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111TH CONGRESS
2^D SESSION

S. 3615

[Report No. 111–226]

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2010

Mr. JOHNSON, from the Committee on Appropriations reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for
5 military construction, the Department of Veterans Affairs,

1 and related agencies for the fiscal year ending September
2 30, 2011, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF DEFENSE

5 MILITARY CONSTRUCTION, ARMY

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, military
8 installations, facilities, and real property for the Army as
9 currently authorized by law, including personnel in the
10 Army Corps of Engineers and other personal services nec-
11 essary for the purposes of this appropriation, and for con-
12 struction and operation of facilities in support of the func-
13 tions of the Commander in Chief, \$3,797,521,000 to re-
14 main available until September 30, 2015: *Provided*, That
15 of this amount, not to exceed \$230,308,000 shall be avail-
16 able for study, planning, design, architect and engineer
17 services, and host nation support, as authorized by law,
18 unless the Secretary of the Army determines that addi-
19 tional obligations are necessary for such purposes and no-
20 tifies the Committees on Appropriations of both Houses
21 of Congress of the determination and the reasons therefor:
22 *Provided further*, That none of the funds provided under
23 this heading for military construction in Germany as iden-
24 tified in the table entitled “Military Construction Project
25 Listing by Location” in the report accompanying this Act

1 may be obligated or expended until the Department of De-
2 fense completes an evaluation of the North Atlantic Treaty
3 Organization Strategic Concept Review and an accom-
4 panying United States assessment of its defense posture
5 in Europe, and a “Front End Assessment” of the Depart-
6 ment’s global posture for the fiscal year 2012 to 2016 pro-
7 gram budget review cycle, and the Secretary of Defense
8 provides to the congressional defense committees a com-
9 prehensive Army basing strategy for Europe based on
10 those assessments, a project-based cost estimate and
11 timeline to fully implement the strategy, and a certifi-
12 cation of the requirement identified by the assessments for
13 each of the Army military construction projects in Ger-
14 many funded in this section: *Provided further*, That the
15 amount appropriated in this section shall be for the
16 projects and activities, and in the amounts, specified
17 under the heading “Military Construction, Army” and
18 under the headings “Army” in the table entitled “Military
19 Construction Project Listing by Location” in the report
20 accompanying this Act.

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, \$3,667,922,000, to remain available
 4 until September 30, 2015: *Provided*, That of this amount,
 5 not to exceed \$124,148,000 shall be available for study,
 6 planning, design, and architect and engineer services, as
 7 authorized by law, unless the Secretary of the Navy 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 section shall be for the projects and ac-
 13 tivities, 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 Project Listing by Location” in the report
 17 accompanying this Act.

18 MILITARY CONSTRUCTION, AIR FORCE

19 For acquisition, construction, installation, and equip-
 20 ment of temporary or permanent public works, military
 21 installations, facilities, and real property for the Air Force
 22 as currently authorized by law, \$1,378,688,000, to remain
 23 available until September 30, 2015: *Provided*, That of this
 24 amount, not to exceed \$77,182,000 shall be available for
 25 study, planning, design, and architect and engineer serv-

ices, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this section shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Air Force” and under the headings “Air Force” in the table entitled “Military Construction Project Listing by Location” in the report accompanying this Act.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$3,241,601,000, to remain available until September 30, 2015: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the

1 same time period, as the appropriation or fund to which
2 transferred: *Provided further*, That of the amount appro-
3 priated, not to exceed \$14,850,000 shall be available for
4 study, planning, design, and architect and engineer serv-
5 ices, as authorized by law, unless the Secretary of Defense
6 determines that additional obligations are necessary for
7 such purposes and notifies the Committees on Appropria-
8 tions of both Houses of Congress of the determination and
9 the reasons therefor: *Provided further*, That of the amount
10 appropriated, notwithstanding any other provision of law,
11 \$31,863,000 shall be available for payments to the North
12 Atlantic Treaty Organization for the planning, design, and
13 construction of a new North Atlantic Treaty Organization
14 headquarters: *Provided further*, That the amount appro-
15 priated in this section shall be for the projects and activi-
16 ties, and in the amounts, specified under the heading
17 “Military Construction, Defense-Wide” and under the
18 headings “Defense-Wide” in the table entitled “Military
19 Construction Project Listing by Location” in the report
20 accompanying this Act.

21 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

22 For construction, acquisition, expansion, rehabilita-
23 tion, and conversion of facilities for the training and ad-
24 ministration of the Army National Guard, and contribu-
25 tions therefor, as authorized by chapter 1803 of title 10,

1 United States Code, and Military Construction Authoriza-
 2 tion Acts, \$980,072,000, to remain available until Sep-
 3 tember 30, 2015: *Provided*, That of the amount appro-
 4 priated, not to exceed \$35,876,000 shall be available for
 5 study, planning, design, and architect and engineer serv-
 6 ices, as authorized by law, unless the Director of the Army
 7 National Guard determines that additional obligations are
 8 necessary for such purposes and notifies the Committees
 9 on Appropriations of both Houses of Congress of the de-
 10 termination and the reasons therefor: *Provided further*,
 11 That the amount appropriated in this section shall be for
 12 the projects and activities, and in the amounts, specified
 13 under the heading “Military Construction, Army National
 14 Guard” and under the headings “Army National Guard”
 15 in the table entitled “Military Construction Project List-
 16 ing by Location” in the report accompanying this Act.

17 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

18 For construction, acquisition, expansion, rehabilita-
 19 tion, and conversion of facilities for the training and ad-
 20 ministration of the Air National Guard, and contributions
 21 therefor, as authorized by chapter 1803 of title 10, United
 22 States Code, and Military Construction Authorization
 23 Acts, \$337,454,000, to remain available until September
 24 30, 2015: *Provided*, That of the amount appropriated, not
 25 to exceed \$22,732,000 shall be available for study, plan-

1 ning, design, and architect and engineer services, as au-
 2 thorized by law, unless the Director of the Air National
 3 Guard determines that additional obligations are nec-
 4 essary for such purposes and notifies the Committees on
 5 Appropriations of both Houses of Congress of the deter-
 6 mination and the reasons therefor: *Provided further*, That
 7 the amount appropriated in this section shall be for the
 8 projects and activities, and in the amounts, specified
 9 under the heading “Military Construction, Air National
 10 Guard” and under the headings “Air National Guard” in
 11 the table entitled “Military Construction Project Listing
 12 by Location” in the report accompanying this Act.

13 MILITARY CONSTRUCTION, ARMY RESERVE

14 For construction, acquisition, expansion, rehabilita-
 15 tion, and conversion of facilities for the training and ad-
 16 ministration of the Army Reserve as authorized by chapter
 17 1803 of title 10, United States Code, and Military Con-
 18 struction Authorization Acts, \$347,916,000, to remain
 19 available until September 30, 2015: *Provided*, That of the
 20 amount appropriated, not to exceed \$26,941,000 shall be
 21 available for study, planning, design, and architect and en-
 22 gineer services, as authorized by law, unless the Secretary
 23 of the Army determines that additional obligations are
 24 necessary for such purposes and notifies the Committees
 25 on Appropriations of both Houses of Congress of the de-

1 termination and the reasons therefor: *Provided further*,
2 That the amount appropriated in this section shall be for
3 the projects and activities, and in the amounts, specified
4 under the heading “Military Construction, Army Reserve”
5 and under the headings “Army Reserve” in the table enti-
6 tled “Military Construction Project Listing by Location”
7 in the report accompanying this Act.

8 MILITARY CONSTRUCTION, NAVY RESERVE

9 For construction, acquisition, expansion, rehabilita-
10 tion, and conversion of facilities for the training and ad-
11 ministration of the reserve components of the Navy and
12 Marine Corps as authorized by chapter 1803 of title 10,
13 United States Code, and Military Construction Authoriza-
14 tion Acts, \$61,557,000, to remain available until Sep-
15 tember 30, 2015: *Provided*, That of the amount appro-
16 priated, not to exceed \$1,857,000 shall be available for
17 study, planning, design, and architect and engineer serv-
18 ices, as authorized by law, unless the Secretary of the
19 Navy determines that additional obligations are necessary
20 for such purposes and notifies the Committees on Appro-
21 priations of both Houses of Congress of the determination
22 and the reasons therefor: *Provided further*, That the
23 amount appropriated in this section shall be for the
24 projects and activities, and in the amounts, specified
25 under the heading “Military Construction, Navy Reserve”

1 and under the headings “Navy Reserve” in the table enti-
2 tled “Military Construction Project Listing by Location”
3 in the report accompanying this Act.

4 MILITARY CONSTRUCTION, AIR FORCE RESERVE

5 For construction, acquisition, expansion, rehabilita-
6 tion, and conversion of facilities for the training and ad-
7 ministration of the reserve components of the Air Force
8 Reserve as authorized by chapter 1803 of title 10, United
9 States Code, and Military Construction Authorization
10 Acts, \$12,832,000, to remain available until September
11 30, 2015: *Provided*, That of the amount appropriated, not
12 to exceed \$1,653,000 shall be available for study, plan-
13 ning, design, and architect and engineer services, as au-
14 thorized by law, unless the Secretary of the Air Force de-
15 termines that additional obligations are necessary for such
16 purposes and notifies the Committees on Appropriations
17 of both Houses of Congress of the determination and the
18 reasons therefor: *Provided further*, That the amount ap-
19 propriated in this section shall be for the projects and ac-
20 tivities, and in the amounts, specified under the heading
21 “Military Construction, Air Force Reserve” and under the
22 headings “Air Force Reserve” in the table entitled “Mili-
23 tary Construction Project Listing by Location” in the re-
24 port accompanying this Act.

1 NORTH ATLANTIC TREATY ORGANIZATION
2 SECURITY INVESTMENT PROGRAM

3 For the United States share of the cost of the North
4 Atlantic Treaty Organization Security Investment Pro-
5 gram for the acquisition and construction of military fa-
6 cilities and installations (including international military
7 headquarters) and for related expenses for the collective
8 defense of the North Atlantic Treaty Area as authorized
9 by section 2806 of title 10, United States Code, and Mili-
10 tary Construction Authorization Acts, \$258,884,000, to
11 remain available until expended.

12 FAMILY HOUSING CONSTRUCTION, ARMY

13 For expenses of family housing for the Army for con-
14 struction, including acquisition, replacement, addition, ex-
15 pansion, extension, and alteration, as authorized by law,
16 \$92,369,000, to remain available until September 30,
17 2015: *Provided*, That the amount appropriated in this sec-
18 tion shall be for the projects and activities, and in the
19 amounts, specified under the heading “Family Housing
20 Construction, Army” in the table entitled “Military Con-
21 struction Project Listing by Location” in the report ac-
22 companying this Act.

7 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
8 CORPS

19 FAMILY HOUSING OPERATION AND MAINTENANCE,
20 NAVY AND MARINE CORPS

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12 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
13 FORCE

19 FAMILY HOUSING OPERATION AND MAINTENANCE,
20 DEFENSE-WIDE

•S 3615 PCS

1 DEPARTMENT OF DEFENSE FAMILY HOUSING
2 IMPROVEMENT FUND

3 For the Department of Defense Family Housing Im-
4 provement Fund, \$1,096,000, to remain available until ex-
5 pended, for family housing initiatives undertaken pursu-
6 ant to section 2883 of title 10, United States Code, pro-
7 viding alternative means of acquiring and improving mili-
8 tary family housing and supporting facilities.

9 HOMEOWNERS ASSISTANCE FUND

10 For the Homeowners Assistance Fund established by
11 section 1013 of the Demonstration Cities and Metropoli-
12 tan Development Act of 1966, (42 U.S.C. 3374), as
13 amended by section 1001 of division A of the American
14 Recovery and Reinvestment Act of 2009 (Public Law 111–
15 5; 123 Stat. 194), \$16,515,000, to remain available until
16 expended.

17 CHEMICAL DEMILITARIZATION CONSTRUCTION,
18 DEFENSE-WIDE

19 For expenses of construction, not otherwise provided
20 for, necessary for the destruction of the United States
21 stockpile of lethal chemical agents and munitions in ac-
22 cordance with section 1412 of the Department of Defense
23 Authorization Act, 1986 (50 U.S.C. 1521), and for the
24 destruction of other chemical warfare materials that are
25 not in the chemical weapon stockpile, as currently author-

1 ized by law, \$124,971,000, to remain available until Sep-
 2 tember 30, 2015, which shall be only for the Assembled
 3 Chemical Weapons Alternatives program: *Provided*, That
 4 the amount appropriated in this section shall be for the
 5 projects and activities, and in the amounts, specified
 6 under the headings “Chemical Demilitarization Construc-
 7 tion, Defense-Wide” in the table entitled “Military Con-
 8 struction Project Listing by Location” in the report ac-
 9 companying this Act.

10 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

11 1990

12 For deposit into the Department of Defense Base
 13 Closure Account 1990, established by section 2906(a)(1)
 14 of the Defense Base Closure and Realignment Act of 1990
 15 (10 U.S.C. 2687 note), \$360,474,000, to remain available
 16 until expended.

17 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

18 2005

19 For deposit into the Department of Defense Base
 20 Closure Account 2005, established by section 2906A(a)(1)
 21 of the Defense Base Closure and Realignment Act of 1990
 22 (10 U.S.C. 2687 note), \$2,354,285,000, to remain avail-
 23 able until expended: *Provided*, That the Department of
 24 Defense shall notify the Committees on Appropriations of
 25 both Houses of Congress 14 days prior to obligating an

1 amount for a construction project that exceeds or reduces
 2 the amount identified for that project in the most recently
 3 submitted budget request for this account by 20 percent
 4 or \$2,000,000, whichever is less: *Provided further*, That
 5 the previous proviso shall not apply to projects costing less
 6 than \$5,000,000, except for those projects not previously
 7 identified in any budget submission for this account and
 8 exceeding the minor construction threshold under section
 9 2805 of title 10, United States Code.

10 ADMINISTRATIVE PROVISIONS

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

18 SEC. 102. Funds made available in this title for con-
 19 struction shall be available for hire of passenger motor ve-
 20 hicles.

21 SEC. 103. Funds made available in this title for con-
 22 struction may be used for advances to the Federal High-
 23 way Administration, Department of Transportation, for
 24 the construction of access roads as authorized by section
 25 210 of title 23, United States Code, when projects author-

1 ized therein are certified as important to the national de-
2 fense by the Secretary of Defense.

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

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

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

23 SEC. 107. None of the funds made available in this
24 title for minor construction may be used to transfer or
25 relocate any activity from one base or installation to an-

1 other, without prior notification to the Committees on Ap-
2 propriations of both Houses of Congress.

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

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

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

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

24 SEC. 112. None of the funds made available in this
25 title for military construction in the United States terri-

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

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

20 SEC. 114. Not more than 20 percent of the funds
21 made available in this title which are limited for obligation
22 during the current fiscal year shall be obligated during
23 the last 2 months of the fiscal year.

24 SEC. 115. Funds appropriated to the Department of
25 Defense for construction in prior years shall be available

1 for construction authorized for each such military depart-
2 ment by the authorizations enacted into law during the
3 current session of Congress.

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

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

22 SEC. 118. (a) The Secretary of Defense, in consulta-
23 tion with the Secretary of State, shall submit to the Com-
24 mittees on Appropriations of both Houses of Congress, by
25 February 15 of each year, an annual report in unclassified

1 and, if necessary, classified form, on actions taken by the
2 Department of Defense and the Department of State dur-
3 ing the previous fiscal year to encourage host countries
4 to assume a greater share of the common defense burden
5 of such countries and the United States.

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

8 (1) attempts to secure cash and in-kind con-
9 tributions from host countries for military construc-
10 tion projects;

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

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

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

23 (5) for host countries that are members of the
24 North Atlantic Treaty Organization (NATO), the
25 amount contributed to NATO by host countries, in

1 dollars and in terms of the percent of the total
2 NATO budget.

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

6 (INCLUDING TRANSFER OF FUNDS)

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

18 (INCLUDING TRANSFER OF FUNDS)

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

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

20 SEC. 121. (a) Not later than 60 days before issuing
21 any solicitation for a contract with the private sector for
22 military family housing the Secretary of the military de-
23 partment concerned shall submit to the Committees on
24 Appropriations of both Houses of Congress the notice de-
25 scribed in subsection (b).

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

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

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

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

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

17 (INCLUDING TRANSFER OF FUNDS)

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

1 Homeowners Assistance Program incurred under 42
2 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be
3 merged with and be available for the same purposes and
4 for the same time period as the fund to which transferred.

5 SEC. 123. Notwithstanding any other provision of
6 law, funds made available in this title for operation and
7 maintenance of family housing shall be the exclusive
8 source of funds for repair and maintenance of all family
9 housing units, including general or flag officer quarters:
10 *Provided*, That not more than \$35,000 per unit may be
11 spent annually for the maintenance and repair of any gen-
12 eral or flag officer quarters without 30 days prior notifica-
13 tion, or 14 days for a notification provided in an electronic
14 medium pursuant to sections 480 and 2883 of title 10,
15 United States Code, to the Committees on Appropriations
16 of both Houses of Congress, except that an after-the-fact
17 notification shall be submitted if the limitation is exceeded
18 solely due to costs associated with environmental remedi-
19 ation that could not be reasonably anticipated at the time
20 of the budget submission: *Provided further*, That the
21 Under Secretary of Defense (Comptroller) is to report an-
22 nually to the Committees on Appropriations of both
23 Houses of Congress all operation and maintenance ex-
24 penditures for each individual general or flag officer quar-
25 ters for the prior fiscal year.

1 SEC. 124. Amounts contained in the Ford Island Im-
2 provement Account established by subsection (h) of sec-
3 tion 2814 of title 10, United States Code, are appro-
4 priated and shall be available until expended for the pur-
5 poses specified in subsection (i)(1) of such section or until
6 transferred pursuant to subsection (i)(3) of such section.

7 (INCLUDING TRANSFER OF FUNDS)

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

1 nent base that shall be established as an enclave or in the
2 case of projects having multi-agency use, that another
3 Government agency has indicated it will assume ownership
4 of the completed project. The Secretary of Defense may
5 not transfer funds made available as a result of this limi-
6 tation from any military construction project, land acquisi-
7 tion, or family housing project to another account or use
8 such funds for another purpose or project without the
9 prior approval of the Committees on Appropriations of
10 both Houses of Congress. This section shall not apply to
11 military construction projects, land acquisition, or family
12 housing projects for which the project is vital to the na-
13 tional security or the protection of health, safety, or envi-
14 ronmental quality: *Provided*, That the Secretary of De-
15 fense shall notify the congressional defense committees
16 within 7 days of a decision to carry out such a military
17 construction project.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 126. During the 5-year period after appropria-
20 tions available in this Act to the Department of Defense
21 for military construction and family housing operation and
22 maintenance and construction have expired for obligation,
23 upon a determination that such appropriations will not be
24 necessary for the liquidation of obligations or for making
25 authorized adjustments to such appropriations for obliga-

1 tions incurred during the period of availability of such ap-
2 propriations, unobligated balances of such appropriations
3 may be transferred into the appropriation “Foreign Cur-
4 rency Fluctuations, Construction, Defense”, to be merged
5 with and to be available for the same time period and for
6 the same purposes as the appropriation to which trans-
7 ferred.

8 SEC. 127. Amounts appropriated or otherwise made
9 available in an account funded under the headings in this
10 title may be transferred among projects and activities
11 within the account in accordance with the reprogramming
12 guidelines for military construction and family housing
13 construction contained in the explanatory statement of
14 managers to accompany this Act and in the guidance for
15 military construction reprogrammings and notifications
16 contained in Department of Defense Financial Manage-
17 ment Regulation 7000.14–R, Volume 3, Chapter 7, of De-
18 cember 1996, as in effect on the date of enactment of this
19 Act.

1 TITLE II
2 DEPARTMENT OF VETERANS AFFAIRS
3 VETERANS BENEFITS ADMINISTRATION
4 COMPENSATION AND PENSIONS
5 (INCLUDING TRANSFER OF FUNDS)

6 For the payment of compensation benefits to or on
7 behalf of veterans and a pilot program for disability ex-
8 aminations as authorized by section 107 and chapters 11,
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
10 pension benefits to or on behalf of veterans as authorized
11 by chapters 15, 51, 53, 55, and 61 of title 38, United
12 States Code; and burial benefits, the Reinstated Entitle-
13 ment Program for Survivors, emergency and other offi-
14 cers' retirement pay, adjusted-service credits and certifi-
15 cates, payment of premiums due on commercial life insur-
16 ance policies guaranteed under the provisions of title IV
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.
18 541 et seq.) and for other benefits as authorized by sec-
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
20 53, 55, and 61 of title 38, United States Code,
21 \$53,492,234,000, to remain available until expended: *Pro-*
22 *vided*, That not to exceed \$30,423,000 of the amount ap-
23 propriated under this heading shall be reimbursed to
24 "General operating expenses, Veterans Benefits Adminis-
25 tration", "Medical support and compliance", and "Infor-

1 mation technology systems” for necessary expenses in im-
 2 plementing the provisions of chapters 51, 53, and 55 of
 3 title 38, United States Code, the funding source for which
 4 is specifically provided as the “Compensation and pen-
 5 sions” appropriation: *Provided further*, That such sums as
 6 may be earned on an actual qualifying patient basis, shall
 7 be reimbursed to “Medical care collections fund” to aug-
 8 ment the funding of individual medical facilities for nurs-
 9 ing home care provided to pensioners as authorized.

10 READJUSTMENT BENEFITS

11 For the payment of readjustment and rehabilitation
 12 benefits to or on behalf of veterans as authorized by chap-
 13 ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61
 14 of title 38, United States Code, \$10,440,245,000, to re-
 15 main available until expended: *Provided*, That expenses for
 16 rehabilitation program services and assistance which the
 17 Secretary is authorized to provide under subsection (a) of
 18 section 3104 of title 38, United States Code, other than
 19 under paragraphs (1), (2), (5), and (11) of that sub-
 20 section, shall be charged to this account.

21 VETERANS INSURANCE AND INDEMNITIES

22 For military and naval insurance, national service life
 23 insurance, servicemen’s indemnities, service-disabled vet-
 24 erans insurance, and veterans mortgage life insurance as

1 authorized by title 38, United States Code, chapters 19
 2 and 21, \$62,589,000, to remain available until expended.

3 VETERANS HOUSING BENEFIT PROGRAM FUND

4 For the cost of direct and guaranteed loans, such
 5 sums as may be necessary to carry out the program, as
 6 authorized by subchapters I through III of chapter 37 of
 7 title 38, United States Code: *Provided*, That such costs,
 8 including the cost of modifying such loans, shall be as de-
 9 fined in section 502 of the Congressional Budget Act of
 10 1974: *Provided further*, That during fiscal year 2011,
 11 within the resources available, not to exceed \$500,000 in
 12 gross obligations for direct loans are authorized for spe-
 13 cially adapted housing loans.

14 In addition, for administrative expenses to carry out
 15 the direct and guaranteed loan programs, \$163,646,000.

16 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

17 For the cost of direct loans, \$48,000, as authorized
 18 by chapter 31 of title 38, United States Code: *Provided*,
 19 That such costs, including the cost of modifying such
 20 loans, shall be as defined in section 502 of the Congres-
 21 sional Budget Act of 1974: *Provided further*, That funds
 22 made available under this heading are available to sub-
 23 sidize gross obligations for the principal amount of direct
 24 loans not to exceed \$3,042,272.

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$707,000.

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, and loan repayments authorized by section 604 of Public Law

1 111–163; \$39,749,985,000, plus reimbursements, of
 2 which \$39,649,985,000 shall become available on October
 3 1, 2011, and shall remain available until September 30,
 4 2012: *Provided further*, That, notwithstanding any other
 5 provision of law, the Secretary of Veterans Affairs shall
 6 establish a priority for the provision of medical treatment
 7 for veterans who have service-connected disabilities, lower
 8 income, or have special needs: *Provided further*, That, not-
 9 withstanding any other provision of law, the Secretary of
 10 Veterans Affairs shall give priority funding for the provi-
 11 sion of basic medical benefits to veterans in enrollment
 12 priority groups 1 through 6: *Provided further*, That, not-
 13 withstanding any other provision of law, the Secretary of
 14 Veterans Affairs may authorize the dispensing of prescrip-
 15 tion drugs from Veterans Health Administration facilities
 16 to enrolled veterans with privately written prescriptions
 17 based on requirements established by the Secretary: *Pro-*
 18 *vided further*, That the implementation of the program de-
 19 scribed in the previous proviso shall incur no additional
 20 cost to the Department of Veterans Affairs.

21 MEDICAL SUPPORT AND COMPLIANCE

22 For necessary expenses in the administration of the
 23 medical, hospital, nursing home, domiciliary, construction,
 24 supply, and research activities, as authorized by law; ad-
 25 ministrative expenses in support of capital policy activi-

ties; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); \$5,535,000,000, plus reimbursements, shall become available on October 1, 2011, and shall remain available until September 30, 2012.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, \$5,446,000,000, plus reimbursements, of which \$5,426,000,000 shall become available on October 1,

1 2011, and shall remain available until September 30,
2 2012.

3 MEDICAL AND PROSTHETIC RESEARCH

4 For necessary expenses in carrying out programs of
5 medical and prosthetic research and development as au-
6 thorized by chapter 73 of title 38, United States Code,
7 \$590,000,000, plus reimbursements, shall remain avail-
8 able until September 30, 2012.

9 NATIONAL CEMETERY ADMINISTRATION

10 For necessary expenses of the National Cemetery Ad-
11 ministration for operations and maintenance, not other-
12 wise provided for, including uniforms or allowances there-
13 for; cemeterial expenses as authorized by law; purchase
14 of one passenger motor vehicle for use in cemeterial oper-
15 ations; hire of passenger motor vehicles; and repair, alter-
16 ation or improvement of facilities under the jurisdiction
17 of the National Cemetery Administration, \$250,504,000,
18 of which not to exceed \$25,500,000 shall remain available
19 until September 30, 2012.

20 DEPARTMENTAL ADMINISTRATION

21 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

22 ADMINISTRATION

23 For necessary operating expenses of the Veterans
24 Benefits Administration, not otherwise provided for, in-
25 cluding hire of passenger motor vehicles, and reimburse-

1 ment of the Department of Defense for the cost of over-
 2 seas employee mail, \$2,148,776,000: *Provided*, That ex-
 3 penses for services and assistance authorized under para-
 4 graphs (1), (2), (5), and (11) of section 3104(a) of title
 5 38, United States Code, that the Secretary of Veterans
 6 Affairs determines are necessary to enable entitled vet-
 7 erans: (1) to the maximum extent feasible, to become em-
 8 ployable and to obtain and maintain suitable employment;
 9 or (2) to achieve maximum independence in daily living,
 10 shall be charged to this account: *Provided further*, That
 11 of the funds made available under this heading, not to ex-
 12 ceed \$108,008,000 shall remain available until September
 13 20, 2012: *Provided further*, That from the funds made
 14 available under this heading, the Veterans Benefits Ad-
 15 ministration may purchase (on a one-for-one replacement
 16 basis only) up to two passenger motor vehicles for use in
 17 operations of that Administration in Manila, Philippines.

18 GENERAL ADMINISTRATION

19 (INCLUDING TRANSFER OF FUNDS)

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

1 senger motor vehicles; and reimbursement of the General
 2 Services Administration for security guard services,
 3 \$439,613,000, of which not to exceed \$22,000,000 shall
 4 remain available until September 30, 2012: *Provided*,
 5 That of the funds made available under this heading,
 6 \$10,808,000 shall be for the immediate Office of the Sec-
 7 retary; \$75,198,000 shall be for the Board of Veterans'
 8 Appeals; \$91,049,000 shall be for the Office of General
 9 Counsel; \$48,557,000 shall be for the Office of Manage-
 10 ment; \$76,177,000 shall be for the Office of Human Re-
 11 sources and Administration; \$28,783,000 shall be for the
 12 Office of Policy and Planning; \$22,091,000 shall be for
 13 the Office of Operations, Security, and Preparedness;
 14 \$23,705,000 shall be for the Office of Public and Intergov-
 15 ernmental Affairs; \$7,247,000 shall be for the Office of
 16 Congressional and Legislative Affairs; and \$55,998,000
 17 shall be for the Office of Acquisition, Logistics, and Con-
 18 struction: *Provided further*, That funds provided under
 19 this heading for line offices may be transferred to any
 20 "General Administration" office or to "General Operating
 21 Expenses, Veterans Benefits Administration": *Provided*
 22 *further*, That no appropriation for any "General Adminis-
 23 tration" office shall be increased or decreased by more
 24 than 5 percent by all such transfers unless the Secretary

1 of Veterans Affairs submits notice thereof to the Commit-
 2 tees on Appropriations of both Houses of Congress.

3 INFORMATION TECHNOLOGY SYSTEMS

4 For necessary expenses for information technology
 5 systems and telecommunications support, including devel-
 6 opmental information systems and operational information
 7 systems; for pay and associated costs; and for the capital
 8 asset acquisition of information technology systems, in-
 9 cluding management and related contractual costs of said
 10 acquisitions, including contractual costs associated with
 11 operations authorized by section 3109 of title 5, United
 12 States Code, \$3,147,000,000, plus reimbursements, shall
 13 remain available until September 30, 2012: *Provided*,
 14 That none of the funds made available under this heading
 15 may be obligated until the Department of Veterans Affairs
 16 submits to the Committees on Appropriations of both
 17 Houses of Congress, and such Committees approve, a plan
 18 for expenditure that: (1) meets the capital planning and
 19 investment control review requirements established by the
 20 Office of Management and Budget; (2) complies with the
 21 Department of Veterans Affairs enterprise architecture;
 22 (3) conforms with an established enterprise life cycle
 23 methodology; and (4) complies with the acquisition rules,
 24 requirements, guidelines, and systems acquisition manage-
 25 ment practices of the Federal Government: *Provided fur-*

1 *ther*, That not later than 30 days after the date of the
 2 enactment of this Act, the Secretary of Veterans Affairs
 3 shall submit to the Committees on Appropriations of both
 4 Houses of Congress a reprogramming base letter which
 5 sets forth, by project, the operations and maintenance
 6 costs, with salary expenses separately designated, and de-
 7 velopment costs to be carried out utilizing amounts made
 8 available under this heading: *Provided further*, That of the
 9 amounts made available under this heading, \$727,315,000
 10 may not be obligated or expended until the Secretary of
 11 Veterans Affairs or the Chief Information Officer of the
 12 Department of Veterans Affairs submits to the Commit-
 13 tees on Appropriations of both Houses of Congress a cer-
 14 tification of the amounts, in parts or in full, to be obli-
 15 gated and expended for each development project.

16 OFFICE OF INSPECTOR GENERAL

17 For necessary expenses of the Office of Inspector
 18 General, to include information technology, in carrying out
 19 the provisions of the Inspector General Act of 1978 (5
 20 U.S.C. App.), \$111,867,000, of which \$6,000,000 shall re-
 21 main available until September 30, 2012.

22 CONSTRUCTION, MAJOR PROJECTS

23 For constructing, altering, extending, and improving
 24 any of the facilities, including parking projects, under the
 25 jurisdiction or for the use of the Department of Veterans

1 Affairs, or for any of the purposes set forth in sections
2 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
3 and 8122 of title 38, United States Code, including plan-
4 ning, architectural and engineering services, construction
5 management services, maintenance or guarantee period
6 services costs associated with equipment guarantees pro-
7 vided under the project, services of claims analysts, offsite
8 utility and storm drainage system construction costs, and
9 site acquisition, where the estimated cost of a project is
10 more than the amount set forth in section 8104(a)(3)(A)
11 of title 38, United States Code, or where funds for a
12 project were made available in a previous major project
13 appropriation, \$1,197,586,000, to remain available until
14 expended, of which \$6,000,000 shall be to make reim-
15 bursements as provided in section 13 of the Contract Dis-
16 putes Act of 1978 (41 U.S.C. 612) for claims paid for
17 contract disputes: *Provided*, That except for advance plan-
18 ning activities, including needs assessments which may or
19 may not lead to capital investments, and other capital
20 asset management related activities, including portfolio
21 development and management activities, and investment
22 strategy studies funded through the advance planning
23 fund and the planning and design activities funded
24 through the design fund, including needs assessments
25 which may or may not lead to capital investments, and

1 salaries and associated costs of the resident engineers who
 2 oversee those capital investments funded through this ac-
 3 count, and funds provided for the purchase of land for
 4 the National Cemetery Administration through the land
 5 acquisition line item, none of the funds made available
 6 under this heading shall be used for any project which has
 7 not been approved by the Congress in the budgetary proc-
 8 ess: *Provided further*, That funds made available under
 9 this heading for fiscal year 2011, for each approved
 10 project shall be obligated: (1) by the awarding of a con-
 11 struction documents contract by September 30, 2011; and
 12 (2) by the awarding of a construction contract by Sep-
 13 tember 30, 2012: *Provided further*, That the Secretary of
 14 Veterans Affairs shall promptly submit to the Committees
 15 on Appropriations of both Houses of Congress a written
 16 report on any approved major construction project for
 17 which obligations are not incurred within the time limita-
 18 tions established above: *Provided further*, That of the
 19 funds made available under this heading, \$940,932,000
 20 shall be for the projects and activities, and in the amounts,
 21 specified under this heading in the report accompanying
 22 this Act.

23 CONSTRUCTION, MINOR PROJECTS

24 For constructing, altering, extending, and improving
 25 any of the facilities, including parking projects, under the

1 jurisdiction or for the use of the Department of Veterans
2 Affairs, including planning and assessments of needs
3 which may lead to capital investments, architectural and
4 engineering services, maintenance or guarantee period
5 services costs associated with equipment guarantees pro-
6 vided under the project, services of claims analysts, offsite
7 utility and storm drainage system construction costs, and
8 site acquisition, or for any of the purposes set forth in
9 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
10 8110, 8122, and 8162 of title 38, United States Code,
11 where the estimated cost of a project is equal to or less
12 than the amount set forth in section 8104(a)(3)(A) of title
13 38, United States Code, \$485,965,000, to remain avail-
14 able until expended, along with unobligated balances of
15 previous “Construction, minor projects” appropriations
16 which are hereby made available for any project where the
17 estimated cost is equal to or less than the amount set forth
18 in such section: *Provided*, That funds made available
19 under this heading shall be for: (1) repairs to any of the
20 nonmedical facilities under the jurisdiction or for the use
21 of the Department which are necessary because of loss or
22 damage caused by any natural disaster or catastrophe;
23 and (2) temporary measures necessary to prevent or to
24 minimize further loss by such causes.

1 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
 2 FACILITIES

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

10 GRANTS FOR CONSTRUCTION OF STATE VETERANS
 11 CEMETERIES

12 For grants to assist States in establishing, expand-
 13 ing, or improving State veterans cemeteries as authorized
 14 by section 2408 of title 38, United States Code,
 15 \$46,000,000, to remain available until expended.

16 ADMINISTRATIVE PROVISIONS
 17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 201. Any appropriation for fiscal year 2011 for
 19 “Compensation and pensions”, “Readjustment benefits”,
 20 and “Veterans insurance and indemnities” may be trans-
 21 ferred as necessary to any other of the mentioned appro-
 22 priations: *Provided*, That before a transfer may take place,
 23 the Secretary of Veterans Affairs shall request from the
 24 Committees on Appropriations of both Houses of Congress
 25 the authority to make the transfer and such Committees

1 issue an approval, or absent a response, a period of 30
2 days has elapsed.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 202. Amounts made available for the Depart-
5 ment of Veterans Affairs for fiscal year 2011, in this Act
6 or any other Act, under the “Medical services”, “Medical
7 support and compliance”, and “Medical facilities” ac-
8 counts may be transferred among the accounts: *Provided*,
9 That any transfers between the “Medical services” and
10 “Medical support and compliance” accounts of 1 percent
11 or less of the total amount appropriated to the account
12 in this or any other Act may take place subject to notifica-
13 tion from the Secretary of Veterans Affairs to the Com-
14 mittees on Appropriations of both Houses of Congress of
15 the amount and purpose of the transfer: *Provided further*,
16 That any transfers between the “Medical services” and
17 “Medical support and compliance” accounts in excess of
18 1 percent, or exceeding the cumulative 1 percent for the
19 fiscal year, may take place only after the Secretary re-
20 quests from the Committees on Appropriations of both
21 Houses of Congress the authority to make the transfer
22 and an approval is issued: *Provided further*, That any
23 transfers to or from the “Medical facilities” account may
24 take place only after the Secretary requests from the Com-

1 mittees on Appropriations of both Houses of Congress the
2 authority to make the transfer and an approval is issued.

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

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

15 SEC. 205. No appropriations in this title shall be
16 available for hospitalization or examination of any persons
17 (except beneficiaries entitled to such hospitalization or ex-
18 amination under the laws providing such benefits to vet-
19 erans, and persons receiving such treatment under sec-
20 tions 7901 through 7904 of title 5, United States Code,
21 or the Robert T. Stafford Disaster Relief and Emergency
22 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-
23 bursement of the cost of such hospitalization or examina-
24 tion is made to the “Medical services” account at such
25 rates as may be fixed by the Secretary of Veterans Affairs.

1 SEC. 206. Appropriations available in this title for
2 “Compensation and pensions”, “Readjustment benefits”,
3 and “Veterans insurance and indemnities” shall be avail-
4 able for payment of prior year accrued obligations re-
5 quired to be recorded by law against the corresponding
6 prior year accounts within the last quarter of fiscal year
7 2010.

8 SEC. 207. Appropriations available in this title shall
9 be available to pay prior year obligations of corresponding
10 prior year appropriations accounts resulting from sections
11 3328(a), 3334, and 3712(a) of title 31, United States
12 Code, except that if such obligations are from trust fund
13 accounts they shall be payable only from “Compensation
14 and pensions”.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 208. Notwithstanding any other provision of
17 law, during fiscal year 2011, the Secretary of Veterans
18 Affairs shall, from the National Service Life Insurance
19 Fund under section 1920 of title 38, United States Code,
20 the Veterans’ Special Life Insurance Fund under section
21 1923 of title 38, United States Code, and the United
22 States Government Life Insurance Fund under section
23 1955 of title 38, United States Code, reimburse the “Gen-
24 eral operating expenses, Veterans Benefits Administra-
25 tion” and “Information technology systems” accounts for

1 the cost of administration of the insurance programs fi-
 2 nanced through those accounts: *Provided*, That reimburse-
 3 ment shall be made only from the surplus earnings accu-
 4 mulated in such an insurance program during fiscal year
 5 2011 that are available for dividends in that program after
 6 claims have been paid and actuarially determined reserves
 7 have been set aside: *Provided further*, That if the cost of
 8 administration of such an insurance program exceeds the
 9 amount of surplus earnings accumulated in that program,
 10 reimbursement shall be made only to the extent of such
 11 surplus earnings: *Provided further*, That the Secretary
 12 shall determine the cost of administration for fiscal year
 13 2011 which is properly allocable to the provision of each
 14 such insurance program and to the provision of any total
 15 disability income insurance included in that insurance pro-
 16 gram.

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

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 210. Funds available in this title or funds for
 24 salaries and other administrative expenses shall also be
 25 available to reimburse the Office of Resolution Manage-

1 ment of the Department of Veterans Affairs and the Of-
 2 fice of Employment Discrimination Complaint Adjudica-
 3 tion under section 319 of title 38, United States Code,
 4 for all services provided at rates which will recover actual
 5 costs but not exceed \$35,794,000 for the Office of Resolu-
 6 tion Management and \$3,354,000 for the Office of Em-
 7 ployment and Discrimination Complaint Adjudication:
 8 *Provided*, That payments may be made in advance for
 9 services to be furnished based on estimated costs: *Provided*
 10 *further*, That amounts received shall be credited to the
 11 “General operating expenses, Veterans Benefits Adminis-
 12 tration” and “Information technology systems” accounts
 13 for use by the office that provided the service.

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

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

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

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 213. Notwithstanding any other provision of
 15 law, proceeds or revenues derived from enhanced-use leas-
 16 ing activities (including disposal) may be deposited into
 17 the “Construction, major projects” and “Construction,
 18 minor projects” accounts and be used for construction (in-
 19 cluding site acquisition and disposition), alterations, and
 20 improvements of any medical facility under the jurisdic-
 21 tion or for the use of the Department of Veterans Affairs.
 22 Such sums as realized are in addition to the amount pro-
 23 vided for in “Construction, major projects” and “Con-
 24 struction, minor projects”.

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

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

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

8 (INCLUDING TRANSFER OF FUNDS)

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

14 SEC. 216. The Secretary of Veterans Affairs may
15 enter into agreements with Indian tribes and tribal organi-
16 zations which are party to the Alaska Native Health Com-
17 pact with the Indian Health Service, and Indian tribes and
18 tribal organizations serving rural Alaska which have en-
19 tered into contracts with the Indian Health Service under
20 the Indian Self Determination and Educational Assistance
21 Act, to provide healthcare, including behavioral health and
22 dental care. The Secretary shall require participating vet-
23 erans and facilities to comply with all appropriate rules
24 and regulations, as established by the Secretary. The term
25 “rural Alaska” shall mean those lands sited within the ex-

1 ternal boundaries of the Alaska Native regions specified
2 in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native
3 Claims Settlement Act, as amended (43 U.S.C. 1606), and
4 those lands within the Alaska Native regions specified in
5 sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims
6 Settlement Act, as amended (43 U.S.C. 1606), which are
7 not within the boundaries of the Municipality of Anchor-
8 age, the Fairbanks North Star Borough, the Kenai Penin-
9 sula Borough or the Matanuska Susitna Borough.

10 (INCLUDING TRANSFER OF FUNDS)

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

17 SEC. 218. None of the funds made available in this
18 title may be used to implement any policy prohibiting the
19 Directors of the Veterans Integrated Services Networks
20 from conducting outreach or marketing to enroll new vet-
21 erans within their respective Networks.

22 SEC. 219. The Secretary of Veterans Affairs shall
23 submit to the Committees on Appropriations of both
24 Houses of Congress a quarterly report on the financial
25 status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the “Medical services”, “Medical support and compliance”, “Medical facilities”, “General operating expenses, Veterans Benefits Administration”, “General Administration”, and “National Cemetery Administration” accounts for fiscal year 2011, may be transferred to or from the “Information technology systems” account: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 221. Amounts made available for the “Information technology systems” account may be transferred between projects: *Provided*, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 222. (a) Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, and will have a direct benefit for veterans through increased access to treatment, the Secretary of Veterans Affairs may transfer not more than \$5,000,000 to the Sec-

1 retary of Health and Human Services for the Graduate
2 Psychology Education Program, which includes treatment
3 of veterans, to support increased training of psychologists
4 skilled in the treatment of post-traumatic stress disorder,
5 traumatic brain injury, and related disorders.

6 (b) The Secretary of Health and Human Services
7 may only use funds transferred under this section for the
8 purposes described in subsection (a).

9 (c) The Secretary of Veterans Affairs shall notify
10 Congress of any such transfer of funds under this section.

11 SEC. 223. None of the funds appropriated or other-
12 wise made available by this Act or any other Act for the
13 Department of Veterans Affairs may be used in a manner
14 that is inconsistent with—

15 (1) section 842 of the Transportation, Treas-
16 ury, Housing and Urban Development, the Judici-
17 ary, the District of Columbia, and Independent
18 Agencies Appropriations Act, 2006 (Public Law
19 109–115; 119 Stat. 2506); or

20 (2) section 8110(a)(5) of title 38, United States
21 Code.

22 SEC. 224. Of the amounts made available to the De-
23 partment of Veterans Affairs for fiscal year 2011, in this
24 Act or any other Act, under the “Medical Facilities” ac-
25 count for nonrecurring maintenance, not more than 20

1 percent of the funds made available shall be obligated dur-
2 ing the last 2 months of that fiscal year: *Provided*, That
3 the Secretary may waive this requirement after providing
4 written notice to the Committees on Appropriations of
5 both Houses of Congress.

6 SEC. 225. (a) Of the funds appropriated in the Mili-
7 tary Construction and Veterans Affairs and Related Agen-
8 cies Appropriations Act, 2010 (Public Law 111–117, divi-
9 sion E), the following amounts which become available on
10 October 1, 2010 are hereby rescinded from the following
11 accounts in the amounts specified:

12 “Medical Services”, Department of Veterans
13 Affairs, \$1,000,000,000;

14 “Medical Support and Compliance”, Depart-
15 ment of Veterans Affairs, \$200,000,000; and

16 “Medical Facilities”, Department of Veterans
17 Affairs, \$350,000,000.

18 (b) An additional amount is appropriated to the fol-
19 lowing accounts in the amounts specified, to become avail-
20 able on October 1, 2010, and to remain available until
21 September 30, 2012:

22 “Medical Services”, Department of Veterans
23 Affairs, \$1,000,000,000;

24 “Medical Support and Compliance”, Depart-
25 ment of Veterans Affairs, \$200,000,000; and

1 “Medical Facilities”, Department of Veterans
2 Affairs, \$350,000,000.

3 SEC. 226. Of the amounts appropriated to the De-
4 partment of Veterans Affairs in this Act, and any other
5 Act, for “Medical Services”, “Medical Support and Com-
6 pliance”, “Medical Facilities”, “Construction, minor
7 projects”, and “Information Technology Systems”, up to
8 \$235,360,000 necessary, plus reimbursements, may be
9 transferred to the Joint Department of Defense-Depart-
10 ment of Veterans Affairs Medical Facility Demonstration
11 Fund, established by section 1704 of title XVII of division
12 A of Public Law 111–84, and shall be available to fund
13 operations of the integrated Captain James A. Lovell Fed-
14 eral Health Care Center, consisting of the North Chicago
15 Veteran Affairs Medical Center, and Navy Ambulatory
16 Care Center, and supporting facilities designated as a
17 combined Federal medical facility as described by section
18 706 of Public Law 110–417: *Provided*, That additional
19 funds may be transferred from accounts designated in this
20 section to the Joint Department of Defense-Department
21 of Veterans Affairs Medical Facility Demonstration Fund
22 upon written notification by the Secretary of Veterans Af-
23 airs to the Committees on Appropriations of both Houses
24 of Congress.

1 SEC. 227. Such sums as may be deposited to the
2 Medical Care Collections Fund pursuant to section 1729A
3 of title 38, United States Code, for health care provided
4 at the Captain James A. Lovell Federal Health Care Cen-
5 ter may be transferred to the Joint Department of De-
6 fense-Department of Veterans Affairs Medical Facility
7 Demonstration Fund, established by section 1704 of title
8 XVII of division A of Public Law 111–84, and shall be
9 available to fund operations of the integrated Captain
10 James A. Lovell Federal Health Care Center, consisting
11 of the North Chicago Veteran Affairs Medical Center, and
12 Navy Ambulatory Care Center, and supporting facilities
13 designated as a combined Federal medical facility as de-
14 scribed by section 1706 of Public Law 110–417.

15 SEC. 228. Of the amounts available in this title for
16 “Medical Services”, “Medical Support and Compliance”,
17 and “Medical Facilities”, a minimum of \$15,000,000,
18 shall be transferred to the Department of Defense/Depart-
19 ment of Veterans Affairs Health Care Sharing Incentive
20 Fund, as authorized by section 8111(d) of title 38, United
21 States Code, to remain available until expended, for any
22 purpose authorized by section 8111 of title 38, United
23 States Code.

24 SEC. 229. For an additional amount for the “General
25 Administration” account, \$23,584,000, to increase the

1 Department's acquisition workforce capacity and capabili-
2 ties: *Provided*, That such funds may be transferred by the
3 Secretary to any other account in the Department to carry
4 out the purposes provided herein: *Provided further*, That
5 such transfer authority is in addition to any other transfer
6 authority provided in this Act: *Provided further*, That such
7 funds shall be available only to supplement and not to sup-
8 plant existing acquisition workforce activities: *Provided*
9 *further*, That such funds shall be available for training,
10 recruitment, retention, and hiring additional members of
11 the acquisition workforce as defined by the Office of Fed-
12 eral Procurement Policy Act, as amended (41 U.S.C. 401
13 et seq.): *Provided further*, That such funds shall be avail-
14 able for information technology in support of acquisition
15 workforce effectiveness or for management solutions to
16 improve acquisition management.

17 SEC. 230. The Secretary of the Department of Vet-
18 erans Affairs shall notify the Committees on Appropria-
19 tions of both Houses of Congress of all bid savings in
20 Major Construction projects that total at least
21 \$5,000,000, or 5 percent of the cost of the contract,
22 whichever is less: *Provided*, That such notification shall
23 occur prior to the obligation of any bid savings and shall
24 include the anticipated use of such savings for the

1 project's expansion or enhancement or the anticipated
 2 transfer of the funds to other Major Construction projects.

3 SEC. 231. Of the amounts made available to the De-
 4 partment of Veterans Affairs for fiscal year 2011, under
 5 the heading "Departmental Administration, Construction,
 6 Major Projects", \$46,550,000 shall be for the construction
 7 of a Nursing Home Care Unit at the Beckley, West Vir-
 8 ginia, Veterans Affairs Medical Center: *Provided*, That
 9 notwithstanding any other provision of law, such funds
 10 may be obligated and expended to carry out planning and
 11 design and major medical facility construction not other-
 12 wise authorized by law.

13 TITLE III

14 RELATED AGENCIES

15 AMERICAN BATTLE MONUMENTS COMMISSION

16 SALARIES AND EXPENSES

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

1 representation expenses; and insurance of official motor
 2 vehicles in foreign countries, when required by law of such
 3 countries, \$67,200,000, to remain available until ex-
 4 pended.

5 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

6 For necessary expenses, not otherwise provided for,
 7 of the American Battle Monuments Commission, such
 8 sums as may be necessary, to remain available until ex-
 9 pended, for purposes authorized by section 2109 of title
 10 36, United States Code.

11 UNITED STATES COURT OF APPEALS FOR VETERANS

12 CLAIMS

13 SALARIES AND EXPENSES

14 For necessary expenses for the operation of the
 15 United States Court of Appeals for Veterans Claims as
 16 authorized by sections 7251 through 7298 of title 38,
 17 United States Code, \$53,297,000: *Provided*, That, of the
 18 foregoing amount, \$25,000,000 shall be transferred to the
 19 General Services Administration for the construction of a
 20 courthouse to house the United States Court of Appeals
 21 for Veterans Claims: *Provided further*, That \$2,515,229
 22 shall be available for the purpose of providing financial
 23 assistance as described, and in accordance with the proc-
 24 ess and reporting procedures set forth, under this heading
 25 in Public Law 102-229.

1 DEPARTMENT OF DEFENSE—CIVIL

2 CEMETERIAL EXPENSES, ARMY

3 SALARIES AND EXPENSES

4 For necessary expenses, as authorized by law, for
5 maintenance, operation, and improvement of Arlington
6 National Cemetery and Soldiers' and Airmen's Home Na-
7 tional Cemetery, including the purchase of two passenger
8 motor vehicles for replacement only, and not to exceed
9 \$1,000 for official reception and representation expenses,
10 \$43,100,000, to remain available until expended. In addi-
11 tion, such sums as may be necessary for parking mainte-
12 nance, repairs and replacement, to be derived from the
13 Lease of Department of Defense Real Property for De-
14 fense Agencies account.

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

19 ARMED FORCES RETIREMENT HOME

20 TRUST FUND

21 For expenses necessary for the Armed Forces Retire-
22 ment Home to operate and maintain the Armed Forces
23 Retirement Home—Washington, District of Columbia,
24 and the Armed Forces Retirement Home—Gulfport, Mis-
25 sissippi, to be paid from funds available in the Armed

1 Forces Retirement Home Trust Fund, \$71,200,000, of
 2 which \$2,000,000 shall remain available until expended
 3 for construction and renovation of the physical plants at
 4 the Armed Forces Retirement Home—Washington, Dis-
 5 trict of Columbia, and the Armed Forces Retirement
 6 Home—Gulfport, Mississippi.

7 TITLE IV

8 OVERSEAS CONTINGENCY OPERATIONS

9 DEPARTMENT OF DEFENSE

10 MILITARY CONSTRUCTION, ARMY

11 For an additional amount for “Military Construction,
 12 Army”, \$1,045,676,000, to remain available until Sep-
 13 tember 30, 2012.

14 MILITARY CONSTRUCTION, AIR FORCE

15 For an additional amount for “Military Construction,
 16 Air Force”, \$164,826,000, to remain available until Sep-
 17 tember 30, 2012.

18 MILITARY CONSTRUCTION, DEFENSE-WIDE

19 For an additional amount for “Military Construction,
 20 Defense-Wide”, \$46,500,000, to remain available until
 21 September 30, 2012: *Provided*, That notwithstanding any
 22 other provision of law, such funds may be obligated and
 23 expended to construct facilities in a foreign country for
 24 the National Security Agency.

1 ADMINISTRATIVE PROVISION

2 SEC. 401. Amounts appropriated or otherwise made
3 available by this title are for overseas deployments and
4 other activities.

5 TITLE V

6 GENERAL PROVISIONS

7 SEC. 501. No part of any appropriation contained in
8 this Act shall remain available for obligation beyond the
9 current fiscal year unless expressly so provided herein.

10 SEC. 502. Such sums as may be necessary for fiscal
11 year 2011 for pay raises for programs funded by this Act
12 shall be absorbed within the levels appropriated in this
13 Act.

14 SEC. 503. None of the funds made available in this
15 Act may be used for any program, project, or activity,
16 when it is made known to the Federal entity or official
17 to which the funds are made available that the program,
18 project, or activity is not in compliance with any Federal
19 law relating to risk assessment, the protection of private
20 property rights, or unfunded mandates.

21 SEC. 504. No part of any funds appropriated in this
22 Act shall be used by an agency of the executive branch,
23 other than for normal and recognized executive-legislative
24 relationships, for publicity or propaganda purposes, and
25 for the preparation, distribution, or use of any kit, pam-

1 phlet, booklet, publication, radio, television, or film presen-
2 tation designed to support or defeat legislation pending
3 before Congress, except in presentation to Congress itself.

4 SEC. 505. All departments and agencies funded under
5 this Act are encouraged, within the limits of the existing
6 statutory authorities and funding, to expand their use of
7 “E-Commerce” technologies and procedures in the con-
8 duct of their business practices and public service activi-
9 ties.

10 SEC. 506. None of the funds made available in this
11 Act may be transferred to any department, agency, or in-
12 strumentality of the United States Government except
13 pursuant to a transfer made by, or transfer authority pro-
14 vided in, this or any other appropriations Act.

15 SEC. 507. Unless stated otherwise, all reports and no-
16 tifications required by this Act shall be submitted to the
17 Subcommittee on Military Construction and Veterans Af-
18 fairs, and Related Agencies of the Committee on Appro-
19 priations of the House of Representatives and the Sub-
20 committee on Military Construction and Veterans Affairs,
21 and Related Agencies of the Committee on Appropriations
22 of the Senate.

23 This Act may be cited as the “Military Construction
24 and Veterans Affairs, and Related Agencies Appropria-
25 tions Act, 2011”.

Calendar No. 469

111TH CONGRESS
2D Session

S. 3615

[Report No. 111-226]

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.

JULY 19, 2010

Read twice and placed on the calendar