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1ST SESSION**H. R. 3082**

IN THE SENATE OF THE UNITED STATES

JULY 13, 2009

Received; read twice and placed on the calendar

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,*
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,
6 and related agencies for the fiscal year ending September
7 30, 2010, and for other purposes, namely:

1 TITLE I
2 DEPARTMENT OF DEFENSE
3 MILITARY CONSTRUCTION, ARMY
4 (INCLUDING RESCISSION OF FUNDS)

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

1 the reasons therefor: *Provided further*, That, not later than
2 30 days after the date of the enactment of this Act, the
3 Secretary of Defense shall submit to the Committees on
4 Appropriations of both Houses of Congress an expenditure
5 plan for the funds provided for trainee troop housing fa-
6 cilities: *Provided further*, That the amount appropriated
7 in this paragraph shall be for the projects and activities,
8 and in the amounts, specified under the heading “Military
9 Construction, Army” and under the headings “Army” in
10 the tables entitled “Military Construction” and “Overseas
11 Contingency Operations” in the report of the Committee
12 on Appropriations of the House of Representatives to ac-
13 company this bill: *Provided further*, That of the funds ap-
14 propriated for “Military Construction, Army” under Pub-
15 lic Law 110–329, \$59,500,000 are hereby rescinded.

16 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

17 For acquisition, construction, installation, and equip-
18 ment of temporary or permanent public works, naval in-
19 stallations, facilities, and real property for the Navy and
20 Marine Corps as currently authorized by law, including
21 personnel in the Naval Facilities Engineering Command
22 and other personal services necessary for the purposes of
23 this appropriation, \$3,757,330,000, to remain available
24 until September 30, 2014: *Provided*, That of this amount,
25 not to exceed \$182,569,000 shall be available for study,

1 planning, design, and architect and engineer services, as
2 authorized by law, unless the Secretary of Defense deter-
3 mines that additional obligations are necessary for such
4 purposes and notifies the Committees on Appropriations
5 of both Houses of Congress of the determination and the
6 reasons therefor: *Provided further*, That the amount ap-
7 propriated in this paragraph shall be for the projects and
8 activities, and in the amounts, specified under the heading
9 “Military Construction, Navy and Marine Corps” and
10 under the headings “Navy” in the table entitled “Military
11 Construction” in the report of the Committee on Appro-
12 priations of the House of Representatives to accompany
13 this bill.

14 MILITARY CONSTRUCTION, AIR FORCE

15 For acquisition, construction, installation, and equip-
16 ment of temporary or permanent public works, military
17 installations, facilities, and real property for the Air Force
18 as currently authorized by law, \$1,833,671,000, to remain
19 available until September 30, 2014, of which
20 \$474,500,000 is designated as being for overseas deploy-
21 ments and other activities pursuant to section 423(a)(1)
22 of S. Con. Res. 13 (111th Congress), the concurrent reso-
23 lution on the budget for fiscal year 2010: *Provided*, That
24 of this amount, not to exceed \$93,407,000 shall be avail-
25 able for study, planning, design, and architect and engi-

1 neer services, as authorized by law, unless the Secretary
2 of Defense determines that additional obligations are nec-
3 essary for such purposes and notifies the Committees on
4 Appropriations of both Houses of Congress of the deter-
5 mination and the reasons therefor: *Provided further*, That
6 the amount appropriated in this paragraph shall be for
7 the projects and activities, and in the amounts, specified
8 under the heading “Military Construction, Air Force” and
9 under the headings “Air Force” in the tables entitled
10 “Military Construction” and “Overseas Contingency Op-
11 erations” in the report of the Committee on Appropria-
12 tions of the House of Representatives to accompany this
13 bill.

14 MILITARY CONSTRUCTION, DEFENSE-WIDE

15 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

16 For acquisition, construction, installation, and equip-
17 ment of temporary or permanent public works, installa-
18 tions, facilities, and real property for activities and agen-
19 cies of the Department of Defense (other than the military
20 departments), as currently authorized by law,
21 \$2,743,526,000, to remain available until September 30,
22 2014: *Provided*, That such amounts of this appropriation
23 as may be determined by the Secretary of Defense may
24 be transferred to such appropriations of the Department
25 of Defense available for military construction or family

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

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, \$529,129,000, to remain available until Sep-
3 tember 30, 2014, of which \$30,000,000 shall be for crit-
4 ical unfunded requirements: *Provided*, That of the amount
5 appropriated, not to exceed \$40,488,000 shall be available
6 for study, planning, design, and architect and engineer
7 services, as authorized by law, unless the Secretary of De-
8 fense determines that additional obligations are necessary
9 for such purposes and notifies the Committees on Appro-
10 priations of both Houses of Congress of the determination
11 and the reasons therefor: *Provided further*, That, not later
12 than 30 days after the date of the enactment of this Act,
13 the Director of the Army National Guard shall submit to
14 the Committees on Appropriations of both Houses of Con-
15 gress an expenditure plan for the funds provided for crit-
16 ical unfunded requirements: *Provided further*, 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 “Military Construction, Army National
20 Guard” and under the headings “Army National Guard”
21 in the table entitled “Military Construction” in the report
22 of the Committee on Appropriations of the House of Rep-
23 resentatives to accompany this bill.

1 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Air National Guard, and contributions
5 therefor, as authorized by chapter 1803 of title 10, United
6 States Code, and Military Construction Authorization
7 Acts, \$226,126,000, to remain available until September
8 30, 2014, of which \$30,000,000 shall be for critical un-
9 funded requirements: *Provided*, That of the amount appro-
10 priated, not to exceed \$12,021,000 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, not later than
17 30 days after the date of the enactment of this Act, the
18 Director of the Air National Guard shall submit to the
19 Committees on Appropriations of both Houses of Congress
20 an expenditure plan for the funds provided for critical un-
21 funded requirements: *Provided further*, That the amount
22 appropriated in this paragraph shall be for the projects
23 and activities, and in the amounts, specified under the
24 heading “Military Construction, Air National Guard” and
25 under the headings “Air National Guard” in the table en-

1 titled “Military Construction” in the report of the Com-
2 mittee on Appropriations of the House of Representatives
3 to accompany this bill.

4 MILITARY CONSTRUCTION, ARMY RESERVE

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

1 fied under the heading “Military Construction, Army Re-
2 serve” and under the headings “Army Reserve” in the
3 table entitled “Military Construction” in the report of the
4 Committee on Appropriations of the House of Representa-
5 tives to accompany this bill.

6 MILITARY CONSTRUCTION, NAVY RESERVE

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

1 mander, Marine Forces Reserve shall submit to the Com-
2 mittees on Appropriations of both Houses of Congress an
3 expenditure plan for the funds provided for critical un-
4 funded requirements: *Provided further*, That the amount
5 appropriated in this paragraph shall be for the projects
6 and activities, and in the amounts, specified under the
7 heading “Military Construction, Navy Reserve” and under
8 the headings “Navy Reserve” in the table entitled “Mili-
9 tary Construction” in the report of the Committee on Ap-
10 propriations of the House of Representatives to accom-
11 pany this bill.

12 MILITARY CONSTRUCTION, AIR FORCE RESERVE

13 For construction, acquisition, expansion, rehabilita-
14 tion, and conversion of facilities for the training and ad-
15 ministration of the Air Force Reserve as authorized by
16 chapter 1803 of title 10, United States Code, and Military
17 Construction Authorization Acts, \$103,169,000, to remain
18 available until September 30, 2014, of which \$55,000,000
19 shall be for critical unfunded requirements: *Provided*,
20 That of the amount appropriated, not to exceed
21 \$4,669,000 shall be available for study, planning, design,
22 and architect and engineer services, as authorized by law,
23 unless the Secretary of Defense determines that additional
24 obligations are necessary for such purposes and notifies
25 the Committees on Appropriations of both Houses of Con-

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

14 NORTH ATLANTIC TREATY ORGANIZATION

15 SECURITY INVESTMENT PROGRAM

16 For the United States share of the cost of the North
17 Atlantic Treaty Organization Security Investment Pro-
18 gram for the acquisition and construction of military fa-
19 cilities and installations (including international military
20 headquarters) and for related expenses for the collective
21 defense of the North Atlantic Treaty Area as authorized
22 by section 2806 of title 10, United States Code, and Mili-
23 tary Construction Authorization Acts, \$234,914,000, to
24 remain available until expended.

1 priated in this paragraph shall be for the projects and ac-
2 tivities, and in the amounts, specified under the heading
3 “Family Housing Construction, Navy and Marine Corps”
4 in the table entitled “Military Construction” in the report
5 of the Committee on Appropriations of the House of Rep-
6 resentatives to accompany this bill.

7 FAMILY HOUSING OPERATION AND MAINTENANCE,
8 NAVY AND MARINE CORPS

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

14 FAMILY HOUSING CONSTRUCTION, AIR FORCE

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

1 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
2 FORCE

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

8 FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

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

21 FAMILY HOUSING OPERATION AND MAINTENANCE,
22 DEFENSE-WIDE

23 For expenses of family housing for the activities and
24 agencies of the Department of Defense (other than the
25 military departments) for operation and maintenance,

1 leasing, and minor construction, as authorized by law,
2 \$49,214,000.

3 DEPARTMENT OF DEFENSE FAMILY HOUSING
4 IMPROVEMENT FUND

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

11 HOMEOWNERS ASSISTANCE FUND

12 For the Homeowners Assistance Fund established by
13 section 1013 of the Demonstration Cities and Metropoli-
14 tan Development Act of 1966 (42 U.S.C. 3374),
15 \$23,225,000, to remain available until expended.

16 CHEMICAL DEMILITARIZATION CONSTRUCTION,
17 DEFENSE-WIDE

18 For expenses of construction, not otherwise provided
19 for, necessary for the destruction of the United States
20 stockpile of lethal chemical agents and munitions in ac-
21 cordance with section 1412 of the Department of Defense
22 Authorization Act, 1986 (50 U.S.C. 1521), and for the
23 destruction of other chemical warfare materials that are
24 not in the chemical weapon stockpile, as currently author-
25 ized by law, \$146,541,000, to remain available until Sep-

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

8 ADMINISTRATIVE PROVISIONS

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

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

19 SEC. 103. Funds made available in this title for con-
20 struction may be used for advances to the Federal High-
21 way Administration, Department of Transportation, for
22 the construction of access roads as authorized by section
23 210 of title 23, United States Code, when projects author-
24 ized therein are certified as important to the national de-
25 fense by the Secretary of Defense.

1 SEC. 104. None of the funds made available in this
2 title may be used to initiate construction of new installa-
3 tions for which specific appropriations have not been
4 made.

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

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

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

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

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

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

18 SEC. 111. None of the funds made available in this
19 title for military construction in the United States terri-
20 tories and possessions in the Pacific and on Kwajalein
21 Atoll, or in countries bordering the Arabian Sea, may be
22 used to award any contract estimated by the Government
23 to exceed \$1,000,000 to a foreign contractor: *Provided*,
24 That this section shall not be applicable to contract
25 awards for which the lowest responsive and responsible bid

1 of a United States contractor exceeds the lowest respon-
2 sive and responsible bid of a foreign contractor by greater
3 than 20 percent: *Provided further*, That this section shall
4 not apply to contract awards for military construction on
5 Kwajalein Atoll for which the lowest responsive and re-
6 sponsible bid is submitted by a Marshallese contractor.

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

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

18 SEC. 114. Funds appropriated to the Department of
19 Defense for construction in prior years shall be available
20 for construction authorized for each such military depart-
21 ment by the authorizations enacted into law during the
22 current session of Congress.

23 SEC. 115. For military construction or family housing
24 projects that are being completed with funds otherwise ex-
25 pired or lapsed for obligation, expired or lapsed funds may

1 be used to pay the cost of associated supervision, inspec-
2 tion, overhead, engineering and design on those projects
3 and on subsequent claims, if any.

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

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 117. In addition to any other transfer authority
18 available to the Department of Defense, proceeds depos-
19 ited to the Department of Defense Base Closure Account
20 established by section 207(a)(1) of the Defense Authoriza-
21 tion Amendments and Base Closure and Realignment Act
22 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
23 of such Act, may be transferred to the account established
24 by section 2906(a)(1) of the Defense Base Closure and
25 Realignment Act of 1990 (10 U.S.C. 2687 note), to be

1 merged with, and to be available for the same purposes
2 and the same time period as that account.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 118. Subject to 30 days prior notification, or
5 14 days for a notification provided in an electronic me-
6 dium pursuant to sections 480 and 2883, of title 10,
7 United States Code, to the Committees on Appropriations
8 of both Houses of Congress, such additional amounts as
9 may be determined by the Secretary of Defense may be
10 transferred to: (1) the Department of Defense Family
11 Housing Improvement Fund from amounts appropriated
12 for construction in “Family Housing” accounts, to be
13 merged with and to be available for the same purposes
14 and for the same period of time as amounts appropriated
15 directly to the Fund; or (2) the Department of Defense
16 Military Unaccompanied Housing Improvement Fund
17 from amounts appropriated for construction of military
18 unaccompanied housing in “Military Construction” ac-
19 counts, to be merged with and to be available for the same
20 purposes and for the same period of time as amounts ap-
21 propriated directly to the Fund: *Provided*, That appropria-
22 tions made available to the Funds shall be available to
23 cover the costs, as defined in section 502(5) of the Con-
24 gressional Budget Act of 1974, of direct loans or loan
25 guarantees issued by the Department of Defense pursuant

1 to the provisions of subchapter IV of chapter 169 of title
2 10, United States Code, pertaining to alternative means
3 of acquiring and improving military family housing, mili-
4 tary unaccompanied housing, and supporting facilities.

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

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

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

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

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

23 (2) Each notice under this subsection shall specify
24 the nature of the guarantee involved and assess the extent

1 and likelihood, if any, of the liability of the Federal Gov-
2 ernment with respect to the guarantee.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 120. In addition to any other transfer authority
5 available to the Department of Defense, amounts may be
6 transferred from the accounts established by sections
7 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure
8 and Realignment Act of 1990 (10 U.S.C. 2687 note), to
9 the fund established by section 1013(d) of the Demonstra-
10 tion Cities and Metropolitan Development Act of 1966 (42
11 U.S.C. 3374) to pay for expenses associated with the
12 Homeowners Assistance Program incurred under 42
13 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be
14 merged with and be available for the same purposes and
15 for the same time period as the fund to which transferred.

16 SEC. 121. Notwithstanding this or any other provi-
17 sion of law, funds made available in this title for operation
18 and maintenance of family housing shall be the exclusive
19 source of funds for repair and maintenance of all family
20 housing units, including general or flag officer quarters:
21 *Provided*, That not more than \$35,000 per unit may be
22 spent annually for the maintenance and repair of any gen-
23 eral or flag officer quarters without 30 days prior notifica-
24 tion, or 14 days for a notification provided in an electronic
25 medium pursuant to sections 480 and 2883 of title 10,

1 United States Code, to the Committees on Appropriations
2 of both Houses of Congress, except that an after-the-fact
3 notification shall be submitted if the limitation is exceeded
4 solely due to costs associated with environmental remedi-
5 ation that could not be reasonably anticipated at the time
6 of the budget submission: *Provided further*, That the
7 Under Secretary of Defense (Comptroller) is to report an-
8 nually to the Committees on Appropriations of both
9 Houses of Congress all operation and maintenance ex-
10 penditures for each individual general or flag officer quar-
11 ters for the prior fiscal year.

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

18 SEC. 123. None of the funds made available in this
19 title, or in any Act making appropriations for military con-
20 struction which remain available for obligation, may be ob-
21 ligated or expended to carry out a military construction,
22 land acquisition, or family housing project at or for a mili-
23 tary installation approved for closure, or at a military in-
24 stallation for the purposes of supporting a function that
25 has been approved for realignment to another installation,

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

1 within 7 days of a decision to carry out such a military
2 construction project.

3 (INCLUDING TRANSFER OF FUNDS)

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

18 SEC. 125. None of the funds appropriated or other-
19 wise made available in this title may be used for any action
20 that is related to or promotes the expansion of the bound-
21 aries or size of the Pinon Canyon Maneuver Site, Colo-
22 rado.

23 SEC. 126. Amounts appropriated or otherwise made
24 available in an account funded under the headings in this
25 title may be transferred among projects and activities

1 within the account in accordance with the reprogramming
2 guidelines for military construction and family housing
3 construction contained in the report of the Committee on
4 Appropriations of the House of Representatives to accom-
5 pany this bill and in the guidance for military construction
6 reprogrammings and notifications contained in Depart-
7 ment of Defense Financial Management Regulation
8 7000.14–R, Volume 3, Chapter 7, of December 1996, as
9 in effect on the date of enactment of this Act.

10 **TITLE II**
11 **DEPARTMENT OF VETERANS AFFAIRS**
12 **VETERANS BENEFITS ADMINISTRATION**
13 **COMPENSATION AND PENSIONS**
14 **(INCLUDING TRANSFER OF FUNDS)**

15 For the payment of compensation benefits to or on
16 behalf of veterans and a pilot program for disability ex-
17 aminations as authorized by section 107 and chapters 11,
18 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
19 pension benefits to or on behalf of veterans as authorized
20 by chapters 15, 51, 53, 55, and 61 of title 38, United
21 States Code; and burial benefits, the Reinstated Entitle-
22 ment Program for Survivors, emergency and other offi-
23 cers' retirement pay, adjusted-service credits and certifi-
24 cates, payment of premiums due on commercial life insur-
25 ance policies guaranteed under the provisions of title IV

1 of the Servicemembers Civil Relief Act (50 U.S.C. App.
2 541 et seq.) and for other benefits as authorized by sec-
3 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
4 53, 55, and 61 of title 38, United States Code,
5 \$47,218,207,000, to remain available until expended: *Pro-*
6 *vided*, That not to exceed \$29,283,000 of the amount ap-
7 propriated under this heading shall be reimbursed to
8 “General operating expenses”, “Medical support and com-
9 pliance”, and “Information technology systems” for nec-
10 essary expenses in implementing the provisions of chapters
11 51, 53, and 55 of title 38, United States Code, the funding
12 source for which is specifically provided as the “Com-
13 pensation and pensions” appropriation: *Provided further*,
14 That such sums as may be earned on an actual qualifying
15 patient basis, shall be reimbursed to “Medical care collec-
16 tions fund” to augment the funding of individual medical
17 facilities for nursing home care provided to pensioners as
18 authorized.

19 READJUSTMENT BENEFITS

20 For the payment of readjustment and rehabilitation
21 benefits to or on behalf of veterans as authorized by chap-
22 ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61
23 of title 38, United States Code, \$8,663,624,000, to remain
24 available until expended: *Provided*, That expenses for re-
25 habilitation program services and assistance which the

1 Secretary is authorized to provide under subsection (a) of
2 section 3104 of title 38, United States Code, other than
3 under paragraphs (1), (2), (5), and (11) of that sub-
4 section, shall be charged to this account.

5 VETERANS INSURANCE AND INDEMNITIES

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

11 VETERANS HOUSING BENEFIT PROGRAM FUND

12 For the cost of direct and guaranteed loans, such
13 sums as may be necessary to carry out the program, as
14 authorized by subchapters I through III of chapter 37 of
15 title 38, United States Code: *Provided*, That such costs,
16 including the cost of modifying such loans, shall be as de-
17 fined in section 502 of the Congressional Budget Act of
18 1974: *Provided further*, That during fiscal year 2010,
19 within the resources available, not to exceed \$500,000 in
20 gross obligations for direct loans are authorized for spe-
21 cially adapted housing loans.

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

1 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT
2 (INCLUDING TRANSFER OF FUNDS)

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

11 In addition, for administrative expenses necessary to
12 carry out the direct loan program, \$328,000, which may
13 be transferred to and merged with the appropriation for
14 “General operating expenses”.

15 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM
16 ACCOUNT

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

20 GUARANTEED TRANSITIONAL HOUSING LOANS FOR
21 HOMELESS VETERANS PROGRAM ACCOUNT

22 For the administrative expenses to carry out the
23 guaranteed transitional housing loan program authorized
24 by subchapter VI of chapter 20 of title 38, United States
25 Code, not to exceed \$750,000 of the amounts appropriated

1 by this Act for “General operating expenses” and “Med-
2 ical support and compliance” may be expended.

3 VETERANS HEALTH ADMINISTRATION

4 MEDICAL SERVICES

5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses for furnishing, as authorized
7 by law, inpatient and outpatient care and treatment to
8 beneficiaries of the Department of Veterans Affairs and
9 veterans described in section 1705(a) of title 38, United
10 States Code, including care and treatment in facilities not
11 under the jurisdiction of the Department, and including
12 medical supplies and equipment, food services, and sala-
13 ries and expenses of health-care employees hired under
14 title 38, United States Code, and aid to State homes as
15 authorized by section 1741 of title 38, United States Code;
16 \$71,840,500,000 (increased by \$1,000,000), plus reim-
17 bursements, of which \$37,136,000,000 shall become avail-
18 able on October 1, 2010, and shall remain available
19 through September 30, 2011: *Provided*, That, of the
20 amount made available under this heading for fiscal year
21 2010, not to exceed \$1,015,000,000 shall remain available
22 until September 30, 2011: *Provided further*, That, not-
23 withstanding any other provision of law, the Secretary of
24 Veterans Affairs shall establish a priority for the provision
25 of medical treatment for veterans who have service-con-

1 nected disabilities, lower income, or have special needs:
2 *Provided further*, That, notwithstanding any other provi-
3 sion of law, the Secretary of Veterans Affairs shall give
4 priority funding for the provision of basic medical benefits
5 to veterans in enrollment priority groups 1 through 6: *Pro-*
6 *vided further*, That, notwithstanding any other provision
7 of law, the Secretary of Veterans Affairs may authorize
8 the dispensing of prescription drugs from Veterans Health
9 Administration facilities to enrolled veterans with privately
10 written prescriptions based on requirements established by
11 the Secretary: *Provided further*, That the implementation
12 of the program described in the previous proviso shall
13 incur no additional cost to the Department of Veterans
14 Affairs: *Provided further*, That for the Department of De-
15 fense/Department of Veterans Affairs Health Care Shar-
16 ing Incentive Fund, as authorized by section 8111(d) of
17 title 38, United States Code, a minimum of \$15,000,000,
18 to remain available until expended, for any purpose au-
19 thorized by section 8111 of title 38, United States Code.

20 MEDICAL SUPPORT AND COMPLIANCE

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

1 ment for collecting and recovering amounts owed the De-
2 partment as authorized under chapter 17 of title 38,
3 United States Code, and the Federal Medical Care Recov-
4 ery Act (42 U.S.C. 2651 et seq.); \$10,207,000,000 (re-
5 duced by \$3,500,000), plus reimbursements, of which
6 \$5,307,000,000 shall become available on October 1,
7 2010, and shall remain available through September 30,
8 2011: *Provided*, That, of the amount made available under
9 this heading for fiscal year 2010, not to exceed
10 \$145,000,000 shall remain available until September 30,
11 2011.

12 MEDICAL FACILITIES

13 For necessary expenses for the maintenance and op-
14 eration of hospitals, nursing homes, and domiciliary facili-
15 ties and other necessary facilities of the Veterans Health
16 Administration; for administrative expenses in support of
17 planning, design, project management, real property ac-
18 quisition and disposition, construction, and renovation of
19 any facility under the jurisdiction or for the use of the
20 Department; for oversight, engineering, and architectural
21 activities not charged to project costs; for repairing, alter-
22 ing, improving, or providing facilities in the several hos-
23 pitals and homes under the jurisdiction of the Depart-
24 ment, not otherwise provided for, either by contract or by
25 the hire of temporary employees and purchase of mate-

1 rials; for leases of facilities; and for laundry services,
2 \$10,633,000,000, plus reimbursements, of which
3 \$5,740,000,000 shall become available on October 1,
4 2010, and shall remain available through September 30,
5 2011: *Provided*, That, of the amount made available under
6 this heading for fiscal year 2010, not to exceed
7 \$145,000,000 shall remain available until September 30,
8 2011: *Provided further*, That, of the amount available for
9 fiscal year 2010, \$200,000,000 for non-recurring mainte-
10 nance shall be allocated in a manner not subject to the
11 Veterans Equitable Resource Allocation.

12 MEDICAL AND PROSTHETIC RESEARCH

13 For necessary expenses in carrying out programs of
14 medical and prosthetic research and development as au-
15 thorized by chapter 73 of title 38, United States Code,
16 \$580,000,000, plus reimbursements, to remain available
17 until September 30, 2011.

18 NATIONAL CEMETERY ADMINISTRATION

19 For necessary expenses of the National Cemetery Ad-
20 ministration for operations and maintenance, not other-
21 wise provided for, including uniforms or allowances there-
22 for; cemeterial expenses as authorized by law; purchase
23 of one passenger motor vehicle for use in cemeterial oper-
24 ations; hire of passenger motor vehicles; and repair, alter-
25 ation or improvement of facilities under the jurisdiction

1 of the National Cemetery Administration, \$250,000,000,
2 of which not to exceed \$24,200,000 shall be available until
3 September 30, 2011.

4 DEPARTMENTAL ADMINISTRATION

5 GENERAL OPERATING EXPENSES

6 For necessary operating expenses of the Department
7 of Veterans Affairs, not otherwise provided for, including
8 administrative expenses in support of Department-Wide
9 capital planning, management and policy activities, uni-
10 forms, or allowances therefor; not to exceed \$25,000 for
11 official reception and representation expenses; hire of pas-
12 senger motor vehicles; and reimbursement of the General
13 Services Administration for security guard services, and
14 the Department of Defense for the cost of overseas em-
15 ployee mail, \$2,083,700,000 (reduced by \$1,000,000) (in-
16 creased by \$3,500,000): *Provided*, That expenses for serv-
17 ices and assistance authorized under paragraphs (1), (2),
18 (5), and (11) of section 3104(a) of title 38, United States
19 Code, that the Secretary of Veterans Affairs determines
20 are necessary to enable entitled veterans: (1) to the max-
21 imum extent feasible, to become employable and to obtain
22 and maintain suitable employment; or (2) to achieve max-
23 imum independence in daily living, shall be charged to this
24 account: *Provided further*, That the Veterans Benefits Ad-
25 ministration shall be funded at not less than

1 \$1,690,200,000: *Provided further*, That of the funds made
2 available under this heading, not to exceed \$111,000,000
3 shall be available for obligation until September 30, 2011:
4 *Provided further*, That from the funds made available
5 under this heading, the Veterans Benefits Administration
6 may purchase (on a one-for-one replacement basis only)
7 up to two passenger motor vehicles for use in operations
8 of that Administration in Manila, Philippines.

9 INFORMATION TECHNOLOGY SYSTEMS

10 For necessary expenses for information technology
11 systems and telecommunications support, including devel-
12 opmental information systems and operational information
13 systems; for pay and associated cost; and for the capital
14 asset acquisition of information technology systems, in-
15 cluding management and related contractual costs of said
16 acquisitions, including contractual costs associated with
17 operations authorized by section 3109 of title 5, United
18 States Code, \$3,307,000,000, plus reimbursements, to be
19 available until September 30, 2011: *Provided*, That none
20 of the funds made available under this heading may be
21 obligated until the Department of Veterans Affairs sub-
22 mits to the Committees on Appropriations of both Houses
23 of Congress, and such Committees approve, a plan for ex-
24 penditure that: (1) meets the capital planning and invest-
25 ment control review requirements established by the Office

1 of Management and Budget; (2) complies with the Depart-
2 ment of Veterans Affairs enterprise architecture; (3) con-
3 forms with an established enterprise life cycle method-
4 ology; and (4) complies with the acquisition rules, require-
5 ments, guidelines, and systems acquisition management
6 practices of the Federal Government: *Provided further*,
7 That within 30 days of enactment of this Act, the Sec-
8 retary of Veterans Affairs shall submit to the Committees
9 on Appropriations of both Houses of Congress a re-
10 programming base letter which provides, by project, the
11 costs included in this appropriation.

12 OFFICE OF INSPECTOR GENERAL

13 For necessary expenses of the Office of Inspector
14 General, to include information technology, in carrying out
15 the provisions of the Inspector General Act of 1978 (5
16 U.S.C. App.), \$107,000,000 (reduced by \$1,000,000), of
17 which \$6,000,000 shall be available until September 30,
18 2011.

19 CONSTRUCTION, MAJOR PROJECTS

20 For constructing, altering, extending, and improving
21 any of the facilities, including parking projects, under the
22 jurisdiction or for the use of the Department of Veterans
23 Affairs, or for any of the purposes set forth in sections
24 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
25 and 8122 of title 38, United States Code, including plan-

1 ning, architectural and engineering services, construction
2 management services, maintenance or guarantee period
3 services costs associated with equipment guarantees pro-
4 vided under the project, services of claims analysts, offsite
5 utility and storm drainage system construction costs, and
6 site acquisition, where the estimated cost of a project is
7 more than the amount set forth in section 8104(a)(3)(A)
8 of title 38, United States Code, or where funds for a
9 project were made available in a previous major project
10 appropriation, \$1,194,000,000, to remain available until
11 expended, of which \$16,000,000 shall be to make reim-
12 bursements as provided in section 13 of the Contract Dis-
13 putes Act of 1978 (41 U.S.C. 612) for claims paid for
14 contract disputes: *Provided*, That except for advance plan-
15 ning activities, including needs assessments which may or
16 may not lead to capital investments, and other capital
17 asset management related activities, including portfolio
18 development and management activities, and investment
19 strategy studies funded through the advance planning
20 fund and the planning and design activities funded
21 through the design fund, including needs assessments
22 which may or may not lead to capital investments, and
23 funds provided for the purchase of land for the National
24 Cemetery Administration through the land acquisition line
25 item, none of the funds made available under this heading

1 shall be used for any project which has not been approved
2 by the Congress in the budgetary process: *Provided fur-*
3 *ther*, That funds made available under this heading for
4 fiscal year 2010, for each approved project shall be obli-
5 gated: (1) by the awarding of a construction documents
6 contract by September 30, 2010; and (2) by the awarding
7 of a construction contract by September 30, 2011: *Pro-*
8 *vided further*, That the Secretary of Veterans Affairs shall
9 promptly submit to the Committees on Appropriations of
10 both Houses of Congress a written report on any approved
11 major construction project for which obligations are not
12 incurred within the time limitations established above:
13 *Provided further*, That of the funds made available under
14 this heading, \$933,030,000 shall be for the projects and
15 activities, and in the amounts, specified under this heading
16 in the report of the Committee on Appropriations of the
17 House of Representatives to accompany this bill.

18 CONSTRUCTION, MINOR PROJECTS

19 For constructing, altering, extending, and improving
20 any of the facilities, including parking projects, under the
21 jurisdiction or for the use of the Department of Veterans
22 Affairs, including planning and assessments of needs
23 which may lead to capital investments, architectural and
24 engineering services, maintenance or guarantee period
25 services costs associated with equipment guarantees pro-

1 vided under the project, services of claims analysts, offsite
2 utility and storm drainage system construction costs, and
3 site acquisition, or for any of the purposes set forth in
4 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
5 8110, 8122, and 8162 of title 38, United States Code,
6 where the estimated cost of a project is equal to or less
7 than the amount set forth in section 8104(a)(3)(A) of title
8 38, United States Code, \$726,800,000 (decreased by
9 \$4,000,000), to remain available until expended, along
10 with unobligated balances of previous “Construction,
11 minor projects” appropriations which are hereby made
12 available for any project where the estimated cost is equal
13 to or less than the amount set forth in such section: *Pro-*
14 *vided*, That funds made available under this heading shall
15 be available for: (1) repairs to any of the nonmedical facili-
16 ties under the jurisdiction or for the use of the Depart-
17 ment which are necessary because of loss or damage
18 caused by any natural disaster or catastrophe; and (2)
19 temporary measures necessary to prevent or to minimize
20 further loss by such causes.

21 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
22 FACILITIES

23 For grants to assist States to acquire or construct
24 State nursing home and domiciliary facilities and to re-
25 model, modify, or alter existing hospital, nursing home,

1 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

24 SEC. 206. Appropriations available in this title for
25 “Compensation and pensions”, “Readjustment benefits”,

1 and “Veterans insurance and indemnities” shall be avail-
2 able for payment of prior year accrued obligations re-
3 quired to be recorded by law against the corresponding
4 prior year accounts within the last quarter of fiscal year
5 2009.

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

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 208. Notwithstanding any other provision of
15 law, during fiscal year 2010, the Secretary of Veterans
16 Affairs shall, from the National Service Life Insurance
17 Fund under section 1920 of title 38, United States Code,
18 the Veterans’ Special Life Insurance Fund under section
19 1923 of title 38, United States Code, and the United
20 States Government Life Insurance Fund under section
21 1955 of title 38, United States Code, reimburse the “Gen-
22 eral operating expenses” and “Information technology sys-
23 tems” accounts for the cost of administration of the insur-
24 ance programs financed through those accounts: *Provided*,
25 That reimbursement shall be made only from the surplus

1 earnings accumulated in such an insurance program dur-
2 ing fiscal year 2010 that are available for dividends in that
3 program after claims have been paid and actuarially deter-
4 mined reserves have been set aside: *Provided further*, That
5 if the cost of administration of such an insurance program
6 exceeds the amount of surplus earnings accumulated in
7 that program, reimbursement shall be made only to the
8 extent of such surplus earnings: *Provided further*, That the
9 Secretary shall determine the cost of administration for
10 fiscal year 2010 which is properly allocable to the provi-
11 sion of each such insurance program and to the provision
12 of any total disability income insurance included in that
13 insurance program.

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

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 210. Funds available in this title or funds for
21 salaries and other administrative expenses shall also be
22 available to reimburse the Office of Resolution Manage-
23 ment of the Department of Veterans Affairs and the Of-
24 fice of Employment Discrimination Complaint Adjudica-
25 tion under section 319 of title 38, United States Code,

1 for all services provided at rates which will recover actual
2 costs but not exceed \$35,257,000 for the Office of Resolu-
3 tion Management and \$3,287,000 for the Office of Em-
4 ployment and Discrimination Complaint Adjudication:
5 *Provided*, That payments may be made in advance for
6 services to be furnished based on estimated costs: *Provided*
7 *further*, That amounts received shall be credited to the
8 “General operating expenses” and “Information tech-
9 nology systems” accounts for use by the office that pro-
10 vided the service.

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

18 SEC. 212. No funds of the Department of Veterans
19 Affairs shall be available for hospital care, nursing home
20 care, or medical services provided to any person under
21 chapter 17 of title 38, United States Code, for a non-serv-
22 ice-connected disability described in section 1729(a)(2) of
23 such title, unless that person has disclosed to the Sec-
24 retary of Veterans Affairs, in such form as the Secretary
25 may require, current, accurate third-party reimbursement

1 information for purposes of section 1729 of such title: *Pro-*
2 *vided*, That the Secretary may recover, in the same man-
3 ner as any other debt due the United States, the reason-
4 able charges for such care or services from any person who
5 does not make such disclosure as required: *Provided fur-*
6 *ther*, That any amounts so recovered for care or services
7 provided in a prior fiscal year may be obligated by the
8 Secretary during the fiscal year in which amounts are re-
9 ceived.

10 (INCLUDING TRANSFER OF FUNDS)

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

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

24 (1) for furnishing recreational facilities, sup-
25 plies, and equipment; and

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

4 (INCLUDING TRANSFER OF FUNDS)

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

10 SEC. 216. Notwithstanding any other provision of
11 law, the Secretary of Veterans Affairs shall allow veterans
12 who are eligible under existing Department of Veterans
13 Affairs medical care requirements and who reside in Alas-
14 ka to obtain medical care services from medical facilities
15 supported by the Indian Health Service or tribal organiza-
16 tions. The Secretary shall: (1) limit the application of this
17 provision to rural Alaskan veterans in areas where an ex-
18 isting Department of Veterans Affairs facility or Veterans
19 Affairs-contracted service is unavailable; (2) require par-
20 ticipating veterans and facilities to comply with all appro-
21 priate rules and regulations, as established by the Sec-
22 retary; (3) require this provision to be consistent with
23 Capital Asset Realignment for Enhanced Services activi-
24 ties; and (4) result in no additional cost to the Department
25 of Veterans Affairs or the Indian Health Service.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 217. Such sums as may be deposited to the De-
3 partment of Veterans Affairs Capital Asset Fund pursu-
4 ant to section 8118 of title 38, United States Code, may
5 be transferred to the “Construction, major projects” and
6 “Construction, minor projects” accounts, to remain avail-
7 able until expended for the purposes of these accounts.

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

13 SEC. 219. None of the funds made available in this
14 title may be used to implement any policy prohibiting the
15 Directors of the Veterans Integrated Services Networks
16 from conducting outreach or marketing to enroll new vet-
17 erans within their respective Networks.

18 SEC. 220. The Secretary of Veterans Affairs shall
19 submit to the Committees on Appropriations of both
20 Houses of Congress a quarterly report on the financial
21 status of the Veterans Health Administration.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 221. Amounts made available under the “Med-
24 ical services”, “Medical support and compliance”, “Med-
25 ical facilities”, “General operating expenses”, and “Na-

1 tional Cemetery Administration” accounts for fiscal year
2 2010, may be transferred to or from the “Information
3 technology systems” account: *Provided*, That before a
4 transfer may take place, the Secretary of Veterans Affairs
5 shall request from the Committees on Appropriations of
6 both Houses of Congress the authority to make the trans-
7 fer and an approval is issued.

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

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

20 (1) section 842 of the Transportation, Treas-
21 ury, Housing and Urban Development, the Judici-
22 ary, the District of Columbia, and Independent
23 Agencies Appropriations Act, 2006 (Public Law
24 109–115; 119 Stat. 2506); or

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

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

12 SEC. 225. Section 1925(d)(3) of title 38, United
13 States Code, is amended by striking “appropriation ‘Gen-
14 eral Operating Expenses, Department of Veterans Af-
15 fairs’” and inserting “appropriations for ‘General Oper-
16 ating Expenses and Information Technology Systems, De-
17 partment of Veterans Affairs’”.

18 SEC. 226. Section 1922(a) of title 38, United States
19 Code, is amended by striking “administrative costs to the
20 Government for the costs of” and inserting “administra-
21 tive support financed by the appropriations for ‘General
22 Operating Expenses, Department of Veterans Affairs’ and
23 ‘Information Technology Systems, Department of Vet-
24 erans Affairs’ for”.

1 TITLE III
2 RELATED AGENCIES
3 AMERICAN BATTLE MONUMENTS COMMISSION
4 SALARIES AND EXPENSES

5 For necessary expenses, not otherwise provided for,
6 of the American Battle Monuments Commission, including
7 the acquisition of land or interest in land in foreign coun-
8 tries; purchases and repair of uniforms for caretakers of
9 national cemeteries and monuments outside of the United
10 States and its territories and possessions; rent of office
11 and garage space in foreign countries; purchase (one-for-
12 one replacement basis only) and hire of passenger motor
13 vehicles; not to exceed \$7,500 for official reception and
14 representation expenses; and insurance of official motor
15 vehicles in foreign countries, when required by law of such
16 countries, \$61,800,000, to remain available until ex-
17 pended.

18 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT
19 For necessary expenses, not otherwise provided for,
20 of the American Battle Monuments Commission, such
21 sums as may be necessary, to remain available until ex-
22 pended, for purposes authorized by section 2109 of title
23 36, United States Code.

1 UNITED STATES COURT OF APPEALS FOR VETERANS
2 CLAIMS
3 SALARIES AND EXPENSES

4 For necessary expenses for the operation of the
5 United States Court of Appeals for Veterans Claims as
6 authorized by sections 7251 through 7298 of title 38,
7 United States Code, \$27,115,000 (increased by
8 \$1,000,000), of which \$1,820,000 (increased by
9 \$1,000,000) shall be available for the purpose of providing
10 financial assistance as described, and in accordance with
11 the process and reporting procedures set forth, under this
12 heading in Public Law 102-229.

13 DEPARTMENT OF DEFENSE—CIVIL
14 CEMETERIAL EXPENSES, ARMY
15 SALARIES AND EXPENSES

16 For necessary expenses, as authorized by law, for
17 maintenance, operation, and improvement of Arlington
18 National Cemetery and Soldiers' and Airmen's Home Na-
19 tional Cemetery, including the purchase of two passenger
20 motor vehicles for replacement only, and not to exceed
21 \$1,000 for official reception and representation expenses,
22 \$42,500,000, to remain available until expended: *Pro-*
23 *vided*, That none of the funds available under this heading
24 shall be for construction of a perimeter wall at Arlington
25 National Cemetery. In addition, such sums as may be nec-

1 essary for parking maintenance, repairs and replacement,
2 to be derived from the Lease of Department of Defense
3 Real Property for Defense Agencies account.

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

8 ARMED FORCES RETIREMENT HOME

9 TRUST FUND

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

21 TITLE IV

22 GENERAL PROVISIONS

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

1 SEC. 402. Such sums as may be necessary for fiscal
2 year 2010 for pay raises for programs funded by this Act
3 shall be absorbed within the levels appropriated in this
4 Act.

5 SEC. 403. None of the funds made available in this
6 Act may be used for any program, project, or activity,
7 when it is made known to the Federal entity or official
8 to which the funds are made available that the program,
9 project, or activity is not in compliance with any Federal
10 law relating to risk assessment, the protection of private
11 property rights, or unfunded mandates.

12 SEC. 404. No part of any funds appropriated in this
13 Act shall be used by an agency of the executive branch,
14 other than for normal and recognized executive-legislative
15 relationships, for publicity or propaganda purposes, and
16 for the preparation, distribution, or use of any kit, pam-
17 phlet, booklet, publication, radio, television, or film presen-
18 tation designed to support or defeat legislation pending
19 before Congress, except in presentation to Congress itself.

20 SEC. 405. All departments and agencies funded under
21 this Act are encouraged, within the limits of the existing
22 statutory authorities and funding, to expand their use of
23 “E-Commerce” technologies and procedures in the con-
24 duct of their business practices and public service activi-
25 ties.

1 SEC. 406. None of the funds made available in this
2 Act may be transferred to any department, agency, or in-
3 strumentality of the United States Government except
4 pursuant to a transfer made by, or transfer authority pro-
5 vided in, this or any other appropriations Act.

6 SEC. 407. Unless stated otherwise, all reports and no-
7 tifications required by this Act shall be submitted to the
8 Subcommittee on Military Construction, Veterans Affairs,
9 and Related Agencies of the Committee on Appropriations
10 of the House of Representatives and the Subcommittee on
11 Military Construction, Veterans Affairs, and Related
12 Agencies of the Committee on Appropriations of the Sen-
13 ate.

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

18 SEC. 409. Not later than 60 days after the date of
19 the enactment of this Act, the Secretary of Veterans Af-
20 fairs shall submit to Congress a report detailing the cur-
21 rent and planned use of Hyperbaric Oxygen Therapy
22 (hereinafter in this section referred to as “HBOT”) in De-
23 partment of Veterans Affairs medical facilities. Such re-
24 port shall include the number of veterans being treated
25 with HBOT, the types of conditions being treated with

1 HBOT and their respective success rates, and the current
2 inventory of hyperbaric chambers.

3 SEC. 410. None of the funds made available in this
4 Act may be used for the processing of new enhanced use
5 leases in the three original National Homes for Disabled
6 Volunteer Soldiers (soldier's home branches) established
7 before 1868.

8 This Act may be cited as the "Military Construction
9 and Veterans Affairs Appropriations Act, 2010".

Passed the House of Representatives July 10, 2009.

Attest: LORRAINE C. MILLER,
Clerk.

Calendar No. 106

11TH 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.

JULY 13, 2009

Received; read twice and placed on the calendar