

**Calendar No. 106**111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**H. R. 3082**

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IN THE SENATE OF THE UNITED STATES

JULY 13, 2009

Received; read twice and placed on the calendar

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**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           FAMILY HOUSING CONSTRUCTION, ARMY

2           For expenses of family housing for the Army for con-  
3   struction, including acquisition, replacement, addition, ex-  
4   pansion, extension, and alteration, as authorized by law,  
5   \$273,236,000, to remain available until September 30,  
6   2014: *Provided*, That the amount appropriated in this  
7   paragraph shall be for the projects and activities, and in  
8   the amounts, specified under the heading “Family Hous-  
9   ing Construction, Army” in the table entitled “Military  
10   Construction” in the report of the Committee on Appro-  
11   priations of the House of Representatives to accompany  
12   this bill.

## 13         FAMILY HOUSING OPERATION AND MAINTENANCE,

## 14    ARMY

15         For expenses of family housing for the Army for op-  
16   eration and maintenance, including debt payment, leasing,  
17   minor construction, principal and interest charges, and in-  
18   surance premiums, as authorized by law, \$523,418,000.

## 19         FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE

## 20    CORPS

21         For expenses of family housing for the Navy and Ma-  
22   rine Corps for construction, including acquisition, replace-  
23   ment, addition, expansion, extension, and alteration, as  
24   authorized by law, \$146,569,000, to remain available until  
25   September 30, 2014: *Provided*, That the amount appro-

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)

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For the payment of compensation benefits to or on  
behalf of veterans and a pilot program for disability ex-  
aminations as authorized by section 107 and chapters 11,  
13, 18, 51, 53, 55, and 61 of title 38, United States Code;  
pension benefits to or on behalf of veterans as authorized  
by chapters 15, 51, 53, 55, and 61 of title 38, United  
States Code; and burial benefits, the Reinstated Entitle-  
ment Program for Survivors, emergency and other offi-  
cers' retirement pay, adjusted-service credits and certifi-  
cates, payment of premiums due on commercial life insur-  
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 and domiciliary facilities in State homes, for furnishing  
2 care to veterans as authorized by sections 8131 through  
3 8137 of title 38, United States Code, \$85,000,000, to re-  
4 main available until expended.

5 GRANTS FOR CONSTRUCTION OF STATE VETERANS  
6 CEMETERIES

7 For grants to assist States in establishing, expand-  
8 ing, or improving State veterans cemeteries as authorized  
9 by section 2408 of title 38, United States Code,  
10 \$42,000,000 (increased by \$4,000,000), to remain avail-  
11 able until expended.

12 ADMINISTRATIVE PROVISIONS  
13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 201. Any appropriation for fiscal year 2010 for  
15 “Compensation and pensions”, “Readjustment benefits”,  
16 and “Veterans insurance and indemnities” may be trans-  
17 ferred as necessary to any other of the mentioned appro-  
18 priations: *Provided*, That before a transfer may take place,  
19 the Secretary of Veterans Affairs shall request from the  
20 Committees on Appropriations of both Houses of Congress  
21 the authority to make the transfer and such Committees  
22 issue an approval, or absent a response, a period of 30  
23 days has elapsed.

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

11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session  
**H. R. 3082**

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**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.

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JULY 13, 2009

Received; read twice and placed on the calendar