

111TH CONGRESS
1ST SESSION

H. R. 3082

AN ACT

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for
3 military construction, the Department of Veterans Affairs,
4 and related agencies for the fiscal year ending September
5 30, 2010, and for other purposes, namely:

6

TITLE I

7

DEPARTMENT OF DEFENSE

8

MILITARY CONSTRUCTION, ARMY

9

(INCLUDING RESCISSION OF FUNDS)

10 For acquisition, construction, installation, and equip-
11 ment of temporary or permanent public works, military
12 installations, facilities, and real property for the Army as
13 currently authorized by law, including personnel in the
14 Army Corps of Engineers and other personal services nec-
15 essary for the purposes of this appropriation, and for con-
16 struction and operation of facilities in support of the func-
17 tions of the Commander in Chief, \$4,554,906,000, to re-
18 main available until September 30, 2014, of which
19 \$924,484,000 is designated as being for overseas deploy-
20 ments and other activities pursuant to section 423(a)(1)
21 of S. Con. Res. 13 (111th Congress), the concurrent reso-
22 lution on the budget for fiscal year 2010, and of which
23 \$450,000,000 shall be for trainee troop housing facilities:
24 *Provided*, That of this amount, not to exceed
25 \$187,872,000 shall be available for study, planning, de-

1 sign, architect and engineer services, and host nation sup-
2 port, as authorized by law, unless the Secretary of Defense
3 determines that additional obligations are necessary for
4 such purposes and notifies the Committees on Appropria-
5 tions of both Houses of Congress of the determination and
6 the reasons therefor: *Provided further*, That, not later than
7 30 days after the date of the enactment of this Act, the
8 Secretary of Defense shall submit to the Committees on
9 Appropriations of both Houses of Congress an expenditure
10 plan for the funds provided for trainee troop housing fa-
11 cilities: *Provided further*, That the amount appropriated
12 in this paragraph shall be for the projects and activities,
13 and in the amounts, specified under the heading “Military
14 Construction, Army” and under the headings “Army” in
15 the tables entitled “Military Construction” and “Overseas
16 Contingency Operations” in the report of the Committee
17 on Appropriations of the House of Representatives to ac-
18 company this bill: *Provided further*, That of the funds ap-
19 propriated for “Military Construction, Army” under Pub-
20 lic Law 110–329, \$59,500,000 are hereby rescinded.

21 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

22 For acquisition, construction, installation, and equip-
23 ment of temporary or permanent public works, naval in-
24 stallations, facilities, and real property for the Navy and
25 Marine Corps as currently authorized by law, including

1 personnel in the Naval Facilities Engineering Command
2 and other personal services necessary for the purposes of
3 this appropriation, \$3,757,330,000, to remain available
4 until September 30, 2014: *Provided*, That of this amount,
5 not to exceed \$182,569,000 shall be available for study,
6 planning, design, and architect and engineer services, as
7 authorized by law, unless the Secretary of Defense deter-
8 mines that additional obligations are necessary for such
9 purposes and notifies the Committees on Appropriations
10 of both Houses of Congress of the determination and the
11 reasons therefor: *Provided further*, That the amount ap-
12 propriated in this paragraph shall be for the projects and
13 activities, and in the amounts, specified under the heading
14 “Military Construction, Navy and Marine Corps” and
15 under the headings “Navy” in the table entitled “Military
16 Construction” in the report of the Committee on Appro-
17 priations of the House of Representatives to accompany
18 this bill.

19 MILITARY CONSTRUCTION, AIR FORCE

20 For acquisition, construction, installation, and equip-
21 ment of temporary or permanent public works, military
22 installations, facilities, and real property for the Air Force
23 as currently authorized by law, \$1,833,671,000, to remain
24 available until September 30, 2014, of which
25 \$474,500,000 is designated as being for overseas deploy-

1 ments and other activities pursuant to section 423(a)(1)
2 of S. Con. Res. 13 (111th Congress), the concurrent reso-
3 lution on the budget for fiscal year 2010: *Provided*, That
4 of this amount, not to exceed \$93,407,000 shall be avail-
5 able for study, planning, design, and architect and engi-
6 neer services, as authorized by law, unless the Secretary
7 of Defense determines that additional obligations are nec-
8 essary for such purposes and notifies the Committees on
9 Appropriations of both Houses of Congress of the deter-
10 mination and the reasons therefor: *Provided further*, That
11 the amount appropriated in this paragraph shall be for
12 the projects and activities, and in the amounts, specified
13 under the heading “Military Construction, Air Force” and
14 under the headings “Air Force” in the tables entitled
15 “Military Construction” and “Overseas Contingency Op-
16 erations” in the report of the Committee on Appropria-
17 tions of the House of Representatives to accompany this
18 bill.

19 MILITARY CONSTRUCTION, DEFENSE-WIDE

20 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

21 For acquisition, construction, installation, and equip-
22 ment of temporary or permanent public works, installa-
23 tions, facilities, and real property for activities and agen-
24 cies of the Department of Defense (other than the military
25 departments), as currently authorized by law,

1 \$2,743,526,000, to remain available until September 30,
2 2014: *Provided*, That such amounts of this appropriation
3 as may be determined by the Secretary of Defense may
4 be transferred to such appropriations of the Department
5 of Defense available for military construction or family
6 housing as the Secretary may designate, to be merged with
7 and to be available for the same purposes, and for the
8 same time period, as the appropriation or fund to which
9 transferred: *Provided further*, That of the amount appro-
10 priated, not to exceed \$121,442,000 shall be available for
11 study, planning, design, and architect and engineer serv-
12 ices, as authorized by law, unless the Secretary of Defense
13 determines that additional obligations are necessary for
14 such purposes and notifies the Committees on Appropria-
15 tions of both Houses of Congress of the determination and
16 the reasons therefor: *Provided further*, That the amount
17 appropriated in this paragraph shall be for the projects
18 and activities, and in the amounts, specified under the
19 heading “Military Construction, Defense-Wide” and under
20 the headings “Defense-Wide” in the table entitled “Mili-
21 tary Construction” in the report of the Committee on Ap-
22 propriations of the House of Representatives to accom-
23 pany this bill: *Provided further*, That of the funds appro-
24 priated for “Military Construction, Defense-Wide” under
25 Public Law 110–329, \$25,800,000 are hereby rescinded.

1 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Army National Guard, and contribu-
5 tions therefor, as authorized by chapter 1803 of title 10,
6 United States Code, and Military Construction Authoriza-
7 tion Acts, \$529,129,000, to remain available until Sep-
8 tember 30, 2014, of which \$30,000,000 shall be for crit-
9 ical unfunded requirements: *Provided*, That of the amount
10 appropriated, not to exceed \$40,488,000 shall be available
11 for study, planning, design, and architect and engineer
12 services, as authorized by law, unless the Secretary of De-
13 fense determines that additional obligations are necessary
14 for such purposes and notifies the Committees on Appro-
15 priations of both Houses of Congress of the determination
16 and the reasons therefor: *Provided further*, That, not later
17 than 30 days after the date of the enactment of this Act,
18 the Director of the Army National Guard shall submit to
19 the Committees on Appropriations of both Houses of Con-
20 gress an expenditure plan for the funds provided for crit-
21 ical unfunded requirements: *Provided further*, That the
22 amount appropriated in this paragraph shall be for the
23 projects and activities, and in the amounts, specified
24 under the heading “Military Construction, Army National
25 Guard” and under the headings “Army National Guard”

1 in the table entitled “Military Construction” in the report
2 of the Committee on Appropriations of the House of Rep-
3 resentatives to accompany this bill.

4 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

5 For construction, acquisition, expansion, rehabilita-
6 tion, and conversion of facilities for the training and ad-
7 ministration of the Air National Guard, and contributions
8 therefor, as authorized by chapter 1803 of title 10, United
9 States Code, and Military Construction Authorization
10 Acts, \$226,126,000, to remain available until September
11 30, 2014, of which \$30,000,000 shall be for critical un-
12 funded requirements: *Provided*, That of the amount appro-
13 priated, not to exceed \$12,021,000 shall be available for
14 study, planning, design, and architect and engineer serv-
15 ices, as authorized by law, unless the Secretary of Defense
16 determines that additional obligations are necessary for
17 such purposes and notifies the Committees on Appropria-
18 tions of both Houses of Congress of the determination and
19 the reasons therefor: *Provided further*, That, not later than
20 30 days after the date of the enactment of this Act, the
21 Director of the Air National Guard shall submit to the
22 Committees on Appropriations of both Houses of Congress
23 an expenditure plan for the funds provided for critical un-
24 funded requirements: *Provided further*, That the amount
25 appropriated in this paragraph shall be for the projects

1 and activities, and in the amounts, specified under the
2 heading “Military Construction, Air National Guard” and
3 under the headings “Air National Guard” in the table en-
4 titled “Military Construction” in the report of the Com-
5 mittee on Appropriations of the House of Representatives
6 to accompany this bill.

7 MILITARY CONSTRUCTION, ARMY RESERVE

8 For construction, acquisition, expansion, rehabilita-
9 tion, and conversion of facilities for the training and ad-
10 ministration of the Army Reserve as authorized by chapter
11 1803 of title 10, United States Code, and Military Con-
12 struction Authorization Acts, \$432,516,000, to remain
13 available until September 30, 2014, of which \$30,000,000
14 shall be for critical unfunded requirements: *Provided*,
15 That of the amount appropriated, not to exceed
16 \$25,016,000 shall be available for study, planning, design,
17 and architect and engineer services, as authorized by law,
18 unless the Secretary of Defense determines that additional
19 obligations are necessary for such purposes and notifies
20 the Committees on Appropriations of both Houses of Con-
21 gress of the determination and the reasons therefor: *Pro-*
22 *vided further*, That, not later than 30 days after the date
23 of the enactment of this Act, the Chief of Army Reserve
24 shall submit to the Committees on Appropriations of both
25 Houses of Congress an expenditure plan for the funds pro-

1 vided for critical unfunded requirements: *Provided further*,
2 That the amount appropriated in this paragraph shall be
3 for the projects and activities, and in the amounts, speci-
4 fied under the heading “Military Construction, Army Re-
5 serve” and under the headings “Army Reserve” in the
6 table entitled “Military Construction” in the report of the
7 Committee on Appropriations of the House of Representa-
8 tives to accompany this bill.

9 MILITARY CONSTRUCTION, NAVY RESERVE

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the reserve components of the Navy and
13 Marine Corps as authorized by chapter 1803 of title 10,
14 United States Code, and Military Construction Authoriza-
15 tion Acts, \$125,874,000, to remain available until Sep-
16 tember 30, 2014, of which \$20,000,000 shall be for crit-
17 ical unfunded requirements of the Navy Reserve and
18 \$35,000,000 shall be for critical unfunded requirements
19 of the Marine Forces Reserve: *Provided*, That of the
20 amount appropriated, not to exceed \$2,951,000 shall be
21 available for study, planning, design, and architect and en-
22 gineer services, as authorized by law, unless the Secretary
23 of Defense determines that additional obligations are nec-
24 essary for such purposes and notifies the Committees on
25 Appropriations of both Houses of Congress of the deter-

1 mination and the reasons therefor: *Provided further*, That,
2 not later than 30 days after the date of the enactment
3 of this Act, the Chief of Navy Reserve and the Com-
4 mander, Marine Forces Reserve shall submit to the Com-
5 mittees on Appropriations of both Houses of Congress an
6 expenditure plan for the funds provided for critical un-
7 funded requirements: *Provided further*, That the amount
8 appropriated in this paragraph shall be for the projects
9 and activities, and in the amounts, specified under the
10 heading “Military Construction, Navy Reserve” and under
11 the headings “Navy Reserve” in the table entitled “Mili-
12 tary Construction” in the report of the Committee on Ap-
13 propriations of the House of Representatives to accom-
14 pany this bill.

15 MILITARY CONSTRUCTION, AIR FORCE RESERVE

16 For construction, acquisition, expansion, rehabilita-
17 tion, and conversion of facilities for the training and ad-
18 ministration of the Air Force Reserve as authorized by
19 chapter 1803 of title 10, United States Code, and Military
20 Construction Authorization Acts, \$103,169,000, to remain
21 available until September 30, 2014, of which \$55,000,000
22 shall be for critical unfunded requirements: *Provided*,
23 That of the amount appropriated, not to exceed
24 \$4,669,000 shall be available for study, planning, design,
25 and architect and engineer services, as authorized by law,

1 unless the Secretary of Defense determines that additional
2 obligations are necessary for such purposes and notifies
3 the Committees on Appropriations of both Houses of Con-
4 gress of the determination and the reasons therefor: *Pro-*
5 *vided further*, That, not later than 30 days after the date
6 of the enactment of this Act, the Chief of Air Force Re-
7 serve shall submit to the Committees on Appropriations
8 of both Houses of Congress an expenditure plan for the
9 funds provided for critical unfunded requirements: *Pro-*
10 *vided further*, That the amount appropriated in this para-
11 graph shall be for the projects and activities, and in the
12 amounts, specified under the heading “Military Construc-
13 tion, Air Force Reserve” and under the headings “Air
14 Force Reserve” in the table entitled “Military Construc-
15 tion” in the report of the Committee on Appropriations
16 of the House of Representatives to accompany this bill.

17 NORTH ATLANTIC TREATY ORGANIZATION

18 SECURITY INVESTMENT PROGRAM

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

1 authorized by law, \$146,569,000, to remain available until
2 September 30, 2014: *Provided*, That the amount appro-
3 priated in this paragraph shall be for the projects and ac-
4 tivities, and in the amounts, specified under the heading
5 “Family Housing Construction, Navy and Marine Corps”
6 in the table entitled “Military Construction” in the report
7 of the Committee on Appropriations of the House of Rep-
8 resentatives to accompany this bill.

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

11 For expenses of family housing for the Navy and Ma-
12 rine Corps for operation and maintenance, including debt
13 payment, leasing, minor construction, principal and inter-
14 est charges, and insurance premiums, as authorized by
15 law, \$368,540,000.

16 FAMILY HOUSING CONSTRUCTION, AIR FORCE

17 For expenses of family housing for the Air Force for
18 construction, including acquisition, replacement, addition,
19 expansion, extension, and alteration, as authorized by law,
20 \$66,101,000, to remain available until September 30,
21 2014: *Provided*, That the amount appropriated in this
22 paragraph shall be for the projects and activities, and in
23 the amounts, specified under the heading “Family Hous-
24 ing Construction, Air Force” in the table entitled “Mili-
25 tary Construction” in the report of the Committee on Ap-

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

3 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
4 FORCE

5 For expenses of family housing for the Air Force for
6 operation and maintenance, including debt payment, leas-
7 ing, minor construction, principal and interest charges,
8 and insurance premiums, as authorized by law,
9 \$502,936,000.

10 FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

11 For expenses of family housing for the activities and
12 agencies of the Department of Defense (other than the
13 military departments) for construction, including acquisi-
14 tion, replacement, addition, expansion, extension, and al-
15 teration, as authorized by law, \$2,859,000, to remain
16 available until September 30, 2014: *Provided*, That the
17 amount appropriated in this paragraph shall be for the
18 projects and activities, and in the amounts, specified
19 under the heading “Family Housing Construction, De-
20 fense-Wide” in the table entitled “Military Construction”
21 in the report of the Committee on Appropriations of the
22 House of Representatives to accompany this bill.

1 FAMILY HOUSING OPERATION AND MAINTENANCE,
2 DEFENSE-WIDE

3 For expenses of family housing for the activities and
4 agencies of the Department of Defense (other than the
5 military departments) for operation and maintenance,
6 leasing, and minor construction, as authorized by law,
7 \$49,214,000.

8 DEPARTMENT OF DEFENSE FAMILY HOUSING
9 IMPROVEMENT FUND

10 For the Department of Defense Family Housing Im-
11 provement Fund, \$2,600,000, to remain available until ex-
12 pended, for family housing initiatives undertaken pursu-
13 ant to section 2883 of title 10, United States Code, pro-
14 viding alternative means of acquiring and improving mili-
15 tary family housing and supporting facilities.

16 HOMEOWNERS ASSISTANCE FUND

17 For the Homeowners Assistance Fund established by
18 section 1013 of the Demonstration Cities and Metropoli-
19 tan Development Act of 1966 (42 U.S.C. 3374),
20 \$23,225,000, to remain available until expended.

21 CHEMICAL DEMILITARIZATION CONSTRUCTION,
22 DEFENSE-WIDE

23 For expenses of construction, not otherwise provided
24 for, necessary for the destruction of the United States
25 stockpile of lethal chemical agents and munitions in ac-

1 cordance with section 1412 of the Department of Defense
2 Authorization Act, 1986 (50 U.S.C. 1521), and for the
3 destruction of other chemical warfare materials that are
4 not in the chemical weapon stockpile, as currently author-
5 ized by law, \$146,541,000, to remain available until Sep-
6 6 tember 30, 2014: *Provided*, That the amount appropriated
7 in this paragraph shall be for the projects and activities,
8 and in the amounts, specified under the headings “Chem-
9 ical Demilitarization Construction, Defense-Wide” in the
10 table entitled “Military Construction” in the report of the
11 Committee on Appropriations of the House of Representa-
12 tives to accompany this bill.

13 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

14 1990

15 For deposit into the Department of Defense Base
16 Closure Account 1990, established by section 2906(a)(1)
17 of the Defense Base Closure and Realignment Act of 1990
18 (10 U.S.C. 2687 note), \$536,768,000, to remain available
19 until expended.

20 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

21 2005

22 For deposit into the Department of Defense Base
23 Closure Account 2005, established by section 2906A(a)(1)
24 of the Defense Base Closure and Realignment Act of 1990
25 (10 U.S.C. 2687 note), \$7,479,498,000, to remain avail-

1 able until expended: *Provided*, That the Department of
2 Defense shall notify the Committees on Appropriations of
3 both Houses of Congress 14 days prior to obligating an
4 amount for a construction project that exceeds or reduces
5 the amount identified for that project in the most recently
6 submitted budget request for this account by 20 percent
7 or \$2,000,000, whichever is less: *Provided further*, That
8 the previous proviso shall not apply to projects costing less
9 than \$5,000,000, except for those projects not previously
10 identified in any budget submission for this account and
11 exceeding the minor construction threshold under section
12 2805 of title 10, United States Code.

13 ADMINISTRATIVE PROVISIONS

14 SEC. 101. None of the funds made available in this
15 title shall be expended for payments under a cost-plus-a-
16 fixed-fee contract for construction, where cost estimates
17 exceed \$25,000, to be performed within the United States,
18 except Alaska, without the specific approval in writing of
19 the Secretary of Defense setting forth the reasons there-
20 for.

21 SEC. 102. Funds made available in this title for con-
22 struction shall be available for hire of passenger motor ve-
23 hicles.

24 SEC. 103. Funds made available in this title for con-
25 struction may be used for advances to the Federal High-

1 way Administration, Department of Transportation, for
2 the construction of access roads as authorized by section
3 210 of title 23, United States Code, when projects author-
4 ized therein are certified as important to the national de-
5 fense by the Secretary of Defense.

6 SEC. 104. None of the funds made available in this
7 title may be used to initiate construction of new installa-
8 tions for which specific appropriations have not been
9 made.

10 SEC. 105. None of the funds made available in this
11 title shall be used for purchase of land or land easements
12 in excess of 100 percent of the value as determined by
13 the Army Corps of Engineers or the Naval Facilities Engi-
14 neering Command, except: (1) where there is a determina-
15 tion of value by a Federal court; (2) purchases negotiated
16 by the Attorney General or the designee of the Attorney
17 General; (3) where the estimated value is less than
18 \$25,000; or (4) as otherwise determined by the Secretary
19 of Defense to be in the public interest.

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

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

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

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

15 SEC. 110. None of the funds made available in this
16 title may be obligated for architect and engineer contracts
17 estimated by the Government to exceed \$500,000 for
18 projects to be accomplished in Japan, in any North Atlan-
19 tic Treaty Organization member country, or in countries
20 bordering the Arabian Sea, unless such contracts are
21 awarded to United States firms or United States firms
22 in joint venture with host nation firms.

23 SEC. 111. None of the funds made available in this
24 title for military construction in the United States terri-
25 tories and possessions in the Pacific and on Kwajalein

1 Atoll, or in countries bordering the Arabian Sea, may be
2 used to award any contract estimated by the Government
3 to exceed \$1,000,000 to a foreign contractor: *Provided*,
4 That this section shall not be applicable to contract
5 awards for which the lowest responsive and responsible bid
6 of a United States contractor exceeds the lowest respon-
7 sive and responsible bid of a foreign contractor by greater
8 than 20 percent: *Provided further*, That this section shall
9 not apply to contract awards for military construction on
10 Kwajalein Atoll for which the lowest responsive and re-
11 sponsible bid is submitted by a Marshallese contractor.

12 SEC. 112. The Secretary of Defense is to inform the
13 appropriate committees of both Houses of Congress, in-
14 cluding the Committees on Appropriations, of the plans
15 and scope of any proposed military exercise involving
16 United States personnel 30 days prior to its occurring,
17 if amounts expended for construction, either temporary or
18 permanent, are anticipated to exceed \$100,000.

19 SEC. 113. Not more than 20 percent of the funds
20 made available in this title which are limited for obligation
21 during the current fiscal year shall be obligated during
22 the last 2 months of the fiscal year.

23 SEC. 114. Funds appropriated to the Department of
24 Defense for construction in prior years shall be available
25 for construction authorized for each such military depart-

1 ment by the authorizations enacted into law during the
2 current session of Congress.

3 SEC. 115. For military construction or family housing
4 projects that are being completed with funds otherwise ex-
5 pired or lapsed for obligation, expired or lapsed funds may
6 be used to pay the cost of associated supervision, inspec-
7 tion, overhead, engineering and design on those projects
8 and on subsequent claims, if any.

9 SEC. 116. Notwithstanding any other provision of
10 law, any funds made available to a military department
11 or defense agency for the construction of military projects
12 may be obligated for a military construction project or
13 contract, or for any portion of such a project or contract,
14 at any time before the end of the fourth fiscal year after
15 the fiscal year for which funds for such project were made
16 available, if the funds obligated for such project: (1) are
17 obligated from funds available for military construction
18 projects; and (2) do not exceed the amount appropriated
19 for such project, plus any amount by which the cost of
20 such project is increased pursuant to law.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 117. In addition to any other transfer authority
23 available to the Department of Defense, proceeds depos-
24 ited to the Department of Defense Base Closure Account
25 established by section 207(a)(1) of the Defense Authoriza-

1 tion Amendments and Base Closure and Realignment Act
2 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
3 of such Act, may be transferred to the account established
4 by section 2906(a)(1) of the Defense Base Closure and
5 Realignment Act of 1990 (10 U.S.C. 2687 note), to be
6 merged with, and to be available for the same purposes
7 and the same time period as that account.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 118. Subject to 30 days prior notification, or
10 14 days for a notification provided in an electronic me-
11 dium pursuant to sections 480 and 2883, of title 10,
12 United States Code, to the Committees on Appropriations
13 of both Houses of Congress, such additional amounts as
14 may be determined by the Secretary of Defense may be
15 transferred to: (1) the Department of Defense Family
16 Housing Improvement Fund from amounts appropriated
17 for construction in “Family Housing” accounts, to be
18 merged with and to be available for the same purposes
19 and for the same period of time as amounts appropriated
20 directly to the Fund; or (2) the Department of Defense
21 Military Unaccompanied Housing Improvement Fund
22 from amounts appropriated for construction of military
23 unaccompanied housing in “Military Construction” ac-
24 counts, to be merged with and to be available for the same
25 purposes and for the same period of time as amounts ap-

1 appropriated directly to the Fund: *Provided*, That appropria-
2 tions made available to the Funds shall be available to
3 cover the costs, as defined in section 502(5) of the Con-
4 gressional Budget Act of 1974, of direct loans or loan
5 guarantees issued by the Department of Defense pursuant
6 to the provisions of subchapter IV of chapter 169 of title
7 10, United States Code, pertaining to alternative means
8 of acquiring and improving military family housing, mili-
9 tary unaccompanied housing, and supporting facilities.

10 SEC. 119. (a) Not later than 60 days before issuing
11 any solicitation for a contract with the private sector for
12 military family housing the Secretary of the military de-
13 partment concerned shall submit to the Committees on
14 Appropriations of both Houses of Congress the notice de-
15 scribed in subsection (b).

16 (b)(1) A notice referred to in subsection (a) is a no-
17 tice of any guarantee (including the making of mortgage
18 or rental payments) proposed to be made by the Secretary
19 to the private party under the contract involved in the
20 event of—

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

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

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

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

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 120. In addition to any other transfer authority
9 available to the Department of Defense, amounts may be
10 transferred from the accounts established by sections
11 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure
12 and Realignment Act of 1990 (10 U.S.C. 2687 note), to
13 the fund established by section 1013(d) of the Demonstra-
14 tion Cities and Metropolitan Development Act of 1966 (42
15 U.S.C. 3374) to pay for expenses associated with the
16 Homeowners Assistance Program incurred under 42
17 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be
18 merged with and be available for the same purposes and
19 for the same time period as the fund to which transferred.

20 SEC. 121. Notwithstanding this or any other provi-
21 sion of law, funds made available in this title for operation
22 and maintenance of family housing shall be the exclusive
23 source of funds for repair and maintenance of all family
24 housing units, including general or flag officer quarters:
25 *Provided*, That not more than \$35,000 per unit may be

1 spent annually for the maintenance and repair of any gen-
2 eral or flag officer quarters without 30 days prior notifica-
3 tion, or 14 days for a notification provided in an electronic
4 medium pursuant to sections 480 and 2883 of title 10,
5 United States Code, to the Committees on Appropriations
6 of both Houses of Congress, except that an after-the-fact
7 notification shall be submitted if the limitation is exceeded
8 solely due to costs associated with environmental remedi-
9 ation that could not be reasonably anticipated at the time
10 of the budget submission: *Provided further*, That the
11 Under Secretary of Defense (Comptroller) is to report an-
12 nually to the Committees on Appropriations of both
13 Houses of Congress all operation and maintenance ex-
14 penditures for each individual general or flag officer quar-
15 ters for the prior fiscal year.

16 SEC. 122. Amounts contained in the Ford Island Im-
17 provement Account established by subsection (h) of sec-
18 tion 2814 of title 10, United States Code, are appro-
19 priated and shall be available until expended for the pur-
20 poses specified in subsection (i)(1) of such section or until
21 transferred pursuant to subsection (i)(3) of such section.

22 SEC. 123. None of the funds made available in this
23 title, or in any Act making appropriations for military con-
24 struction which remain available for obligation, may be ob-
25 ligated or expended to carry out a military construction,

1 land acquisition, or family housing project at or for a mili-
2 tary installation approved for closure, or at a military in-
3 stallation for the purposes of supporting a function that
4 has been approved for realignment to another installation,
5 in 2005 under the Defense Base Closure and Realignment
6 Act of 1990 (part A of title XXIX of Public Law 101–
7 510; 10 U.S.C. 2687 note), unless such a project at a mili-
8 tary installation approved for realignment will support a
9 continuing mission or function at that installation or a
10 new mission or function that is planned for that installa-
11 tion, or unless the Secretary of Defense certifies that the
12 cost to the United States of carrying out such project
13 would be less than the cost to the United States of cancel-
14 ling such project, or if the project is at an active compo-
15 nent base that shall be established as an enclave or in the
16 case of projects having multi-agency use, that another
17 Government agency has indicated it will assume ownership
18 of the completed project. The Secretary of Defense may
19 not transfer funds made available as a result of this limi-
20 tation from any military construction project, land acquisi-
21 tion, or family housing project to another account or use
22 such funds for another purpose or project without the
23 prior approval of the Committees on Appropriations of
24 both Houses of Congress. This section shall not apply to
25 military construction projects, land acquisition, or family

1 housing projects for which the project is vital to the na-
2 tional security or the protection of health, safety, or envi-
3 ronmental quality: *Provided*, That the Secretary of De-
4 fense shall notify the congressional defense committees
5 within 7 days of a decision to carry out such a military
6 construction project.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 124. During the 5-year period after appropria-
9 tions available in this Act to the Department of Defense
10 for military construction and family housing operation and
11 maintenance and construction have expired for obligation,
12 upon a determination that such appropriations will not be
13 necessary for the liquidation of obligations or for making
14 authorized adjustments to such appropriations for obliga-
15 tions incurred during the period of availability of such ap-
16 propriations, unobligated balances of such appropriations
17 may be transferred into the appropriation “Foreign Cur-
18 rency Fluctuations, Construction, Defense”, to be merged
19 with and to be available for the same time period and for
20 the same purposes as the appropriation to which trans-
21 ferred.

22 SEC. 125. None of the funds appropriated or other-
23 wise made available in this title may be used for any action
24 that is related to or promotes the expansion of the bound-

1 States Code; and burial benefits, the Reinstated Entitle-
2 ment Program for Survivors, emergency and other offi-
3 cers' retirement pay, adjusted-service credits and certifi-
4 cates, payment of premiums due on commercial life insur-
5 ance policies guaranteed under the provisions of title IV
6 of the Servicemembers Civil Relief Act (50 U.S.C. App.
7 541 et seq.) and for other benefits as authorized by sec-
8 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
9 53, 55, and 61 of title 38, United States Code,
10 \$47,218,207,000, to remain available until expended: *Pro-*
11 *vided*, That not to exceed \$29,283,000 of the amount ap-
12 propriated under this heading shall be reimbursed to
13 "General operating expenses", "Medical support and com-
14 pliance", and "Information technology systems" for nec-
15 essary expenses in implementing the provisions of chapters
16 51, 53, and 55 of title 38, United States Code, the funding
17 source for which is specifically provided as the "Com-
18 pensation and pensions" appropriation: *Provided further*,
19 That such sums as may be earned on an actual qualifying
20 patient basis, shall be reimbursed to "Medical care collec-
21 tions fund" to augment the funding of individual medical
22 facilities for nursing home care provided to pensioners as
23 authorized.

1 READJUSTMENT BENEFITS

2 For the payment of readjustment and rehabilitation
3 benefits to or on behalf of veterans as authorized by chap-
4 ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61
5 of title 38, United States Code, \$8,663,624,000, to remain
6 available until expended: *Provided*, That expenses for re-
7 habilitation program services and assistance which the
8 Secretary is authorized to provide under subsection (a) of
9 section 3104 of title 38, United States Code, other than
10 under paragraphs (1), (2), (5), and (11) of that sub-
11 section, shall be charged to this account.

12 VETERANS INSURANCE AND INDEMNITIES

13 For military and naval insurance, national service life
14 insurance, servicemen's indemnities, service-disabled vet-
15 erans insurance, and veterans mortgage life insurance as
16 authorized by title 38, United States Code, chapters 19
17 and 21, \$49,288,000, to remain available until expended.

18 VETERANS HOUSING BENEFIT PROGRAM FUND

19 For the cost of direct and guaranteed loans, such
20 sums as may be necessary to carry out the program, as
21 authorized by subchapters I through III of chapter 37 of
22 title 38, United States Code: *Provided*, That such costs,
23 including the cost of modifying such loans, shall be as de-
24 fined in section 502 of the Congressional Budget Act of
25 1974: *Provided further*, That during fiscal year 2010,

1 within the resources available, not to exceed \$500,000 in
2 gross obligations for direct loans are authorized for spe-
3 cially adapted housing loans.

4 In addition, for administrative expenses to carry out
5 the direct and guaranteed loan programs, \$165,082,000.

6 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

7 (INCLUDING TRANSFER OF FUNDS)

8 For the cost of direct loans, \$29,000, as authorized
9 by chapter 31 of title 38, United States Code: *Provided*,
10 That such costs, including the cost of modifying such
11 loans, shall be as defined in section 502 of the Congres-
12 sional Budget Act of 1974: *Provided further*, That funds
13 made available under this heading are available to sub-
14 sidize gross obligations for the principal amount of direct
15 loans not to exceed \$2,298,000.

16 In addition, for administrative expenses necessary to
17 carry out the direct loan program, \$328,000, which may
18 be transferred to and merged with the appropriation for
19 “General operating expenses”.

20 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

21 ACCOUNT

22 For administrative expenses to carry out the direct
23 loan program authorized by subchapter V of chapter 37
24 of title 38, United States Code, \$664,000.

1 amount made available under this heading for fiscal year
2 2010, not to exceed \$1,015,000,000 shall remain available
3 until September 30, 2011: *Provided further*, That, not-
4 withstanding any other provision of law, the Secretary of
5 Veterans Affairs shall establish a priority for the provision
6 of medical treatment for veterans who have service-con-
7 nected disabilities, lower income, or have special needs:
8 *Provided further*, That, notwithstanding any other provi-
9 sion of law, the Secretary of Veterans Affairs shall give
10 priority funding for the provision of basic medical benefits
11 to veterans in enrollment priority groups 1 through 6: *Pro-*
12 *vided further*, That, notwithstanding any other provision
13 of law, the Secretary of Veterans Affairs may authorize
14 the dispensing of prescription drugs from Veterans Health
15 Administration facilities to enrolled veterans with privately
16 written prescriptions based on requirements established by
17 the Secretary: *Provided further*, That the implementation
18 of the program described in the previous proviso shall
19 incur no additional cost to the Department of Veterans
20 Affairs: *Provided further*, That for the Department of De-
21 fense/Department of Veterans Affairs Health Care Shar-
22 ing Incentive Fund, as authorized by section 8111(d) of
23 title 38, United States Code, a minimum of \$15,000,000,
24 to remain available until expended, for any purpose au-
25 thorized by section 8111 of title 38, United States Code.

1 MEDICAL SUPPORT AND COMPLIANCE

2 For necessary expenses in the administration of the
3 medical, hospital, nursing home, domiciliary, construction,
4 supply, and research activities, as authorized by law; ad-
5 ministrative expenses in support of capital policy activi-
6 ties; and administrative and legal expenses of the Depart-
7 ment for collecting and recovering amounts owed the De-
8 partment as authorized under chapter 17 of title 38,
9 United States Code, and the Federal Medical Care Recov-
10 ery Act (42 U.S.C. 2651 et seq.); \$10,207,000,000 (re-
11 duced by \$3,500,000), plus reimbursements, of which
12 \$5,307,000,000 shall become available on October 1,
13 2010, and shall remain available through September 30,
14 2011: *Provided*, That, of the amount made available under
15 this heading for fiscal year 2010, not to exceed
16 \$145,000,000 shall remain available until September 30,
17 2011.

18 MEDICAL FACILITIES

19 For necessary expenses for the maintenance and op-
20 eration of hospitals, nursing homes, and domiciliary facili-
21 ties and other necessary facilities of the Veterans Health
22 Administration; for administrative expenses in support of
23 planning, design, project management, real property ac-
24 quisition and disposition, construction, and renovation of
25 any facility under the jurisdiction or for the use of the

1 Department; for oversight, engineering, and architectural
2 activities not charged to project costs; for repairing, alter-
3 ing, improving, or providing facilities in the several hos-
4 pitals and homes under the jurisdiction of the Depart-
5 ment, not otherwise provided for, either by contract or by
6 the hire of temporary employees and purchase of mate-
7 rials; for leases of facilities; and for laundry services,
8 \$10,633,000,000, plus reimbursements, of which
9 \$5,740,000,000 shall become available on October 1,
10 2010, and shall remain available through September 30,
11 2011: *Provided*, That, of the amount made available under
12 this heading for fiscal year 2010, not to exceed
13 \$145,000,000 shall remain available until September 30,
14 2011: *Provided further*, That, of the amount available for
15 fiscal year 2010, \$200,000,000 for non-recurring mainte-
16 nance shall be allocated in a manner not subject to the
17 Veterans Equitable Resource Allocation.

18 MEDICAL AND PROSTHETIC RESEARCH

19 For necessary expenses in carrying out programs of
20 medical and prosthetic research and development as au-
21 thorized by chapter 73 of title 38, United States Code,
22 \$580,000,000, plus reimbursements, to remain available
23 until September 30, 2011.

1 NATIONAL CEMETERY ADMINISTRATION

2 For necessary expenses of the National Cemetery Ad-
3 ministration for operations and maintenance, not other-
4 wise provided for, including uniforms or allowances there-
5 for; cemeterial expenses as authorized by law; purchase
6 of one passenger motor vehicle for use in cemeterial oper-
7 ations; hire of passenger motor vehicles; and repair, alter-
8 ation or improvement of facilities under the jurisdiction
9 of the National Cemetery Administration, \$250,000,000,
10 of which not to exceed \$24,200,000 shall be available until
11 September 30, 2011.

12 DEPARTMENTAL ADMINISTRATION

13 GENERAL OPERATING EXPENSES

14 For necessary operating expenses of the Department
15 of Veterans Affairs, not otherwise provided for, including
16 administrative expenses in support of Department-Wide
17 capital planning, management and policy activities, uni-
18 forms, or allowances therefor; not to exceed \$25,000 for
19 official reception and representation expenses; hire of pas-
20 senger motor vehicles; and reimbursement of the General
21 Services Administration for security guard services, and
22 the Department of Defense for the cost of overseas em-
23 ployee mail, \$2,083,700,000 (reduced by \$1,000,000) (in-
24 creased by \$3,500,000): *Provided*, That expenses for serv-
25 ices and assistance authorized under paragraphs (1), (2),

1 (5), and (11) of section 3104(a) of title 38, United States
2 Code, that the Secretary of Veterans Affairs determines
3 are necessary to enable entitled veterans: (1) to the max-
4 imum extent feasible, to become employable and to obtain
5 and maintain suitable employment; or (2) to achieve max-
6 imum independence in daily living, shall be charged to this
7 account: *Provided further*, That the Veterans Benefits Ad-
8 ministration shall be funded at not less than
9 \$1,690,200,000: *Provided further*, That of the funds made
10 available under this heading, not to exceed \$111,000,000
11 shall be available for obligation until September 30, 2011:
12 *Provided further*, That from the funds made available
13 under this heading, the Veterans Benefits Administration
14 may purchase (on a one-for-one replacement basis only)
15 up to two passenger motor vehicles for use in operations
16 of that Administration in Manila, Philippines.

17 INFORMATION TECHNOLOGY SYSTEMS

18 For necessary expenses for information technology
19 systems and telecommunications support, including devel-
20 opmental information systems and operational information
21 systems; for pay and associated cost; and for the capital
22 asset acquisition of information technology systems, in-
23 cluding management and related contractual costs of said
24 acquisitions, including contractual costs associated with
25 operations authorized by section 3109 of title 5, United

1 States Code, \$3,307,000,000, plus reimbursements, to be
2 available until September 30, 2011: *Provided*, That none
3 of the funds made available under this heading may be
4 obligated until the Department of Veterans Affairs sub-
5 mits to the Committees on Appropriations of both Houses
6 of Congress, and such Committees approve, a plan for ex-
7 penditure that: (1) meets the capital planning and invest-
8 ment control review requirements established by the Office
9 of Management and Budget; (2) complies with the Depart-
10 ment of Veterans Affairs enterprise architecture; (3) con-
11 forms with an established enterprise life cycle method-
12 ology; and (4) complies with the acquisition rules, require-
13 ments, guidelines, and systems acquisition management
14 practices of the Federal Government: *Provided further*,
15 That within 30 days of enactment of this Act, the Sec-
16 retary of Veterans Affairs shall submit to the Committees
17 on Appropriations of both Houses of Congress a re-
18 programming base letter which provides, by project, the
19 costs included in this appropriation.

20 OFFICE OF INSPECTOR GENERAL

21 For necessary expenses of the Office of Inspector
22 General, to include information technology, in carrying out
23 the provisions of the Inspector General Act of 1978 (5
24 U.S.C. App.), \$107,000,000 (reduced by \$1,000,000), of

1 which \$6,000,000 shall be available until September 30,
2 2011.

3 CONSTRUCTION, MAJOR PROJECTS

4 For constructing, altering, extending, and improving
5 any of the facilities, including parking projects, under the
6 jurisdiction or for the use of the Department of Veterans
7 Affairs, or for any of the purposes set forth in sections
8 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
9 and 8122 of title 38, United States Code, including plan-
10 ning, architectural and engineering services, construction
11 management services, maintenance or guarantee period
12 services costs associated with equipment guarantees pro-
13 vided under the project, services of claims analysts, offsite
14 utility and storm drainage system construction costs, and
15 site acquisition, where the estimated cost of a project is
16 more than the amount set forth in section 8104(a)(3)(A)
17 of title 38, United States Code, or where funds for a
18 project were made available in a previous major project
19 appropriation, \$1,194,000,000, to remain available until
20 expended, of which \$16,000,000 shall be to make reim-
21 bursements as provided in section 13 of the Contract Dis-
22 putes Act of 1978 (41 U.S.C. 612) for claims paid for
23 contract disputes: *Provided*, That except for advance plan-
24 ning activities, including needs assessments which may or
25 may not lead to capital investments, and other capital

1 asset management related activities, including portfolio
2 development and management activities, and investment
3 strategy studies funded through the advance planning
4 fund and the planning and design activities funded
5 through the design fund, including needs assessments
6 which may or may not lead to capital investments, and
7 funds provided for the purchase of land for the National
8 Cemetery Administration through the land acquisition line
9 item, none of the funds made available under this heading
10 shall be used for any project which has not been approved
11 by the Congress in the budgetary process: *Provided fur-*
12 *ther*, That funds made available under this heading for
13 fiscal year 2010, for each approved project shall be obli-
14 gated: (1) by the awarding of a construction documents
15 contract by September 30, 2010; and (2) by the awarding
16 of a construction contract by September 30, 2011: *Pro-*
17 *vided further*, That the Secretary of Veterans Affairs shall
18 promptly submit to the Committees on Appropriations of
19 both Houses of Congress a written report on any approved
20 major construction project for which obligations are not
21 incurred within the time limitations established above:
22 *Provided further*, That of the funds made available under
23 this heading, \$933,030,000 shall be for the projects and
24 activities, and in the amounts, specified under this heading

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

3 CONSTRUCTION, MINOR PROJECTS

4 For constructing, altering, extending, and improving
5 any of the facilities, including parking projects, under the
6 jurisdiction or for the use of the Department of Veterans
7 Affairs, including planning and assessments of needs
8 which may lead to capital investments, architectural and
9 engineering services, maintenance or guarantee period
10 services costs associated with equipment guarantees pro-
11 vided under the project, services of claims analysts, offsite
12 utility and storm drainage system construction costs, and
13 site acquisition, or for any of the purposes set forth in
14 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
15 8110, 8122, and 8162 of title 38, United States Code,
16 where the estimated cost of a project is equal to or less
17 than the amount set forth in section 8104(a)(3)(A) of title
18 38, United States Code, \$726,800,000 (decreased by
19 \$4,000,000), to remain available until expended, along
20 with unobligated balances of previous “Construction,
21 minor projects” appropriations which are hereby made
22 available for any project where the estimated cost is equal
23 to or less than the amount set forth in such section: *Pro-*
24 *vided*, That funds made available under this heading shall
25 be available for: (1) repairs to any of the nonmedical facili-

1 ties under the jurisdiction or for the use of the Depart-
2 ment which are necessary because of loss or damage
3 caused by any natural disaster or catastrophe; and (2)
4 temporary measures necessary to prevent or to minimize
5 further loss by such causes.

6 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
7 FACILITIES

8 For grants to assist States to acquire or construct
9 State nursing home and domiciliary facilities and to re-
10 model, modify, or alter existing hospital, nursing home,
11 and domiciliary facilities in State homes, for furnishing
12 care to veterans as authorized by sections 8131 through
13 8137 of title 38, United States Code, \$85,000,000, to re-
14 main available until expended.

15 GRANTS FOR CONSTRUCTION OF STATE VETERANS
16 CEMETERIES

17 For grants to assist States in establishing, expand-
18 ing, or improving State veterans cemeteries as authorized
19 by section 2408 of title 38, United States Code,
20 \$42,000,000 (increased by \$4,000,000), to remain avail-
21 able until expended.

22 ADMINISTRATIVE PROVISIONS
23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 201. Any appropriation for fiscal year 2010 for
25 “Compensation and pensions”, “Readjustment benefits”,

1 and “Veterans insurance and indemnities” may be trans-
2 ferred as necessary to any other of the mentioned appro-
3 priations: *Provided*, That before a transfer may take place,
4 the Secretary of Veterans Affairs shall request from the
5 Committees on Appropriations of both Houses of Congress
6 the authority to make the transfer and such Committees
7 issue an approval, or absent a response, a period of 30
8 days has elapsed.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 202. Amounts made available for the Depart-
11 ment of Veterans Affairs for fiscal year 2010, in this Act
12 or any other Act, under the “Medical services”, “Medical
13 support and compliance”, and “Medical facilities” ac-
14 counts may be transferred among the accounts: *Provided*,
15 That any transfers between the “Medical services” and
16 “Medical support and compliance” accounts of 1 percent
17 or less of the total amount appropriated to the account
18 in this or any other Act may take place subject to notifica-
19 tion from the Secretary of Veterans Affairs to the Com-
20 mittees on Appropriations of both Houses of Congress of
21 the amount and purpose of the transfer: *Provides further*,
22 That any transfers between the “Medical services” and
23 “Medical support and compliance” accounts in excess of
24 1 percent, or exceeding the cumulative 1 percent for the
25 fiscal year, may take place only after the Secretary re-

1 quests from the Committees on Appropriations of both
2 Houses of Congress the authority to make the transfer
3 and an approval is issued: *Provided further*, That any
4 transfers to or from the “Medical facilities” account may
5 take place only after the Secretary requests from the Com-
6 mittees on Appropriations of both Houses of Congress the
7 authority to make the transfer and an approval is issued.

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

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

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

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

6 SEC. 206. Appropriations available in this title for
7 “Compensation and pensions”, “Readjustment benefits”,
8 and “Veterans insurance and indemnities” shall be avail-
9 able for payment of prior year accrued obligations re-
10 quired to be recorded by law against the corresponding
11 prior year accounts within the last quarter of fiscal year
12 2009.

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

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 208. Notwithstanding any other provision of
22 law, during fiscal year 2010, the Secretary of Veterans
23 Affairs shall, from the National Service Life Insurance
24 Fund under section 1920 of title 38, United States Code,
25 the Veterans’ Special Life Insurance Fund under section

1 1923 of title 38, United States Code, and the United
2 States Government Life Insurance Fund under section
3 1955 of title 38, United States Code, reimburse the “Gen-
4 eral operating expenses” and “Information technology sys-
5 tems” accounts for the cost of administration of the insur-
6 ance programs financed through those accounts: *Provided*,
7 That reimbursement shall be made only from the surplus
8 earnings accumulated in such an insurance program dur-
9 ing fiscal year 2010 that are available for dividends in that
10 program after claims have been paid and actuarially deter-
11 mined reserves have been set aside: *Provided further*, That
12 if the cost of administration of such an insurance program
13 exceeds the amount of surplus earnings accumulated in
14 that program, reimbursement shall be made only to the
15 extent of such surplus earnings: *Provided further*, That the
16 Secretary shall determine the cost of administration for
17 fiscal year 2010 which is properly allocable to the provi-
18 sion of each such insurance program and to the provision
19 of any total disability income insurance included in that
20 insurance program.

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 210. Funds available in this title or funds for
3 salaries and other administrative expenses shall also be
4 available to reimburse the Office of Resolution Manage-
5 ment of the Department of Veterans Affairs and the Of-
6 fice of Employment Discrimination Complaint Adjudica-
7 tion under section 319 of title 38, United States Code,
8 for all services provided at rates which will recover actual
9 costs but not exceed \$35,257,000 for the Office of Resolu-
10 tion Management and \$3,287,000 for the Office of Em-
11 ployment and Discrimination Complaint Adjudication:
12 *Provided*, That payments may be made in advance for
13 services to be furnished based on estimated costs: *Provided*
14 *further*, That amounts received shall be credited to the
15 “General operating expenses” and “Information tech-
16 nology systems” accounts for use by the office that pro-
17 vided the service.

18 SEC. 211. No appropriations in this title shall be
19 available to enter into any new lease of real property if
20 the estimated annual rental cost is more than \$1,000,000,
21 unless the Secretary submits a report which the Commit-
22 tees on Appropriations of both Houses of Congress ap-
23 prove within 30 days following the date on which the re-
24 port is received.

1 SEC. 212. No funds of the Department of Veterans
2 Affairs shall be available for hospital care, nursing home
3 care, or medical services provided to any person under
4 chapter 17 of title 38, United States Code, for a non-serv-
5 ice-connected disability described in section 1729(a)(2) of
6 such title, unless that person has disclosed to the Sec-
7 retary of Veterans Affairs, in such form as the Secretary
8 may require, current, accurate third-party reimbursement
9 information for purposes of section 1729 of such title: *Pro-*
10 *vided*, That the Secretary may recover, in the same man-
11 ner as any other debt due the United States, the reason-
12 able charges for such care or services from any person who
13 does not make such disclosure as required: *Provided fur-*
14 *ther*, That any amounts so recovered for care or services
15 provided in a prior fiscal year may be obligated by the
16 Secretary during the fiscal year in which amounts are re-
17 ceived.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 213. Notwithstanding any other provision of
20 law, proceeds or revenues derived from enhanced-use leas-
21 ing activities (including disposal) may be deposited into
22 the “Construction, major projects” and “Construction,
23 minor projects” accounts and be used for construction (in-
24 cluding site acquisition and disposition), alterations, and
25 improvements of any medical facility under the jurisdic-

1 tion or for the use of the Department of Veterans Affairs.
2 Such sums as realized are in addition to the amount pro-
3 vided for in “Construction, major projects” and “Con-
4 struction, minor projects”.

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

7 (1) for furnishing recreational facilities, sup-
8 plies, and equipment; and

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

12 (INCLUDING TRANSFER OF FUNDS)

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

18 SEC. 216. Notwithstanding any other provision of
19 law, the Secretary of Veterans Affairs shall allow veterans
20 who are eligible under existing Department of Veterans
21 Affairs medical care requirements and who reside in Alas-
22 ka to obtain medical care services from medical facilities
23 supported by the Indian Health Service or tribal organiza-
24 tions. The Secretary shall: (1) limit the application of this
25 provision to rural Alaskan veterans in areas where an ex-

1 listing Department of Veterans Affairs facility or Veterans
2 Affairs-contracted service is unavailable; (2) require par-
3 ticipating veterans and facilities to comply with all appro-
4 priate rules and regulations, as established by the Sec-
5 retary; (3) require this provision to be consistent with
6 Capital Asset Realignment for Enhanced Services activi-
7 ties; and (4) result in no additional cost to the Department
8 of Veterans Affairs or the Indian Health Service.

9 (INCLUDING TRANSFER OF FUNDS)

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

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

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

1 SEC. 220. The Secretary of Veterans Affairs shall
2 submit to the Committees on Appropriations of both
3 Houses of Congress a quarterly report on the financial
4 status of the Veterans Health Administration.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 221. Amounts made available under the “Med-
7 ical services”, “Medical support and compliance”, “Med-
8 ical facilities”, “General operating expenses”, and “Na-
9 tional Cemetery Administration” accounts for fiscal year
10 2010, may be transferred to or from the “Information
11 technology systems” account: *Provided*, That before a
12 transfer may take place, the Secretary of Veterans Affairs
13 shall request from the Committees on Appropriations of
14 both Houses of Congress the authority to make the trans-
15 fer and an approval is issued.

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

24 SEC. 223. None of the funds appropriated or other-
25 wise made available by this Act or any other Act for the

1 Department of Veterans Affairs may be used in a manner
2 that is inconsistent with—

3 (1) section 842 of the Transportation, Treas-
4 ury, Housing and Urban Development, the Judici-
5 ary, the District of Columbia, and Independent
6 Agencies Appropriations Act, 2006 (Public Law
7 109–115; 119 Stat. 2506); or

8 (2) section 8110(a)(5) of title 38, United States
9 Code.

10 SEC. 224. Of the amounts made available to the De-
11 partment of Veterans Affairs for fiscal year 2010, in this
12 Act or any other Act, under the “Medical facilities” ac-
13 count for non-recurring maintenance, not more than 20
14 percent of the funds made available shall be obligated dur-
15 ing the last 2 months of that fiscal year: *Provided*, That
16 the Secretary may waive this requirement after providing
17 written notice to the Committees on Appropriations of
18 both Houses of Congress.

19 SEC. 225. Section 1925(d)(3) of title 38, United
20 States Code, is amended by striking “appropriation ‘Gen-
21 eral Operating Expenses, Department of Veterans Af-
22 fairs’” and inserting “appropriations for ‘General Oper-
23 ating Expenses and Information Technology Systems, De-
24 partment of Veterans Affairs’”.

1 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

7 UNITED STATES COURT OF APPEALS FOR VETERANS

8 CLAIMS

9 SALARIES AND EXPENSES

10 For necessary expenses for the operation of the
11 United States Court of Appeals for Veterans Claims as
12 authorized by sections 7251 through 7298 of title 38,
13 United States Code, \$27,115,000 (increased by
14 \$1,000,000), of which \$1,820,000 (increased by
15 \$1,000,000) shall be available for the purpose of providing
16 financial assistance as described, and in accordance with
17 the process and reporting procedures set forth, under this
18 heading in Public Law 102–229.

19 DEPARTMENT OF DEFENSE—CIVIL

20 CEMETERIAL EXPENSES, ARMY

21 SALARIES AND EXPENSES

22 For necessary expenses, as authorized by law, for
23 maintenance, operation, and improvement of Arlington
24 National Cemetery and Soldiers' and Airmen's Home Na-
25 tional Cemetery, including the purchase of two passenger

1 motor vehicles for replacement only, and not to exceed
2 \$1,000 for official reception and representation expenses,
3 \$42,500,000, to remain available until expended: *Pro-*
4 *vided*, That none of the funds available under this heading
5 shall be for construction of a perimeter wall at Arlington
6 National Cemetery. In addition, such sums as may be nec-
7 essary for parking maintenance, repairs and replacement,
8 to be derived from the Lease of Department of Defense
9 Real Property for Defense Agencies account.

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

14 ARMED FORCES RETIREMENT HOME

15 TRUST FUND

16 For expenses necessary for the Armed Forces Retire-
17 ment Home to operate and maintain the Armed Forces
18 Retirement Home—Washington, District of Columbia and
19 the Armed Forces Retirement Home—Gulfport, Mis-
20 sissippi, to be paid from funds available in the Armed
21 Forces Retirement Home Trust Fund, \$134,000,000, of
22 which \$72,000,000 shall remain available until expended
23 for construction and renovation of the physical plants at
24 the Armed Forces Retirement Home—Washington, Dis-

1 triet of Columbia and the Armed Forces Retirement
2 Home—Gulfport, Mississippi.

3 TITLE IV

4 GENERAL PROVISIONS

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

8 SEC. 402. Such sums as may be necessary for fiscal
9 year 2010 for pay raises for programs funded by this Act
10 shall be absorbed within the levels appropriated in this
11 Act.

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

19 SEC. 404. No part of any funds appropriated in this
20 Act shall be used by an agency of the executive branch,
21 other than for normal and recognized executive-legislative
22 relationships, for publicity or propaganda purposes, and
23 for the preparation, distribution, or use of any kit, pam-
24 phlet, booklet, publication, radio, television, or film presen-

1 tation designed to support or defeat legislation pending
2 before Congress, except in presentation to Congress itself.

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

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

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

22 SEC. 408. None of the funds made available in this
23 Act may be used for a project or program named for an
24 individual serving as a Member, Delegate, or Resident
25 Commissioner of the United States Congress.

1 SEC. 409. Not later than 60 days after the date of
2 the enactment of this Act, the Secretary of Veterans Af-
3 fairs shall submit to Congress a report detailing the cur-
4 rent and planned use of Hyperbaric Oxygen Therapy
5 (hereinafter in this section referred to as “HBOT”) in De-
6 partment of Veterans Affairs medical facilities. Such re-
7 port shall include the number of veterans being treated
8 with HBOT, the types of conditions being treated with
9 HBOT and their respective success rates, and the current
10 inventory of hyperbaric chambers.

11 SEC. 410. None of the funds made available in this
12 Act may be used for the processing of new enhanced use
13 leases in the three original National Homes for Disabled
14 Volunteer Soldiers (soldier’s home branches) established
15 before 1868.

16 This Act may be cited as the “Military Construction
17 and Veterans Affairs Appropriations Act, 2010”.

Passed the House of Representatives July 10, 2009.

Attest:

Clerk.

111TH CONGRESS
1ST SESSION

H. R. 3082

AN ACT

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.