46,864
Rescission	—	—	—	—	(16,560)

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Additional Approps. (P.L. 108-447, Div. J)	4,350	—	—	—	—
<i>Total</i>	48,596	45,226	45,226	46,676	30,304
<i>Military Construction, Air Force Reserve</i>	123,977	79,260	110,847	89,260	105,883
Rescission	—	—	—	—	(13,815)
<i>Total</i>	123,977	79,260	110,847	89,260	92,068
Total, Reserve components	958,441	722,831	930,849	1,018,315	1,100,509
Total, Military Construction	6,736,849	5,344,291	5,840,580	5,893,777	6,211,412
Appropriations	(5,553,808)	(5,344,291)	(5,840,580)	(5,986,131)	(6,374,370)
Emergency appropriations	(1,275,554)	—	—	—	—
Rescissions	(-92,513)	—	—	(-92,354)	(-162,958)
NATO Security Investment Program	165,800	206,858	206,858	206,858	206,858
Rescission	(5,000)	—	—	—	(30,000)
<i>Total</i>	160,800	206,858	206,858	206,858	176,858
Family Housing Construction, Army	636,099	549,636	549,636	549,636	549,636
Rescission	(21,000)	—	—	—	(16,000)
<i>Total</i>	615,099	549,636	549,636	549,636	533,636
Family Housing O and M, Army	926,507	812,993	803,993	812,993	803,993
Emergency Approps. (P.L. 108-324)	1,200	—	—	—	—
<i>Total</i>	927,707	812,993	803,993	812,993	803,993
Family Housing Construction, Navy and Marine Corps	139,107	218,942	218,942	218,942	218,942
Rescission	(12,301)	—	—	—	—
<i>Total</i>	126,806	218,942	218,942	218,942	218,942
Family Housing O and M, Navy and Marine Corps	696,304	593,660	588,660	593,660	588,660
Emergency Approps. (P.L. 108-324)	9,100	—	—	—	—
<i>Total</i>	705,404	593,660	588,660	593,660	588,660
Family Housing Construction, Air Force	846,959	1,251,108	1,236,220	1,142,622	1,101,887
Rescission	(45,171)	—	—	—	(43,900)
<i>Total</i>	801,788	1,251,108	1,236,220	1,142,622	1,057,987
Family Housing OP and M, Air Force	853,384	766,939	755,319	766,939	766,939
Emergency Approps. (P.L. 108-324)	11,400	—	—	—	—
<i>Total</i>	864,784	766,939	755,319	766,939	766,939

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Family Housing Construction, Defense-wide	49	—	—	—	—
Family Housing O and M, Defense-wide	49,575	46,391	46,391	46,391	46,391
DOD Family Housing Improvement Fund	2,500	2,500	2,500	2,500	2,500
Rescission	(19,109)	—	—	—	—
<i>Total</i>	(16,609)	2,500	2,500	2,500	2,500
Total, Family Housing	4,074,603	4,242,169	4,201,661	4,133,683	4,019,048
Appropriations	(4,150,484)	(4,242,169)	(4,201,661)	(4,133,683)	(4,078,948)
Emergency Appropriations	(21,700)	—	—	—	—
Rescission	(-97,581)	—	—	—	(-59,900)
Chemical Demilitarization Construction, Defense-wide	81,886	—	—	—	—
Base Realignment and Closure					
BRAC, 1990	246,116	377,827	377,827	377,827	254,827
BRAC, 2005	—	1,880,466	1,570,466	1,504,466	1,504,466
Emergency Appropriation (P.L. 108-324)	50	—	—	—	—
<i>Total</i>	246,166	2,258,293	1,948,293	1,882,293	1,759,293
General Provision (Sec. 128)	—	65,000	65,000	—	—
New Budget Authority	11,300,304	12,116,611	12,262,392	12,116,611	12,166,611
Appropriations	(10,198,094)	(12,116,611)	(12,262,392)	(12,208,965)	(12,419,469)
Emergency Appropriations	(1,297,304)	—	—	—	—
Rescissions	(-195,094)	—	—	(-91,354)	(-252,858)

Table A-2. DOD Basic Allowance for Housing
(budget authority in \$000)

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Basic Allowance for Housing					
Army	3,341,882	3,945,392	3,945,392	3,945,392	3,945,392
Navy	3,471,251	3,592,905	3,592,905	3,592,905	3,592,905
Marine Corps	1,053,573	1,179,071	1,179,071	1,179,071	1,179,071
Air Force	3,010,770	3,240,113	3,240,113	3,240,113	3,240,113
Army National Guard	434,073	453,690	453,690	453,690	453,690
Div. B, Ch. 2 ^a	—	32,294	—	—	32,294
Air National Guard	214,151	248,317	248,317	248,317	248,317
Div. B, Ch. 2 ^a	—	10,289	—	—	10,289

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Army Reserve	290,117	310,566	310,566	310,566	310,566
Div. B, Ch. 2 ^a	—	361	—	—	361
Naval Reserve	202,282	191,338	191,338	191,338	191,338
Div. B, Ch. 2 ^a	—	1,053	—	—	1,053
Marine Corps Reserve	38,945	40,609	40,609	40,609	40,609
Air Force Reserve	59,781	71,286	71,286	71,286	71,286
Div. B, Ch. 2 ^a	—	85	—	—	85
<i>Total</i>	12,116,825	13,317,369	13,273,287	13,273,287	13,317,369

a. Division B (Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006), Chapter 2 (Department of Defense—Military), of the Defense Appropriations Act for Fiscal Year 2006 (H.R. 2863).

Table A-3. DOD Facilities Sustainment, Restoration, & Modernization

(budget authority in \$000)

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Facilities Sustainment, Restoration & Modernization					
Army	1,967,028	1,825,518	1,850,518	1,843,518	1,851,118
Navy	1,333,288	1,344,971	1,344,971	1,344,971	1,344,971
Marine Corps	523,756	553,960	553,960	553,960	553,960
Air Force	1,991,710	1,815,701	1,845,701	1,858,401	1,871,655
Defense-Wide	95,000	115,400	115,400	—	115,400
Army National Guard	384,044	391,544	391,544	401,544	396,544
Air National Guard	230,642	169,791	184,791	169,791	179,791
Army Reserve	201,141	204,370	204,370	204,370	204,370
Naval Reserve	73,410	62,788	67,788	67,788	67,788
Marine Corps Reserve	12,126	10,105	10,105	10,105	10,105
Air Force Reserve	53,056	55,764	55,764	50,364	50,364
<i>Total</i>	6,865,201	6,549,912	6,624,912	6,504,812	6,646,066

Table A-4. DOD Environmental Remediation

(budget authority in \$000)

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Environmental Restoration					
Army	400,948	407,865	407,865	407,865	407,865
Navy	266,820	305,275	305,275	305,275	305,275
Air Force	397,368	406,461	406,461	406,461	406,461

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Defense-Wide	23,684	28,167	28,167	28,167	28,167
Formerly Used Defense Sites (FUDS)	266,516	221,921	221,921	271,921	256,921
<i>Total</i>	1,355,336	1,369,689	1,369,689	1,419,689	1,404,689

Table A-5. DOD Health Program

(budget authority in \$000)

	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Defense Health Program					
Operation and Maintenance	17,297,419	19,247,137	19,184,537	19,345,087	19,299,787
Procurement	367,035	375,319	355,119	377,319	379,119
Research and Development	506,982	169,156	444,256	515,556	542,306
<i>Total</i>	18,171,436	19,791,612	19,983,912	20,237,962	20,221,212

Table A-6. DOD Totals

(budget authority in \$000)

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Total, Department of Defense					
New Budget Authority	49,809,102	53,145,193	53,514,192	53,552,361	53,755,947
Appropriations	(48,706,892)	(53,145,193)	(53,514,192)	(53,644,715)	(54,008,805)
Emergency Appropriations	(1,297,304)	—	—	—	—
Rescissions	(-195,094)	—	—	(-92,354)	(-252,858)

Table A-7. VA Benefits

(budget authority in \$000)

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Veterans Benefits Administration					
Compensation and Pensions	32,607,688	33,412,879	33,412,879	33,412,879	33,897,787
Readjustment Benefits	2,556,232	3,214,246	3,214,246	3,214,246	3,309,234
Veterans Insurance and Indemnities	44,380	45,907	45,907	45,907	45,907
Veterans Housing Benefit Program Fund Program Account (Indefinite)	43,784	64,586	64,586	64,586	64,586
Credit Subsidy	-144,000	-112,000	-112,000	-112,000	-112,000
Administrative Expenses	152,842	153,575	153,575	153,575	153,575

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Vocational Rehabilitation Loans Program Account	47	53	53	53	53
Administrative Expenses	309	305	305	305	305
Native American Veteran Housing Loan Program Account	566	580	580	580	580
<i>Total</i>	35,261,848	36,780,131	36,780,131	36,780,131	37,360,027

Table A-8.VA Health Administration

(budget authority in \$000)

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Veterans Health Administration					
Medical Services	19,316,995	19,995,141	20,995,141	21,331,011	21,322,141
Emergency Appropriations	—	1,977,000	—	1,977,000	1,225,000
Emergency Appropriations (P.L. 108-324)	38,283	—	—	—	—
Emergency Appropriations (P.L. 109-54)	1,500,000	—	—	—	—
Medical Administration	4,667,360	4,517,874	4,134,874	2,858,442	2,858,442
Emergency Appropriations (P.L. 108-324)	1,940	—	—	—	—
Information Technology	—	—	—	1,456,821	—
Medical Facilities	3,715,040	3,297,669	3,297,669	3,297,669	3,297,669
Emergency Appropriations (P.L. 108-324)	46,909	—	—	—	—
Medical and Prosthetic Research	402,348	393,000	393,000	412,000	412,000
Medical Care Cost Recovery Collections:					
Offsetting Collections	-1,985,984	-2,170,000	-2,170,000	-2,170,000	-2,170,000
Appropriations (Indefinite)	1,985,984	2,170,000	2,170,000	2,170,000	2,170,000
<i>Total</i>	29,688,875	30,180,684	28,820,684	31,332,943	29,115,252

Table A-9.VA Departmental Administration

(budget authority in \$000)

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Departmental Administration					
General Operating Expenses	1,314,155	1,418,827	1,411,827	1,418,827	1,410,520
Emergency Appropriations (P.L. 108-324)	545	—	—	—	—

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Information Technology	—	—	—	—	1,213,820
National Cemetery Administration	147,734	156,447	156,447	156,447	156,447
Emergency Appropriations (P.L. 108-324)	50	—	—	—	—
Office of Inspector General	69,153	70,174	70,174	70,174	70,174
Construction, Major Projects	455,130	607,100	607,100	607,100	607,100
Construction, Minor Projects	228,933	208,937	208,937	208,937	198,937
Emergency Appropriations (P.L. 108-324)	36,343	—	—	—	—
Grants for Construction of State Extended Care Facilities	104,322	—	25,000	104,322	85,000
Grants for the Construction of State Veterans Cemeteries	31,744	32,000	32,000	32,000	32,000
<i>Total</i>	2,388,109	2,493,485	2,511,485	2,597,807	3,773,998

Table A-10.VA Totals

(budget authority in \$000)

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Total, Veterans Administration					
New Budget Authority	67,338,832	69,454,300	68,112,300	70,710,881	70,249,277
Appropriations	(65,714,762)	(67,477,300)	(68,112,300)	(68,733,881)	(69,024,277)
Emergency Appropriations	(1,624,070)	(1,977,000)	—	(1,977,000)	(1,225,000)
VA Discretionary	32,230,748	32,828,682	31,486,682	34,085,263	33,043,763
VA Mandatory	35,108,084	36,625,618	36,625,618	36,625,618	37,205,514

Table A-11. Related Agencies

(budget authority in \$000)

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
American Battle Monuments Commission					
Salaries and Expenses	40,771	35,250	35,750	36,250	36,250
Foreign Currency Fluctuations	11,904	15,250	15,250	15,250	15,250
<i>Total</i>	52,675	50,500	51,000	51,500	51,500
U.S. Court of Appeals for Veterans Claims					
Salaries and Expenses	17,112	18,295	18,295	18,795	18,795
Department of Defense-Civil					
Cemeterial Expenses, Army	29,363	28,050	29,550	28,550	29,050

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
<i>Armed Forces Retirement Home</i>					
Operation and Maintenance	57,163	57,033	57,033	57,033	58,251
Capital Program	3,968	1,248	1,248	1,248	1,248
<i>Total</i>	61,131	58,281	58,281	58,281	59,499
<i>Total, Agencies</i>	160,281	155,126	157,126	157,126	158,844

Table A-12. Grand Total

(budget authority in \$000)

Account	FY2005 Enacted	FY2006 Request	House	Senate	Conf.
Grand Total, All Titles					
New Budget Authority	117,308,215	122,599,493	121,626,492	124,263,242	124,005,224
Appropriations	(114,581,935)	(120,733,537)	(121,783,618)	(81,099,972)	—
Emergency Appropriations	(2,921,374)	(1,977,000)	—	(1,977,000)	—
Rescissions	(-195094)	—	—	(-92,354)	—

Note: Senate appropriations are combined from the Military Construction/Veterans Affairs and Defense Appropriations bills.

Appendix B. Additional Resources

Budget

CRS Report RL30002, *A Defense Budget Primer*, by (name redacted) and (name redacted).

CRS Report 98-720, *Manual on the Federal Budget Process*, by (name redacted) and Allen Schick.

Military Construction

CRS Report RL32924, *Defense: FY2006 Authorization and Appropriations*, by (name redacted).

CRS Report RS21822, *Military Base Closures: DOD's 2005 Internal Selection Process*, by (name redacted) and (name redacted).

CRS Report RL32216, *Military Base Closures: Implementing the 2005 Round*, by (name redacted).

CRS Report RL30440, *Military Base Closures: Estimates of Costs and Savings*, by (name redacted).

CRS Report RL30051, *Military Base Closures: Agreement on a 2005 Round*, by (name redacted).

CRS Report RL32963, *The Availability of Judicial Review Regarding Military Base Closures and Realignment*s, by (name redacted).

CRS Report MM70068, *Military Base Closures: DOD's Internal 2005 BRAC Selection Process. Online Video. Video Tape.*, by (name redacted) and (name redacted).

CRS Report RL32305, *Authorization and Appropriations for FY2005: Defense*, by (name redacted) and (name redacted).

Veterans Affairs

CRS Report RL32975, *Veterans' Medical Care: FY2006 Appropriations*, by (name redacted).

.

CRS Report RL32961, *Veterans' Health Care Issues in the 109th Congress*, by (name redacted).

.

Hurricane Relief

CRS Report RS22239, *Emergency Supplemental Appropriations for Hurricane Katrina Relief*, by (name redacted).

CRS Report RL33197, *Reallocation of Hurricane Katrina Emergency Appropriations: Defense and Other Issues*, by (name redacted) et al.

Selected Websites

House Committee on Appropriations
<http://appropriations.house.gov/>

Senate Committee on Appropriations
<http://appropriations.senate.gov/>

House Committee on Armed Services
<http://www.house.gov/hasc/>

Senate Committee on Armed Services
<http://armed-services.senate.gov/>

House Committee on Veterans Affairs
<http://veterans.house.gov/>

Senate Committee on Veterans Affairs
<http://veterans.senate.gov/>

Commission on Review of Overseas Military Facility Structure of the United States (Overseas Basing Commission)
<http://www.obc.gov/>

CRS Appropriations Products Guide
<http://www.crs.gov/products/appropriations/apppage.shtml>

CRS Multimedia Library
<http://www.crs.gov/products/multimedia/multimedialibrary.shtml>

Congressional Budget Office
<http://www.cbo.gov/>

Defense Base Closure and Realignment Commission (BRAC Commission)
<http://www.brac.gov>

Government Accountability Office
<http://www.gao.gov/>

Author Contact Information

(name redacted)
Specialist in National Defense
[redacted]@crs.loc.gov, 7-....

(name redacted)
Analyst in Veterans Policy
[redacted]@crs.loc.gov, 7-....

(name redacted)

Key Policy Staff for Military Quality of Life; Military Construction; and Veterans Affairs Appropriations

Area of Expertise	Name	Phone	E-mail
Acquisition	David Lockwood	7-....	/redacted/@crs.loc.gov
Base Closure	Daniel Else	7-....	/redacted/@crs.loc.gov
	David Lockwood	7-....	/redacted/@crs.loc.gov
Defense Budget	(name redacted)	7-....	/redacted/@crs.loc.gov
	(name redacted)	7-....	/redacted/@crs.loc.gov
Health Care; Military	Richard Best	7-....	/redacted/@crs.loc.gov
Military Construction	Daniel Else	7-....	/redacted/@crs.loc.gov
Military Personnel	Charles Henning	7-....	/redacted/@crs.loc.gov
	David Burrelli	7-....	/redacted/@crs.loc.gov
Military Personnel; Reserves	(name redacted)	7-....	/redacted/@crs.loc.gov
Related Agencies	Daniel Else	7-....	/redacted/@crs.loc.gov
Veterans Affairs	Paul Graney	7-....	/redacted/@crs.loc.gov
Veterans Affairs; Healthcare	Sidath Panangala	7-....	/redacted/@crs.loc.gov

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