

111TH CONGRESS  
1ST SESSION

# H. R. 3082

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2009

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

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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 lie 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-

gress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Chief of Air Force Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Air Force Reserve” and under the headings “Air Force Reserve” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

#### NORTH ATLANTIC TREATY ORGANIZATION

##### SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$234,914,000, to remain available until expended.

## 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.

FAMILY HOUSING OPERATION AND MAINTENANCE,  
ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$523,418,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE  
CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$146,569,000, to remain available until 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.

8 ~~FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE~~

21 FAMILY HOUSING OPERATION AND MAINTENANCE,  
22 DEFENSE-WIDE

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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 40, 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 tember 30, 2014: *Provided*, That the amount appropriated  
 2 in this paragraph shall be for the projects and activities,  
 3 and in the amounts, specified under the headings “Chem-  
 4 ical Demilitarization Construction, Defense-Wide” in the  
 5 table entitled “Military Construction” in the report of the  
 6 Committee on Appropriations of the House of Representa-  
 7 tives to accompany this bill.

8 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT  
 9 1990

10 For deposit into the Department of Defense Base  
 11 Closure Account 1990, established by section 2906(a)(1)  
 12 of the Defense Base Closure and Realignment Act of 1990  
 13 (10 U.S.C. 2687 note), \$536,768,000, to remain available  
 14 until expended.

15 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT  
 16 2005

17 For deposit into the Department of Defense Base  
 18 Closure Account 2005, established by section 2906A(a)(1)  
 19 of the Defense Base Closure and Realignment Act of 1990  
 20 (10 U.S.C. 2687 note), \$7,479,498,000, to remain avail-  
 21 able until expended: *Provided*, That the Department of  
 22 Defense shall notify the Committees on Appropriations of  
 23 both Houses of Congress 14 days prior to obligating an  
 24 amount for a construction project that exceeds or reduces  
 25 the amount identified for that project in the most recently

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 needed 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.

(INCLUDING TRANSFER OF FUNDS)

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

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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the “Construction, major projects” and “Construction, minor projects” accounts, to remain available until expended for the purposes of these accounts.

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

SEC. 219. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available under the “Medical services”, “Medical support and compliance”, “Medical 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”.

10 *That the following sums are appropriated, out of any*  
 11 *money in the Treasury not otherwise appropriated, for*  
 12 *military construction, the Department of Veterans Affairs,*  
 13 *and related agencies for the fiscal year ending September*  
 14 *30, 2010, and for other purposes, namely:*

15 *TITLE I*

16 *DEPARTMENT OF DEFENSE*

17 *MILITARY CONSTRUCTION, ARMY*

18 *For acquisition, construction, installation, and equip-*  
 19 *ment of temporary or permanent public works, military in-*  
 20 *stallations, facilities, and real property for the Army as*  
 21 *currently authorized by law, including personnel in the*  
 22 *Army Corps of Engineers and other personal services nec-*  
 23 *essary for the purposes of this appropriation, and for con-*  
 24 *struction and operation of facilities in support of the func-*  
 25 *tions of the Commander in Chief, \$3,477,673,000, to remain*

1 *available until September 30, 2014: Provided, That of this*  
2 *amount, not to exceed \$191,573,000 shall be available for*  
3 *study, planning, design, architect and engineer services,*  
4 *and host nation support, as authorized by law, unless the*  
5 *Secretary of Defense determines that additional obligations*  
6 *are necessary for such purposes and notifies the Committees*  
7 *on Appropriations of both Houses of Congress of the deter-*  
8 *mination and the reasons therefor: Provided further, That*  
9 *the amounts made available under this heading shall be ex-*  
10 *pende for the projects and activities, and in the amounts*  
11 *specified, under this heading in the Committee rec-*  
12 *ommendations and detail tables, including the table entitled*  
13 *“Military Construction Projects Listing by Location” in the*  
14 *report accompanying this Act.*

15 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*

16 *For acquisition, construction, installation, and equip-*  
17 *ment of temporary or permanent public works, naval in-*  
18 *stallations, facilities, and real property for the Navy and*  
19 *Marine Corps as currently authorized by law, including*  
20 *personnel in the Naval Facilities Engineering Command*  
21 *and other personal services necessary for the purposes of this*  
22 *appropriation, \$3,548,771,000, to remain available until*  
23 *September 30, 2014: Provided, That of this amount, not to*  
24 *exceed \$176,896,000 shall be available for study, planning,*  
25 *design, and architect and engineer services, as authorized*

1 *by law, unless the Secretary of Defense determines that ad-*  
2 *ditional obligations are necessary for such purposes and no-*  
3 *tifies the Committees on Appropriations of both Houses of*  
4 *Congress of the determination and the reasons therefor: Pro-*  
5 *vided further, That the amounts made available under this*  
6 *heading shall be expended for the projects and activities,*  
7 *and in the amounts specified, under this heading in the*  
8 *Committee recommendations and detail tables, including*  
9 *the table entitled “Military Construction Projects Listing*  
10 *by Location” in the report accompanying this Act.*

11 *MILITARY CONSTRUCTION, AIR FORCE*

12 *For acquisition, construction, installation, and equip-*  
13 *ment of temporary or permanent public works, military in-*  
14 *stallations, facilities, and real property for the Air Force*  
15 *as currently authorized by law, \$1,213,539,000, to remain*  
16 *available until September 30, 2014, of which \$9,800,000*  
17 *shall be for an Aircraft Fuel Systems Maintenance Dock*  
18 *at Columbus AFB, Mississippi: Provided, That of this*  
19 *amount, not to exceed \$106,918,000 shall be available for*  
20 *study, planning, design, and architect and engineer serv-*  
21 *ices, as authorized by law, unless the Secretary of Defense*  
22 *determines that additional obligations are necessary for*  
23 *such purposes and notifies the Committees on Appropria-*  
24 *tions of both Houses of Congress of the determination and*  
25 *the reasons therefor: Provided further, That the amounts*

1 *made available under this heading shall be expended for the*  
 2 *projects and activities, and in the amounts specified, under*  
 3 *this heading in the Committee recommendations and detail*  
 4 *tables, including the table entitled “Military Construction*  
 5 *Projects Listing by Location” in the report accompanying*  
 6 *this Act.*

7 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For acquisition, construction, installation, and equip-*  
 10 *ment of temporary or permanent public works, installa-*  
 11 *tions, facilities, and real property for activities and agen-*  
 12 *cies of the Department of Defense (other than the military*  
 13 *departments), as currently authorized by law,*  
 14 *\$3,069,114,000, to remain available until September 30,*  
 15 *2014: Provided, That such amounts of this appropriation*  
 16 *as may be determined by the Secretary of Defense may be*  
 17 *transferred to such appropriations of the Department of De-*  
 18 *fense available for military construction or family housing*  
 19 *as the Secretary may designate, to be merged with and to*  
 20 *be available for the same purposes, and for the same time*  
 21 *period, as the appropriation or fund to which transferred:*  
 22 *Provided further, That of the amount appropriated, not to*  
 23 *exceed \$142,942,000 shall be available for study, planning,*  
 24 *design, and architect and engineer services, as authorized*  
 25 *by law, unless the Secretary of Defense determines that ad-*

ditional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled “Military Construction Projects Listing by Location” in the report accompanying this Act.*

*MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

*For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$497,210,000, to remain available until September 30, 2014: Provided, That the amounts made available under this heading shall be expended for the projects and activities, and in the amounts specified, under this heading in the Committee recommendations and detail tables, including the table entitled “Military Construction Projects Listing by Location” in the report accompanying this Act.*

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 Acts,*  
7 *\$297,661,000, to remain available until September 30,*  
8 *2014: Provided, That the amounts made available under*  
9 *this heading shall be expended for the projects and activi-*  
10 *ties, and in the amounts specified, under this heading in*  
11 *the Committee recommendations and detail tables, includ-*  
12 *ing the table entitled “Military Construction Projects List-*  
13 *ing by Location” in the report accompanying this Act.*

14        *MILITARY CONSTRUCTION, ARMY RESERVE*

15        *For construction, acquisition, expansion, rehabilita-*  
16 *tion, and conversion of facilities for the training and ad-*  
17 *ministration of the Army Reserve as authorized by chapter*  
18 *1803 of title 10, United States Code, and Military Con-*  
19 *struction Authorization Acts, \$379,012,000, to remain*  
20 *available until September 30, 2014: Provided, That the*  
21 *amounts made available under this heading shall be ex-*  
22 *pended for the projects and activities, and in the amounts*  
23 *specified, under this heading in the Committee rec-*  
24 *ommendations and detail tables, including the table entitled*



1 *“Military Construction Projects Listing by Location” in the*  
2 *report accompanying this Act.*

3 *MILITARY CONSTRUCTION, NAVY RESERVE*

4 *For construction, acquisition, expansion, rehabilita-*  
5 *tion, and conversion of facilities for the training and ad-*  
6 *ministration of the reserve components of the Navy and Ma-*  
7 *rine Corps as authorized by chapter 1803 of title 10, United*  
8 *States Code, and Military Construction Authorization Acts,*  
9 *\$64,124,000, to remain available until September 30, 2014:*  
10 *Provided, That the amounts made available under this*  
11 *heading shall be expended for the projects and activities,*  
12 *and in the amounts specified, under this heading in the*  
13 *Committee recommendations and detail tables, including*  
14 *the table entitled “Military Construction Projects Listing*  
15 *by Location” in the report accompanying this Act.*

16 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

17 *For construction, acquisition, expansion, rehabilita-*  
18 *tion, and conversion of facilities for the training and ad-*  
19 *ministration of the Air Force Reserve as authorized by*  
20 *chapter 1803 of title 10, United States Code, and Military*  
21 *Construction Authorization Acts, \$47,376,000, to remain*  
22 *available until September 30, 2014: Provided, That the*  
23 *amounts made available under this heading shall be ex-*  
24 *pended for the projects and activities, and in the amounts*  
25 *specified, under this heading in the Committee rec-*

1 *ommendations and detail tables, including the table entitled*  
 2 *“Military Construction Projects Listing by Location” in the*  
 3 *report accompanying this Act.*

4 *NORTH ATLANTIC TREATY ORGANIZATION SECURITY*  
 5 *INVESTMENT PROGRAM*

6 *For the United States share of the cost of the North*  
 7 *Atlantic Treaty Organization Security Investment Pro-*  
 8 *gram for the acquisition and construction of military facili-*  
 9 *ties and installations (including international military*  
 10 *headquarters) and for related expenses for the collective de-*  
 11 *fense of the North Atlantic Treaty Area as authorized by*  
 12 *section 2806 of title 10, United States Code, and Military*  
 13 *Construction Authorization Acts, \$276,314,000, to remain*  
 14 *available until expended: Provided, That of the amount ap-*  
 15 *propriated, not to exceed \$41,400,000 shall be available for*  
 16 *the United States share of the planning, design and con-*  
 17 *struction of a new North Atlantic Treaty Organization*  
 18 *headquarters.*

19 *FAMILY HOUSING CONSTRUCTION, ARMY*

20 *For expenses of family housing for the Army for con-*  
 21 *struction, including acquisition, replacement, addition, ex-*  
 22 *pansion, extension, and alteration, as authorized by law,*  
 23 *\$273,236,000, to remain available until September 30,*  
 24 *2014: Provided, That the amounts made available under*  
 25 *this heading shall be expended for the projects and activi-*

1 ties, and in the amounts specified, under this heading in  
2 the Committee recommendations and detail tables, includ-  
3 ing the table entitled “Military Construction Projects List-  
4 ing by Location” in the report accompanying this Act.

5 *FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY*

6 *For expenses of family housing for the Army for oper-*  
7 *ation and maintenance, including debt payment, leasing,*  
8 *minor construction, principal and interest charges, and in-*  
9 *surance premiums, as authorized by law, \$523,418,000.*

10 *FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE*

11 *CORPS*

12 *For expenses of family housing for the Navy and Ma-*  
13 *rine Corps for construction, including acquisition, replace-*  
14 *ment, addition, expansion, extension, and alteration, as au-*  
15 *thorized by law, \$146,569,000, to remain available until*  
16 *September 30, 2014: Provided, That the amounts made*  
17 *available under this heading shall be expended for the*  
18 *projects and activities, and in the amounts specified, under*  
19 *this heading in the Committee recommendations and detail*  
20 *tables, including the table entitled “Military Construction*  
21 *Projects Listing by Location” in the report accompanying*  
22 *this Act.*

1 *FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY*  
2 *AND MARINE CORPS*

3 *For expenses of family housing for the Navy and Ma-*  
4 *rine Corps for operation and maintenance, including debt*  
5 *payment, leasing, minor construction, principal and inter-*  
6 *est charges, and insurance premiums, as authorized by law,*  
7 *\$368,540,000.*

8 *FAMILY HOUSING CONSTRUCTION, AIR FORCE*

9 *For expenses of family housing for the Air Force for*  
10 *construction, including acquisition, replacement, addition,*  
11 *expansion, extension, and alteration, as authorized by law,*  
12 *\$66,101,000, to remain available until September 30, 2014:*  
13 *Provided, That the amounts made available under this*  
14 *heading shall be expended for the projects and activities,*  
15 *and in the amounts specified, under this heading in the*  
16 *Committee recommendations and detail tables, including*  
17 *the table entitled “Military Construction Projects Listing*  
18 *by Location” in the report accompanying this Act.*

19 *FAMILY HOUSING OPERATION AND MAINTENANCE, AIR*  
20 *FORCE*

21 *For expenses of family housing for the Air Force for*  
22 *operation and maintenance, including debt payment, leas-*  
23 *ing, minor construction, principal and interest charges,*  
24 *and insurance premiums, as authorized by law,*  
25 *\$502,936,000.*

14 *FAMILY HOUSING OPERATION AND MAINTENANCE,*  
15 *DEFENSE-WIDE*

20 DEPARTMENT OF DEFENSE FAMILY HOUSING  
21 IMPROVEMENT FUND

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1 *alternative means of acquiring and improving military*  
 2 *family housing and supporting facilities.*

3 *HOMEOWNERS ASSISTANCE FUND*

4 *For the Homeowners Assistance Fund established by*  
 5 *section 1013 of the Demonstration Cities and Metropolitan*  
 6 *Development Act of 1966 (42 U.S.C. 3374), as amended by*  
 7 *section 1001 of division A of the American Recovery and*  
 8 *Reinvestment Act of 2009 (Public Law 111–5; 123 Stat.*  
 9 *194), \$373,225,000, to remain available until expended.*

10 *CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-*  
 11 *WIDE*

12 *For expenses of construction, not otherwise provided*  
 13 *for, necessary for the destruction of the United States stock-*  
 14 *pile of lethal chemical agents and munitions in accordance*  
 15 *with section 1412 of the Department of Defense Authoriza-*  
 16 *tion Act, 1986 (50 U.S.C. 1521), and for the destruction*  
 17 *of other chemical warfare materials that are not in the*  
 18 *chemical weapon stockpile, as currently authorized by law,*  
 19 *\$151,541,000, to remain available until September 30,*  
 20 *2014, which shall be only for the Assembled Chemical Weap-*  
 21 *ons Alternatives program: Provided, That the amounts*  
 22 *made available under this heading shall be expended for the*  
 23 *projects and activities, and in the amounts specified, under*  
 24 *this heading in the Committee recommendations and detail*  
 25 *tables, including the table entitled “Military Construction*

1 *Projects Listing by Location” in the report accompanying*  
2 *this Act.*

3 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990*

4 *For deposit into the Department of Defense Base Clo-*  
5 *sure Account 1990, established by section 2906(a)(1) of the*  
6 *Defense Base Closure and Realignment Act of 1990 (10*  
7 *U.S.C. 2687 note), \$421,768,000, to remain available until*  
8 *expended.*

9 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005*

10 *For deposit into the Department of Defense Base Clo-*  
11 *sure Account 2005, established by section 2906A(a)(1) of the*  
12 *Defense Base Closure and Realignment Act of 1990 (10*  
13 *U.S.C. 2687 note), \$7,479,498,000, to remain available*  
14 *until expended: Provided, That the Department of Defense*  
15 *shall notify the Committees on Appropriations of both*  
16 *Houses of Congress 14 days prior to obligating an amount*  
17 *for a construction project that exceeds or reduces the amount*  
18 *identified for that project in the most recently submitted*  
19 *budget request for this account by 20 percent or \$2,000,000,*  
20 *whichever is less: Provided further, That the previous pro-*  
21 *viso shall not apply to projects costing less than \$5,000,000,*  
22 *except for those projects not previously identified in any*  
23 *budget submission for this account and exceeding the minor*  
24 *construction threshold under 10 U.S.C. 2805.*

1                    *ADMINISTRATIVE PROVISIONS*

2            *SEC. 101. None of the funds made available in this*  
3 *title shall be expended for payments under a cost-plus-a-*  
4 *fixed-fee contract for construction, where cost estimates ex-*  
5 *ceed \$25,000, to be performed within the United States, ex-*  
6 *cept Alaska, without the specific approval in writing of the*  
7 *Secretary of Defense setting forth the reasons therefor.*

8            *SEC. 102. Funds made available in this title for con-*  
9 *struction shall be available for hire of passenger motor vehi-*  
10 *cles.*

11          *SEC. 103. Funds made available in this title for con-*  
12 *struction may be used for advances to the Federal Highway*  
13 *Administration, Department of Transportation, for the con-*  
14 *struction of access roads as authorized by section 210 of*  
15 *title 23, United States Code, when projects authorized there-*  
16 *in are certified as important to the national defense by the*  
17 *Secretary of Defense.*

18          *SEC. 104. None of the funds made available in this*  
19 *title may be used to begin construction of new bases in the*  
20 *United States for which specific appropriations have not*  
21 *been made.*

22          *SEC. 105. None of the funds made available in this*  
23 *title shall be used for purchase of land or land easements*  
24 *in excess of 100 percent of the value as determined by the*  
25 *Army Corps of Engineers or the Naval Facilities Engineer-*



1 ing Command, except: (1) where there is a determination  
2 of value by a Federal court; (2) purchases negotiated by  
3 the Attorney General or the designee of the Attorney Gen-  
4 eral; (3) where the estimated value is less than \$25,000; or  
5 (4) as otherwise determined by the Secretary of Defense to  
6 be in the public interest.

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

13       SEC. 107. None of the funds made available in this  
14 title for minor construction may be used to transfer or relo-  
15 cate any activity from one base or installation to another,  
16 without prior notification to the Committees on Appropria-  
17 tions of both Houses of Congress.

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

23       SEC. 109. None of the funds available to the Depart-  
24 ment of Defense for military construction or family housing

1 *during the current fiscal year may be used to pay real prop-*  
2 *erty taxes in any foreign nation.*

3 *SEC. 110. None of the funds made available in this*  
4 *title may be used to initiate a new installation overseas*  
5 *without prior notification to the Committees on Appropria-*  
6 *tions of both Houses of Congress.*

7 *SEC. 111. None of the funds made available in this*  
8 *title may be obligated for architect and engineer contracts*  
9 *estimated by the Government to exceed \$500,000 for projects*  
10 *to be accomplished in Japan, in any North Atlantic Treaty*  
11 *Organization member country, or in countries bordering the*  
12 *Arabian Sea, unless such contracts are awarded to United*  
13 *States firms or United States firms in joint venture with*  
14 *host nation firms.*

15 *SEC. 112. None of the funds made available in this*  
16 *title for military construction in the United States terri-*  
17 *ories and possessions in the Pacific and on Kwajalein*  
18 *Atoll, or in countries bordering the Arabian Sea, may be*  
19 *used to award any contract estimated by the Government*  
20 *to exceed \$1,000,000 to a foreign contractor: Provided, That*  
21 *this section shall not be applicable to contract awards for*  
22 *which the lowest responsive and responsible bid of a United*  
23 *States contractor exceeds the lowest responsive and respon-*  
24 *sible bid of a foreign contractor by greater than 20 percent:*  
25 *Provided further That this section shall not apply to con-*

1 *tract awards for military construction on Kwajalein Atoll*  
2 *for which the lowest responsive and responsible bid is sub-*  
3 *mitted by a Marshallese contractor.*

4       *SEC. 113. The Secretary of Defense is to inform the*  
5 *appropriate committees of both Houses of Congress, includ-*  
6 *ing the Committees on Appropriations, of the plans and*  
7 *scope of any proposed military exercise involving United*  
8 *States personnel 30 days prior to its occurring, if amounts*  
9 *expended for construction, either temporary or permanent,*  
10 *are anticipated to exceed \$100,000.*

11       *SEC. 114. Not more than 20 percent of the funds made*  
12 *available in this title which are limited for obligation dur-*  
13 *ing the current fiscal year shall be obligated during the last*  
14 *two months of the fiscal year.*

15                   *(INCLUDING TRANSFER OF FUNDS)*

16       *SEC. 115. Funds appropriated to the Department of*  
17 *Defense for construction in prior years shall be available*  
18 *for construction authorized for each such military depart-*  
19 *ment by the authorizations enacted into law during the cur-*  
20 *rent session of Congress.*

21       *SEC. 116. For military construction or family housing*  
22 *projects that are being completed with funds otherwise ex-*  
23 *pired or lapsed for obligation, expired or lapsed funds may*  
24 *be used to pay the cost of associated supervision, inspection,*

1 *overhead, engineering and design on those projects and on*  
2 *subsequent claims, if any.*

3       *SEC. 117. Notwithstanding any other provision of law,*  
4 *any funds made available to a military department or de-*  
5 *fense agency for the construction of military projects may*  
6 *be obligated for a military construction project or contract,*  
7 *or for any portion of such a project or contract, at any*  
8 *time before the end of the fourth fiscal year after the fiscal*  
9 *year for which funds for such project were made available,*  
10 *if the funds obligated for such project: (1) are obligated from*  
11 *funds available for military construction projects; and (2)*  
12 *do not exceed the amount appropriated for such project,*  
13 *plus any amount by which the cost of such project is in-*  
14 *creased pursuant to law.*

15       *SEC. 118. (a) The Secretary of Defense, in consultation*  
16 *with the Secretary of State, shall submit to the Committees*  
17 *on Appropriations of both Houses of Congress, by February*  
18 *15 of each year, an annual report in unclassified and, if*  
19 *necessary, classified form, on actions taken by the Depart-*  
20 *ment of Defense and the Department of State during the*  
21 *previous fiscal year to encourage host countries to assume*  
22 *a greater share of the common defense burden of such coun-*  
23 *tries and the United States.*

24       *(b) The report under subsection (a) shall include a de-*  
25 *scription of—*

1           (1) *attempts to secure cash and in-kind contribu-*  
2           *tions from host countries for military construction*  
3           *projects;*

4           (2) *attempts to achieve economic incentives of-*  
5           *fered by host countries to encourage private invest-*  
6           *ment for the benefit of the United States Armed*  
7           *Forces;*

8           (3) *attempts to recover funds due to be paid to*  
9           *the United States by host countries for assets deeded*  
10          *or otherwise imparted to host countries upon the ces-*  
11          *sation of United States operations at military instal-*  
12          *lations;*

13          (4) *the amount spent by host countries on de-*  
14          *fense, in dollars and in terms of the percent of gross*  
15          *domestic product (GDP) of the host country; and*

16          (5) *for host countries that are members of the*  
17          *North Atlantic Treaty Organization (NATO), the*  
18          *amount contributed to NATO by host countries, in*  
19          *dollars and in terms of the percent of the total NATO*  
20          *budget.*

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 119. In addition to any other transfer authority  
3 available to the Department of Defense, proceeds deposited  
4 to the Department of Defense Base Closure Account estab-  
5 lished by section 207(a)(1) of the Defense Authorization  
6 Amendments and Base Closure and Realignment Act (10  
7 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such  
8 Act, may be transferred to the account established by section  
9 2906(a)(1) of the Defense Base Closure and Realignment  
10 Act of 1990 (10 U.S.C. 2687 note), to be merged with, and  
11 to be available for the same purposes and the same time  
12 period as that account.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 120. Subject to 30 days prior notification to the  
15 Committees on Appropriations of both Houses of Congress,  
16 such additional amounts as may be determined by the Sec-  
17 retary of Defense may be transferred to: (1) the Department  
18 of Defense Family Housing Improvement Fund from  
19 amounts appropriated for construction in “Family Hous-  
20 ing” accounts, to be merged with and to be available for  
21 the same purposes and for the same period of time as  
22 amounts appropriated directly to the Fund; or (2) the De-  
23 partment of Defense Military Unaccompanied Housing Im-  
24 provement Fund from amounts appropriated for construc-  
25 tion of military unaccompanied housing in “Military Con-

1 *struction” accounts, to be merged with and to be available*  
2 *for the same purposes and for the same period of time as*  
3 *amounts appropriated directly to the Fund: Provided, That*  
4 *appropriations made available to the Funds shall be avail-*  
5 *able to cover the costs, as defined in section 502(5) of the*  
6 *Congressional Budget Act of 1974, of direct loans or loan*  
7 *guarantees issued by the Department of Defense pursuant*  
8 *to the provisions of subchapter IV of chapter 169 of title*  
9 *10, United States Code, pertaining to alternative means of*  
10 *acquiring and improving military family housing, military*  
11 *unaccompanied housing, and supporting facilities.*

12       *SEC. 121. (a) Not later than 60 days before issuing*  
13 *any solicitation for a contract with the private sector for*  
14 *military family housing the Secretary of the military de-*  
15 *partment concerned shall submit to the Committees on Ap-*  
16 *propriations of both Houses of Congress the notice described*  
17 *in subsection (b).*

18       *(b)(1) A notice referred to in subsection (a) is a notice*  
19 *of any guarantee (including the making of mortgage or*  
20 *rental payments) proposed to be made by the Secretary to*  
21 *the private party under the contract involved in the event*  
22 *of—*

23               *(A) the closure or realignment of the installation*  
24       *for which housing is provided under the contract;*

1           (B) a reduction in force of units stationed at  
2           such installation; or

3           (C) the extended deployment overseas of units  
4           stationed at such installation.

5           (2) Each notice under this subsection shall specify the  
6           nature of the guarantee involved and assess the extent and  
7           likelihood, if any, of the liability of the Federal Government  
8           with respect to the guarantee.

9                               (INCLUDING TRANSFER OF FUNDS)

10          SEC. 122. In addition to any other transfer authority  
11          available to the Department of Defense, amounts may be  
12          transferred from the accounts established by sections  
13          2906(a)(1) and 2906A(a)(1) of the Defense Base Closure  
14          and Realignment Act of 1990 (10 U.S.C. 2687 note), to the  
15          fund established by section 1013(d) of the Demonstration  
16          Cities and Metropolitan Development Act of 1966 (42  
17          U.S.C. 3374) to pay for expenses associated with the Home-  
18          owners Assistance Program incurred under 42 U.S.C.  
19          3374(a)(1)(A). Any amounts transferred shall be merged  
20          with and be available for the same purposes and for the  
21          same time period as the fund to which transferred.

22          SEC. 123. Funds made available in this title for oper-  
23          ation and maintenance of family housing shall be the exclu-  
24          sive source of funds for repair and maintenance of all fam-  
25          ily housing units, including general or flag officer quarters:



1 *Provided, That not more than \$35,000 per unit may be*  
 2 *spent annually for the maintenance and repair of any gen-*  
 3 *eral or flag officer quarters without 30 days prior notifica-*  
 4 *tion to the Committees on Appropriations of both Houses*  
 5 *of Congress, except that an after-the-fact notification shall*  
 6 *be submitted if the limitation is exceeded solely due to costs*  
 7 *associated with environmental remediation that could not*  
 8 *be reasonably anticipated at the time of the budget submis-*  
 9 *sion: Provided further, That the Under Secretary of Defense*  
 10 *(Comptroller) is to report annually to the Committees on*  
 11 *Appropriations of both Houses of Congress all operation*  
 12 *and maintenance expenditures for each individual general*  
 13 *or flag officer quarters for the prior fiscal year.*

14       *SEC. 124. Amounts contained in the Ford Island Im-*  
 15 *provement Account established by subsection (h) of section*  
 16 *2814 of title 10, United States Code, are appropriated and*  
 17 *shall be available until expended for the purposes specified*  
 18 *in subsection (i)(1) of such section or until transferred pur-*  
 19 *suant to subsection (i)(3) of such section.*

20                   *(INCLUDING TRANSFER OF FUNDS)*

21       *SEC. 125. None of the funds made available in this*  
 22 *title, or in any Act making appropriations for military*  
 23 *construction which remain available for obligation, may be*  
 24 *obligated or expended to carry out a military construction,*  
 25 *land acquisition, or family housing project at or for a mili-*

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

1 of health, safety, or environmental quality: *Provided, That*  
2 *the Secretary of Defense shall notify the congressional de-*  
3 *fense committees within seven days of a decision to carry*  
4 *out such a military construction project.*

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 126. *During the 5-year period after appropri-*  
7 *ations available in this Act to the Department of Defense*  
8 *for military construction and family housing operation and*  
9 *maintenance and construction have expired for obligation,*  
10 *upon a determination that such appropriations will not be*  
11 *necessary for the liquidation of obligations or for making*  
12 *authorized adjustments to such appropriations for obliga-*  
13 *tions incurred during the period of availability of such ap-*  
14 *propriations, unobligated balances of such appropriations*  
15 *may be transferred into the appropriation “Foreign Cur-*  
16 *rency Fluctuations, Construction, Defense”, to be merged*  
17 *with and to be available for the same time period and for*  
18 *the same purposes as the appropriation to which trans-*  
19 *ferred.*

20 SEC. 127. *Amounts appropriated or otherwise made*  
21 *available in an account funded under the headings in this*  
22 *title may be transferred among projects and activities with-*  
23 *in that account in accordance with the reprogramming*  
24 *guidelines for military construction and family housing*  
25 *construction contained in the report accompanying this*

1 *Act, and in the guidance for military construction*  
2 *reprogrammings and notifications contained in Depart-*  
3 *ment of Defense Financial Management Regulation*  
4 *7000.14–R, Volume 3, Chapter 7, of December 1996, as in*  
5 *effect on the date of enactment of this Act.*

6       *SEC. 128. (a) During each of fiscal years 2010 through*  
7 *2014, the Secretary of Defense shall submit to the congres-*  
8 *sional defense committees a report analyzing alternative de-*  
9 *signs for any major construction projects requested in that*  
10 *fiscal year related to the security of strategic nuclear weap-*  
11 *ons facilities.*

12       *(b) The report shall examine, with regard to each alter-*  
13 *native—*

14               *(1) the costs, including full life cycle costs; and*

15               *(2) the benefits, including security enhancements.*

16       *SEC. 129. Not later than each of April 15, 2010, July*  
17 *15, 2010, and October 15, 2010, the Secretary of Defense*  
18 *shall submit to the congressional defense committees a con-*  
19 *solidated report from each of the military departments and*  
20 *Defense agencies identifying, by project and dollar amount,*  
21 *bid savings resulting from cost and scope variations pursu-*  
22 *ant to section 2853 of title 10, United States Code, exceed-*  
23 *ing 25 percent of the appropriated amount for military con-*  
24 *struction projects funded by this Act, the Supplemental Ap-*  
25 *propriations Act, 2009 (Public Law 111–32), and the Mili-*

1 *tary Construction and Veterans Affairs Appropriations Act,*  
2 *2009 (division E of Public Law 110–329), including*  
3 *projects funded through the regular military construction*  
4 *accounts, the Department of Defense Base Closure Account*  
5 *2005, and the overseas contingency operations military con-*  
6 *struction accounts.*

7       *SEC. 130. (a) Of the funds appropriated or otherwise*  
8 *made available by this title under the heading “DEPART-*  
9 *MENT OF DEFENSE BASE CLOSURE ACCOUNT, 2005”,*  
10 *\$450,000 shall be available for the Secretary of Defense to*  
11 *enter into an arrangement with the National Academy of*  
12 *Sciences to conduct a study through the Transportation Re-*  
13 *search Board of Federal funding of transportation improve-*  
14 *ments to accommodate installation growth associated with*  
15 *the 2005 Defense Base Closure and Realignment (BRAC)*  
16 *program.*

17       *(b) The study conducted pursuant to subsection (a)*  
18 *shall—*

19               *(1) examine case studies of congestion caused on*  
20 *metropolitan road and transit facilities when BRAC*  
21 *requirements cause shifts in personnel to occur faster*  
22 *than facilities can be improved through the usual*  
23 *State and local processes;*

24               *(2) review the criteria used by the Defense Access*  
25 *Roads (DAR) program for determining the eligibility*

1       of transportation projects and the appropriate De-  
2       partment of Defense share of public highway and  
3       transit improvements in BRAC cases;

4               (3) assess the adequacy of current Federal sur-  
5       face transportation and Department of Defense pro-  
6       grams that fund highway and transit improvements  
7       in BRAC cases to mitigate transportation impacts in  
8       urban areas with preexisting traffic congestion and  
9       saturated roads;

10              (4) identify promising approaches for funding  
11       road and transit improvements and streamlining  
12       transportation project approvals in BRAC cases; and

13              (5) provide recommendations for modifications of  
14       current policy for the DAR and Office of Economic  
15       Adjustment programs, including funding strategies,  
16       road capacity assessments, eligibility criteria, and  
17       other government policies and programs the National  
18       Academy of Sciences may identify, to mitigate the  
19       impact of BRAC-related installation growth on pre-  
20       existing urban congestion.

21       (c) The Secretary of Defense shall enter into an ar-  
22       rangement with the National Academy of Sciences to pro-  
23       vide the study conducted pursuant to subsection (a) by not  
24       later than 45 days after the date of the enactment of the  
25       Act.

1       (d)(1) *Not later than May 15, 2010, the National*  
2 *Academy of Sciences shall provide an interim report of its*  
3 *findings to the Secretary of Defense and the Committees on*  
4 *Armed Services and Appropriations of the Senate and the*  
5 *House of Representatives.*

6       (2) *Not later than January 31, 2011, the National*  
7 *Academy of Sciences shall provide a final report of its find-*  
8 *ings to the Secretary of Defense and the Committees on*  
9 *Armed Services and Appropriations of the Senate and the*  
10 *House of Representatives.*

11       SEC. 131. (a)(1) *The amount appropriated or other-*  
12 *wise made available by this title under the heading “MILI-*  
13 *TARY CONSTRUCTION, AIR FORCE” is hereby increased by*  
14 *\$37,500,000.*

15       (2) *Of the amount appropriated or otherwise made*  
16 *available by this title under the heading “MILITARY CON-*  
17 *STRUCTION, AIR FORCE”, as increased by paragraph (1),*  
18 *\$37,500,000 shall be available for construction of an Un-*  
19 *manned Aerial System Field Training Complex at*  
20 *Holloman Air Force Base, New Mexico.*

21       (b) *Of the amount appropriated or otherwise made*  
22 *available by title I of the Military Construction and Vet-*  
23 *erans Affairs Appropriations Act, 2009 (division E of Pub-*  
24 *lic Law 110–329; 122 Stat. 3692) under the heading “MILI-*  
25 *TARY CONSTRUCTION, AIR FORCE” and available for the*

1 *purpose of Unmanned Aerial System Field Training facili-*  
2 *ties construction, \$38,500,000 is hereby rescinded.*

3 *SEC. 132. (a)(1) The amount appropriated or other-*  
4 *wise made available by this title under the heading “MILI-*  
5 *TARY CONSTRUCTION, DEFENSE-WIDE” is hereby increased*  
6 *by \$68,500,000, with the amount of such increase to remain*  
7 *available until September 30, 2014.*

8 *(2) Of the amount appropriated or otherwise made*  
9 *available by this title under the heading “MILITARY CON-*  
10 *STRUCTION, DEFENSE-WIDE”, as increased by paragraph*  
11 *(1), \$68,500,000 shall be available for the construction of*  
12 *an Aegis Ashore Test Facility at the Pacific Missile Range*  
13 *Facility, Hawaii.*

14 *(b) Of the amount appropriated or otherwise made*  
15 *available by title I of the Military Construction and Vet-*  
16 *erans Affairs Appropriations Act, 2009 (division E of Pub-*  
17 *lic Law 110–329; 122 Stat. 3692) under the heading “MILI-*  
18 *TARY CONSTRUCTION, DEFENSE-WIDE” and available for*  
19 *the purpose of European Ballistic Missile Defense program*  
20 *construction, \$69,500,000 is hereby rescinded.*



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

6 *For the payment of compensation benefits to or on be-*  
7 *half of veterans and a pilot program for disability examina-*  
8 *tions as authorized by section 107 and chapters 11, 13, 18,*  
9 *51, 53, 55, and 61 of title 38, United States Code; pension*  
10 *benefits to or on behalf of veterans as authorized by chapters*  
11 *15, 51, 53, 55, and 61 of title 38, United States Code; and*  
12 *burial benefits, the Reinstated Entitlement Program for*  
13 *Survivors, emergency and other officers' retirement pay, ad-*  
14 *justed-service credits and certificates, payment of premiums*  
15 *due on commercial life insurance policies guaranteed under*  
16 *the provisions of title IV of the Servicemembers Civil Relief*  
17 *Act (50 U.S.C. App. 541 et seq.) and for other benefits as*  
18 *authorized by sections 107, 1312, 1977, and 2106, and*  
19 *chapters 23, 51, 53, 55, and 61 of title 38, United States*  
20 *Code, \$47,218,207,000, to remain available until expended:*  
21 *Provided, That not to exceed \$29,283,000 of the amount ap-*  
22 *propriated under this heading shall be reimbursed to "Gen-*  
23 *eral operating expenses", "Medical support and compli-*  
24 *ance", and "Information technology systems" for necessary*  
25 *expenses in implementing the provisions of chapters 51, 53,*

1 *and 55 of title 38, United States Code, the funding source*  
2 *for which is specifically provided as the “Compensation and*  
3 *pensions” appropriation: Provided further, That such sums*  
4 *as may be earned on an actual qualifying patient basis,*  
5 *shall be reimbursed to “Medical care collections fund” to*  
6 *augment the funding of individual medical facilities for*  
7 *nursing home care provided to pensioners as authorized.*

8 *READJUSTMENT BENEFITS*

9 *For the payment of readjustment and rehabilitation*  
10 *benefits to or on behalf of veterans as authorized by chapters*  
11 *21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title*  
12 *38, United States Code, \$8,663,624,000, to remain available*  
13 *until expended: Provided, That expenses for rehabilitation*  
14 *program services and assistance which the Secretary is au-*  
15 *thorized to provide under subsection (a) of section 3104 of*  
16 *title 38, United States Code, other than under paragraphs*  
17 *(1), (2), (5), and (11) of that subsection, shall be charged*  
18 *to this account.*

19 *VETERANS INSURANCE AND INDEMNITIES*

20 *For military and naval insurance, national service life*  
21 *insurance, servicemen’s indemnities, service-disabled vet-*  
22 *erans insurance, and veterans mortgage life insurance as*  
23 *authorized by title 38, United States Code, chapters 19 and*  
24 *21, \$49,288,000, to remain available until expended.*

1            *VETERANS HOUSING BENEFIT PROGRAM FUND*

2            *For the cost of direct and guaranteed loans, such sums*  
3 *as may be necessary to carry out the program, as authorized*  
4 *by subchapters I through III of chapter 37 of title 38,*  
5 *United States Code: Provided, That such costs, including*  
6 *the cost of modifying such loans, shall be as defined in sec-*  
7 *tion 502 of the Congressional Budget Act of 1974: Provided*  
8 *further, That during fiscal year 2010, within the resources*  
9 *available, not to exceed \$500,000 in gross obligations for*  
10 *direct loans are authorized for specially adapted housing*  
11 *loans.*

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

14            *VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT*

15            *(INCLUDING TRANSFER OF FUNDS)*

16            *For the cost of direct loans, \$29,000, as authorized by*  
17 *chapter 31 of title 38, United States Code: Provided, That*  
18 *such costs, including the cost of modifying such loans, shall*  
19 *be as defined in section 502 of the Congressional Budget*  
20 *Act of 1974: Provided further, That funds made available*  
21 *under this heading are available to subsidize gross obliga-*  
22 *tions for the principal amount of direct loans not to exceed*  
23 *\$2,298,000.*

24            *In addition, for administrative expenses necessary to*  
25 *carry out the direct loan program, \$328,000, which may*

1 *be paid to the appropriation for “General operating ex-*  
 2 *penses”.*

3 *NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM*

4 *ACCOUNT*

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

8 *GUARANTEED TRANSITIONAL HOUSING LOANS FOR*

9 *HOMELESS VETERANS PROGRAM ACCOUNT*

10 *For the administrative expenses to carry out the guar-*  
 11 *anteed transitional housing loan program authorized by*  
 12 *subchapter VI of chapter 20 of title 38, United States Code,*  
 13 *not to exceed \$750,000 of the amounts appropriated by this*  
 14 *Act for “General operating expenses” and “Medical support*  
 15 *and compliance” may be expended.*

16 *VETERANS HEALTH ADMINISTRATION*

17 *MEDICAL SERVICES*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For necessary expenses for furnishing, as authorized*  
 20 *by law, inpatient and outpatient care and treatment to*  
 21 *beneficiaries of the Department of Veterans Affairs and vet-*  
 22 *erans described in section 1705(a) of title 38, United States*  
 23 *Code, including care and treatment in facilities not under*  
 24 *the jurisdiction of the Department, and including medical*  
 25 *supplies and equipment, food services, and salaries and ex-*

1 *penses of healthcare employees hired under title 38, United*  
2 *States Code, and aid to State homes as authorized by sec-*  
3 *tion 1741 of title 38, United States Code; \$34,704,500,000,*  
4 *plus reimbursements: Provided, That of the funds made*  
5 *available under this heading, not to exceed \$1,600,000,000*  
6 *shall be available until September 30, 2011: Provided fur-*  
7 *ther, That, notwithstanding any other provision of law, the*  
8 *Secretary of Veterans Affairs shall establish a priority for*  
9 *the provision of medical treatment for veterans who have*  
10 *service-connected disabilities, lower income, or have special*  
11 *needs: Provided further, That, notwithstanding any other*  
12 *provision of law, the Secretary of Veterans Affairs shall give*  
13 *priority funding for the provision of basic medical benefits*  
14 *to veterans in enrollment priority groups 1 through 6: Pro-*  
15 *vided further, That, notwithstanding any other provision*  
16 *of law, the Secretary of Veterans Affairs may authorize the*  
17 *dispensing of prescription drugs from Veterans Health Ad-*  
18 *ministration facilities to enrolled veterans with privately*  
19 *written prescriptions based on requirements established by*  
20 *the Secretary: Provided further, That the implementation*  
21 *of the program described in the previous proviso shall incur*  
22 *no additional cost to the Department of Veterans Affairs:*  
23 *Provided further, That for the Department of Defense/De-*  
24 *partment of Veterans Affairs Health Care Sharing Incen-*  
25 *tive Fund, as authorized by section 8111(d) of title 38,*

1 *United States Code, a minimum of \$15,000,000, to remain*  
 2 *available until expended, for any purpose authorized by sec-*  
 3 *tion 8111 of title 38, United States Code.*

4 *MEDICAL SUPPORT AND COMPLIANCE*

5 *For necessary expenses in the administration of the*  
 6 *medical, hospital, nursing home, domiciliary, construction,*  
 7 *supply, and research activities, as authorized by law; ad-*  
 8 *ministrative expenses in support of capital policy activities;*  
 9 *and administrative and legal expenses of the Department*  
 10 *for collecting and recovering amounts owed the Department*  
 11 *as authorized under chapter 17 of title 38, United States*  
 12 *Code, and the Federal Medical Care Recovery Act (42*  
 13 *U.S.C. 2651 et seq.); \$5,100,000,000, plus reimbursements,*  
 14 *of which \$250,000,000 shall be available until September*  
 15 *30, 2011.*

16 *MEDICAL FACILITIES*

17 *For necessary expenses for the maintenance and oper-*  
 18 *ation of hospitals, nursing homes, and domiciliary facilities*  
 19 *and other necessary facilities of the Veterans Health Admin-*  
 20 *istration; for administrative expenses in support of plan-*  
 21 *ning, design, project management, real property acquisition*  
 22 *and disposition, construction, and renovation of any facil-*  
 23 *ity under the jurisdiction or for the use of the Department;*  
 24 *for oversight, engineering, and architectural activities not*  
 25 *charged to project costs; for repairing, altering, improving,*

1 *or providing facilities in the several hospitals and homes*  
2 *under the jurisdiction of the Department, not otherwise pro-*  
3 *vided for, either by contract or by the hire of temporary*  
4 *employees and purchase of materials; for leases of facilities;*  
5 *and for laundry services, \$4,849,883,000, plus reimburse-*  
6 *ments, of which \$250,000,000 shall be available until Sep-*  
7 *tember 30, 2011: Provided, That \$100,000,000 for non-re-*  
8 *curring maintenance provided under this heading shall be*  
9 *allocated in a manner not subject to the Veterans Equitable*  
10 *Resource Allocation.*

11 *MEDICAL AND PROSTHETIC RESEARCH*

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

17 *NATIONAL CEMETERY ADMINISTRATION*

18 *For necessary expenses of the National Cemetery Ad-*  
19 *ministration for operations and maintenance, not otherwise*  
20 *provided for, including uniforms or allowances therefor;*  
21 *cemeterial expenses as authorized by law; purchase of one*  
22 *passenger motor vehicle for use in cemeterial operations;*  
23 *hire of passenger motor vehicles; and repair, alteration or*  
24 *improvement of facilities under the jurisdiction of the Na-*  
25 *tional Cemetery Administration, \$250,000,000, of which*

1 *not to exceed \$24,200,000 shall be available until September*  
2 *30, 2011.*

3 *DEPARTMENTAL ADMINISTRATION*

4 *GENERAL OPERATING EXPENSES*

5 *For necessary operating expenses of the Department of*  
6 *Veterans Affairs, not otherwise provided for, including ad-*  
7 *ministrative expenses in support of Department-Wide cap-*  
8 *ital planning, management and policy activities, uniforms,*  
9 *or allowances therefor; not to exceed \$25,000 for official re-*  
10 *ception and representation expenses; hire of passenger*  
11 *motor vehicles; and reimbursement of the General Services*  
12 *Administration for security guard services, and the Depart-*  
13 *ment of Defense for the cost of overseas employee mail,*  
14 *\$2,086,251,000: Provided, That expenses for services and as-*  
15 *sistance authorized under paragraphs (1), (2), (5), and (11)*  
16 *of section 3104(a) of title 38, United States Code, that the*  
17 *Secretary of Veterans Affairs determines are necessary to*  
18 *enable entitled veterans: (1) to the maximum extent feasible,*  
19 *to become employable and to obtain and maintain suitable*  
20 *employment; or (2) to achieve maximum independence in*  
21 *daily living, shall be charged to this account: Provided fur-*  
22 *ther, That the Veterans Benefits Administration shall be*  
23 *funded at not less than \$1,689,207,000: Provided further,*  
24 *That of the funds made available under this heading, not*  
25 *to exceed \$111,000,000 shall be available for obligation*



1 *until September 30, 2011: Provided further, That from the*  
2 *funds made available under this heading, the Veterans Ben-*  
3 *efits Administration may purchase (on a one-for-one re-*  
4 *placement basis only) up to two passenger motor vehicles*  
5 *for use in operations of that Administration in Manila,*  
6 *Philippines.*

7 *INFORMATION TECHNOLOGY SYSTEMS*

8 *For necessary expenses for information technology sys-*  
9 *tems and telecommunications support, including develop-*  
10 *mental information systems and operational information*  
11 *systems; for pay and associated costs; and for the capital*  
12 *asset acquisition of information technology systems, includ-*  
13 *ing management and related contractual costs of said ac-*  
14 *quisitions, including contractual costs associated with oper-*  
15 *ations authorized by section 3109 of title 5, United States*  
16 *Code, \$3,307,000,000, plus reimbursements, to be available*  
17 *until September 30, 2011: Provided, That not later than*  
18 *30 days after the date of the enactment of this Act, the Sec-*  
19 *retary of Veterans Affairs shall submit to the Committees*  
20 *on Appropriations of both Houses of Congress a reprogram-*  
21 *ming base letter which sets forth, by project, the Operations*  
22 *and Maintenance and Salaries and Expenses costs to be*  
23 *carried out utilizing amounts made available by this head-*  
24 *ing: Provided further, That of the amounts appropriated,*  
25 *\$800,485,000 may not be obligated or expended until the*

1 *Secretary of Veterans Affairs or the Chief Information Offi-*  
 2 *cer of the Department of Veterans Affairs submits to the*  
 3 *Committees on Appropriations of both Houses of Congress*  
 4 *a certification of the amounts, in parts or in full, to be*  
 5 *obligated and expended for each development project: Pro-*  
 6 *vided further, That amounts specified in the certification*  
 7 *with respect to development projects under the preceding*  
 8 *proviso shall be incorporated into the reprogramming base*  
 9 *letter with respect to development projects funded using*  
 10 *amounts appropriated by this heading.*

11 *OFFICE OF INSPECTOR GENERAL*

12 *For necessary expenses of the Office of Inspector Gen-*  
 13 *eral, to include information technology, in carrying out the*  
 14 *provisions of the Inspector General Act of 1978 (5 U.S.C.*  
 15 *App.), \$109,000,000, of which \$6,000,000 shall be available*  
 16 *until September 30, 2011.*

17 *CONSTRUCTION, MAJOR PROJECTS*

18 *For constructing, altering, extending, and improving*  
 19 *any of the facilities, including parking projects, under the*  
 20 *jurisdiction or for the use of the Department of Veterans*  
 21 *Affairs, or for any of the purposes set forth in sections 316,*  
 22 *2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122*  
 23 *of title 38, United States Code, including planning, archi-*  
 24 *tectural and engineering services, construction management*  
 25 *services, maintenance or guarantee period services costs as-*

1 sociated with equipment guarantees provided under the  
2 project, services of claims analysts, offsite utility and storm  
3 drainage system construction costs, and site acquisition,  
4 where the estimated cost of a project is more than the  
5 amount set forth in section 8104(a)(3)(A) of title 38, United  
6 States Code, or where funds for a project were made avail-  
7 able in a previous major project appropriation,  
8 \$1,194,000,000, to remain available until expended, of  
9 which \$16,000,000 shall be to make reimbursements as pro-  
10 vided in section 13 of the Contract Disputes Act of 1978  
11 (41 U.S.C. 612) for claims paid for contract disputes: Pro-  
12 vided, That except for advance planning activities, includ-  
13 ing needs assessments which may or may not lead to capital  
14 investments, and other capital asset management related  
15 activities, including portfolio development and management  
16 activities, and investment strategy studies funded through  
17 the advance planning fund and the planning and design  
18 activities funded through the design fund, including needs  
19 assessments which may or may not lead to capital invest-  
20 ments, and funds provided for the purchase of land for the  
21 National Cemetery Administration through the land acqui-  
22 sition line item, none of the funds appropriated under this  
23 heading shall be used for any project which has not been  
24 approved by the Congress in the budgetary process: Pro-  
25 vided further, That funds provided in this appropriation

1 *for fiscal year 2010, for each approved project shall be obli-*  
 2 *gated: (1) by the awarding of a construction documents con-*  
 3 *tract by September 30, 2010; and (2) by the awarding of*  
 4 *a construction contract by September 30, 2011: Provided*  
 5 *further, That the Secretary of Veterans Affairs shall*  
 6 *promptly submit to the Committees on Appropriations of*  
 7 *both Houses of Congress a written report on any approved*  
 8 *major construction project for which obligations are not in-*  
 9 *curred within the time limitations established above.*

#### 10 CONSTRUCTION, MINOR PROJECTS

11 *For constructing, altering, extending, and improving*  
 12 *any of the facilities, including parking projects, under the*  
 13 *jurisdiction or for the use of the Department of Veterans*  
 14 *Affairs, including planning and assessments of needs which*  
 15 *may lead to capital investments, architectural and engi-*  
 16 *neering services, maintenance or guarantee period services*  
 17 *costs associated with equipment guarantees provided under*  
 18 *the project, services of claims analysts, offsite utility and*  
 19 *storm drainage system construction costs, and site acquisi-*  
 20 *tion, or for any of the purposes set forth in sections 316,*  
 21 *2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and*  
 22 *8162 of title 38, United States Code, where the estimated*  
 23 *cost of a project is equal to or less than the amount set*  
 24 *forth in section 8104(a)(3)(A) of title 38, United States*  
 25 *Code, \$685,000,000, to remain available until expended,*

1 *along with unobligated balances of previous “Construction,*  
 2 *minor projects” appropriations which are hereby made*  
 3 *available for any project where the estimated cost is equal*  
 4 *to or less than the amount set forth in such section: Pro-*  
 5 *vided, That funds in this account shall be available for: (1)*  
 6 *repairs to any of the nonmedical facilities under the juris-*  
 7 *diction or for the use of the Department which are necessary*  
 8 *because of loss or damage caused by any natural disaster*  
 9 *or catastrophe; and (2) temporary measures necessary to*  
 10 *prevent or to minimize further loss by such causes.*

11 *GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE*  
 12 *FACILITIES*

13 *For grants to assist States to acquire or construct*  
 14 *State nursing home and domiciliary facilities and to re-*  
 15 *model, modify, or alter existing hospital, nursing home, and*  
 16 *domiciliary facilities in State homes, for furnishing care*  
 17 *to veterans as authorized by sections 8131 through 8137 of*  
 18 *title 38, United States Code, \$115,000,000, to remain avail-*  
 19 *able until expended.*

20 *GRANTS FOR CONSTRUCTION OF STATE VETERANS*  
 21 *CEMETERIES*

22 *For grants to assist States in establishing, expanding,*  
 23 *or improving State veterans cemeteries as authorized by sec-*  
 24 *tion 2408 of title 38, United States Code, \$42,000,000, to*  
 25 *remain available until expended.*

## ADMINISTRATIVE PROVISIONS

## (INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2010 for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

## (INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the “Medical services”, “Medical support and compliance” and “Medical facilities” accounts may be transferred between the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: Provided, That any transfers between the “Medical services” and “Medical support and compliance” accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses

1 of Congress of the amount and purpose of the transfer: Pro-  
 2 vided further, That any transfers between the “Medical serv-  
 3 ices” and “Medical support and compliance” accounts in  
 4 excess of 1 percent, or exceeding the cumulative 1 percent  
 5 for the fiscal year, may take place only after the Secretary  
 6 requests from the Committees on Appropriations of both  
 7 Houses of Congress the authority to make the transfer and  
 8 an approval is issued: Provided further, That any transfer  
 9 to or from the “Medical facilities” account may take place  
 10 only after the Secretary requests from the Committees on  
 11 Appropriations of both Houses of Congress the authority to  
 12 make the transfer and an approval is issued.

13       *SEC. 203. Appropriations available in this title for sal-*  
 14 *aries and expenses shall be available for services authorized*  
 15 *by section 3109 of title 5, United States Code, hire of pas-*  
 16 *senger motor vehicles; lease of a facility or land or both;*  
 17 *and uniforms or allowances therefore, as authorized by sec-*  
 18 *tions 5901 through 5902 of title 5, United States Code.*

19       *SEC. 204. No appropriations in this title (except the*  
 20 *appropriations for “Construction, major projects”, and*  
 21 *“Construction, minor projects”)* shall be available for the  
 22 purchase of any site for or toward the construction of any  
 23 new hospital or home.

24       *SEC. 205. No appropriations in this title shall be*  
 25 *available for hospitalization or examination of any persons*

1 *(except beneficiaries entitled to such hospitalization or ex-*  
 2 *amination under the laws providing such benefits to vet-*  
 3 *erans, and persons receiving such treatment under sections*  
 4 *7901 through 7904 of title 5, United States Code, or the*  
 5 *Robert T. Stafford Disaster Relief and Emergency Assist-*  
 6 *ance Act (42 U.S.C. 5121 et seq.)), unless reimbursement*  
 7 *of the cost of such hospitalization or examination is made*  
 8 *to the “Medical services” account at such rates as may be*  
 9 *fixed by the Secretary of Veterans Affairs.*

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

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

23                               *(INCLUDING TRANSFER OF FUNDS)*

24       *SEC. 208. Notwithstanding any other provision of law,*  
 25 *during fiscal year 2010, the Secretary of Veterans Affairs*



1 shall, from the National Service Life Insurance Fund (38  
2 U.S.C. 1920), the Veterans' Special Life Insurance Fund  
3 (38 U.S.C. 1923), and the United States Government Life  
4 Insurance Fund (38 U.S.C. 1955), reimburse the "General  
5 operating expenses" and "Information technology systems"  
6 accounts for the cost of administration of the insurance pro-  
7 grams financed through those accounts: Provided, That re-  
8 imbursement shall be made only from the surplus earnings  
9 accumulated in such an insurance program during fiscal  
10 year 2010 that are available for dividends in that program  
11 after claims have been paid and actuarially determined re-  
12 serves have been set aside: Provided further, That if the cost  
13 of administration of such an insurance program exceeds the  
14 amount of surplus earnings accumulated in that program,  
15 reimbursement shall be made only to the extent of such sur-  
16 plus earnings: Provided further, That the Secretary shall  
17 determine the cost of administration for fiscal year 2010  
18 which is properly allocable to the provision of each such  
19 insurance program and to the provision of any total dis-  
20 ability income insurance included in that insurance pro-  
21 gram.

22       SEC. 209. Amounts deducted from enhanced-use lease  
23 proceeds to reimburse an account for expenses incurred by  
24 that account during a prior fiscal year for providing en-

1 hanced-use lease services, may be obligated during the fiscal  
2 year in which the proceeds are received.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 210. Funds available in this title or funds for  
5 salaries and other administrative expenses shall also be  
6 available to reimburse the Office of Resolution Management  
7 of the Department of Veterans Affairs and the Office of Em-  
8 ployment Discrimination Complaint Adjudication under  
9 section 319 of title 38, United States Code, for all services  
10 provided at rates which will recover actual costs but not  
11 exceed \$34,158,000 for the Office of Resolution Management  
12 and \$3,278,000 for the Office of Employment and Discrimi-  
13 nation Complaint Adjudication: Provided, That payments  
14 may be made in advance for services to be furnished based  
15 on estimated costs: Provided further, That amounts received  
16 shall be credited to the "General operating expenses" and  
17 "Information technology systems" accounts for use by the  
18 office that provided the service.

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

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

17                   *(INCLUDING TRANSFER OF FUNDS)*

18       *SEC. 213. Notwithstanding any other provision of law,*  
19 *proceeds or revenues derived from enhanced-use leasing ac-*  
20 *tivities (including disposal) may be deposited into the*  
21 *“Construction, major projects” and “Construction, minor*  
22 *projects” accounts and be used for construction (including*  
23 *site acquisition and disposition), alterations, and improve-*  
24 *ments of any medical facility under the jurisdiction or for*  
25 *the use of the Department of Veterans Affairs. Such sums*

1 *as realized are in addition to the amount provided for in*  
2 *“Construction, major projects” and “Construction, minor*  
3 *projects”.*

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

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

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

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *SEC. 215. Such sums as may be deposited to the Med-*  
13 *ical Care Collections Fund pursuant to section 1729A of*  
14 *title 38, United States Code, may be transferred to “Medical*  
15 *services”, to remain available until expended for the pur-*  
16 *poses of that account: Provided, That, for fiscal year 2010,*  
17 *\$200,000,000 deposited in the Department of Veterans Af-*  
18 *fairs Medical Care Collections Fund shall be transferred to*  
19 *“Medical Facilities”, to remain available until expended,*  
20 *for non-recurring maintenance at existing Veterans Health*  
21 *Administration medical facilities: Provided further, That*  
22 *the allocation of amounts transferred to “Medical Facili-*  
23 *ties” under the preceding proviso shall not be subject to the*  
24 *Veterans Equitable Resource Allocation formula.*

1        *SEC. 216. The Secretary of Veterans Affairs may enter*  
2 *into agreements with Community Health Centers in rural*  
3 *Alaska, Indian tribes and tribal organizations which are*  
4 *party to the Alaska Native Health Compact with the Indian*  
5 *Health Service, and Indian tribes and tribal organizations*  
6 *serving rural Alaska which have entered into contracts with*  
7 *the Indian Health Service under the Indian Self Deter-*  
8 *mination and Educational Assistance Act, to provide*  
9 *healthcare, including behavioral health and dental care. The*  
10 *Secretary shall require participating veterans and facilities*  
11 *to comply with all appropriate rules and regulations, as*  
12 *established by the Secretary. The term “rural Alaska” shall*  
13 *mean those lands sited within the external boundaries of*  
14 *the Alaska Native regions specified in sections 7(a)(1)–(4)*  
15 *and (7)–(12) of the Alaska Native Claims Settlement Act,*  
16 *as amended (43 U.S.C. 1606), and those lands within the*  
17 *Alaska Native regions specified in sections 7(a)(5) and*  
18 *7(a)(6) of the Alaska Native Claims Settlement Act, as*  
19 *amended (43 U.S.C. 1606), which are not within the bound-*  
20 *aries of the Municipality of Anchorage, the Fairbanks North*  
21 *Star Borough, the Kenai Peninsula Borough or the*  
22 *Matanuska Susitna Borough.*

23                    *(INCLUDING TRANSFER OF FUNDS)*

24        *SEC. 217. Such sums as may be deposited to the De-*  
25 *partment of Veterans Affairs Capital Asset Fund pursuant*

1 *to section 8118 of title 38, United States Code, may be*  
2 *transferred to the “Construction, major projects” and “Con-*  
3 *struction, minor projects” accounts, to remain available*  
4 *until expended for the purposes of these accounts.*

5 *SEC. 218. None of the funds made available in this*  
6 *title may be used to implement any policy prohibiting the*  
7 *Directors of the Veterans Integrated Services Networks from*  
8 *conducting outreach or marketing to enroll new veterans*  
9 *within their respective Networks.*

10 *SEC. 219. The Secretary of Veterans Affairs shall sub-*  
11 *mit to the Committees on Appropriations of both Houses*  
12 *of Congress a quarterly report on the financial status of*  
13 *the Veterans Health Administration.*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *SEC. 220. Amounts made available under the “Medical*  
16 *services”, “Medical support and compliance”, “Medical fa-*  
17 *cilities”, “General operating expenses”, and “National*  
18 *Cemetery Administration” accounts for fiscal year 2010,*  
19 *may be transferred to or from the “Information technology*  
20 *systems” account: Provided, That before a transfer may take*  
21 *place, the Secretary of Veterans Affairs shall request from*  
22 *the Committees on Appropriations of both Houses of Con-*  
23 *gress the authority to make the transfer and an approval*  
24 *is issued.*

1       *SEC. 221. Amounts made available for the “Informa-*  
2 *tion technology systems” account may be transferred be-*  
3 *tween projects: Provided, That no project may be increased*  
4 *or decreased by more than \$1,000,000 of cost prior to sub-*  
5 *mitting a request to the Committees on Appropriations of*  
6 *both Houses of Congress to make the transfer and an ap-*  
7 *proval is issued, or absent a response, a period of 30 days*  
8 *has elapsed.*

9                   *(INCLUDING TRANSFER OF FUNDS)*

10       *SEC. 222. Any balances in prior year accounts estab-*  
11 *lished for the payment of benefits under the Reinstated En-*  
12 *titlement Program for Survivors shall be transferred to and*  
13 *merged with amounts available under the “Compensation*  
14 *and pensions” account, and receipts that would otherwise*  
15 *be credited to the accounts established for the payment of*  
16 *benefits under the Reinstated Entitlement Program for Sur-*  
17 *vivors program shall be credited to amounts available under*  
18 *the “Compensation and pensions” account.*

19       *SEC. 223. The Department shall continue research into*  
20 *Gulf War illness at levels not less than those made available*  
21 *in fiscal year 2009, within available funds contained in*  
22 *this Act.*

23       *SEC. 224. (a) Upon a determination by the Secretary*  
24 *of Veterans Affairs that such action is in the national inter-*  
25 *est, and will have a direct benefit for veterans through in-*

1 creased access to treatment, the Secretary of Veterans Af-  
2 fairs may transfer not more than \$5,000,000 to the Sec-  
3 retary of Health and Human Services for the Graduate  
4 Psychology Education Program, which includes treatment  
5 of veterans, to support increased training of psychologists  
6 skilled in the treatment of post-traumatic stress disorder,  
7 traumatic brain injury, and related disorders.

8 (b) The Secretary of Health and Human Services may  
9 only use funds transferred under this section for the pur-  
10 poses described in subsection (a).

11 (c) The Secretary of Veterans Affairs shall notify Con-  
12 gress of any such transfer of funds under this section.

13 SEC. 225. None of the funds appropriated or otherwise  
14 made available by this Act or any other Act for the Depart-  
15 ment of Veterans Affairs may be used in a manner that  
16 is inconsistent with—

17 (1) section 842 of the Transportation, Treasury,  
18 Housing and Urban Development, the Judiciary, and  
19 Independent Agencies Appropriations Act, 2006 (Pub-  
20 lic Law 109–115; 119 Stat. 2506); or

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

23 SEC. 226. Of the amounts made available to the De-  
24 partment of Veterans Affairs for fiscal year 2010, in this  
25 Act or any other Act, under the “Medical Facilities” ac-



1 count for non-recurring maintenance, not more than 20  
2 percent of the funds made available shall be obligated dur-  
3 ing the last 2 months of the fiscal year: Provided, That the  
4 Secretary may waive this requirement after providing writ-  
5 ten notice to the Committees on Appropriations of both  
6 Houses of Congress.

7       *SEC. 227. Section 1925(d)(3) of title 38, United States*  
8 *Code, is amended by striking “appropriation ‘General Op-*  
9 *erating Expenses, Department of Veterans Affairs’”, and*  
10 *inserting “appropriations for ‘General Operating Expenses*  
11 *and Information Technology Systems, Department of Vet-*  
12 *erans Affairs’”.*

13       *SEC. 228. Section 1922(a) of title 38, United States*  
14 *Code, is amended by striking “(5) administrative costs to*  
15 *the Government for the costs of”, and inserting “(5) admin-*  
16 *istrative support performed by General Operating Expenses*  
17 *and Information Technology Systems, Department of Vet-*  
18 *erans Affairs, for”.*

19       *SEC. 229. (a) ADDITIONAL AMOUNT FOR STATE VET-*  
20 *ERANS CEMETERIES.—The amount appropriated by this*  
21 *title under the heading “GRANTS FOR CONSTRUCTION OF*  
22 *STATE VETERANS CEMETERIES” is hereby increased by*  
23 *\$4,000,000.*

1       (b) *OFFSET.*—*The amount appropriated or otherwise*  
2 *made available by this title under the heading “GENERAL*  
3 *OPERATING EXPENSES” is hereby decreased by \$4,000,000.*

4       *SEC. 230. (a)(1)(A) Of the amount made available by*  
5 *this title for the Veterans Health Administration under the*  
6 *heading “MEDICAL SERVICES”, \$1,500,000 shall be available*  
7 *to allow the Secretary of Veterans Affairs to offer incentives*  
8 *to qualified health care providers working in underserved*  
9 *rural areas designated by the Veterans Health Administra-*  
10 *tion, in addition to amounts otherwise available for other*  
11 *pay and incentives.*

12       *(B) Health care providers shall be eligible for incen-*  
13 *tives pursuant to this paragraph only for the period of time*  
14 *that they serve in designated areas.*

15       *(2)(A) Of the amount made available by this title for*  
16 *the Veterans Health Administration under the heading*  
17 *“MEDICAL SUPPORT AND COMPLIANCE”, \$1,500,000 shall be*  
18 *available to allow the Secretary of Veterans Affairs to offer*  
19 *incentives to qualified health care administrators working*  
20 *in underserved rural areas designated by the Veterans*  
21 *Health Administration, in addition to amounts otherwise*  
22 *available for other pay and incentives.*

23       *(B) Health care administrators shall be eligible for in-*  
24 *centives pursuant to this paragraph only for the period of*  
25 *time that they serve in designated areas.*

1       (b) *Not later than March 31, 2010, the Secretary of*  
2 *Veterans Affairs shall submit to the Committees on Vet-*  
3 *erans' Affairs and Appropriations of the Senate and the*  
4 *House of Representatives a report detailing the number of*  
5 *new employees receiving incentives under the pilot program*  
6 *established pursuant to this section, describing the potential*  
7 *for retaining those employees, and explaining the structure*  
8 *of the program.*

9       SEC. 231. (a) *NAMING OF HEALTH CARE CENTER.—*  
10 *Effective October 1, 2010, the North Chicago Veterans Af-*  
11 *fairs Medical Center located in Lake County, Illinois, shall*  
12 *be known and designated as the “Captain James A. Lovell*  
13 *Federal Health Care Center”.*

14       (b) *REFERENCES.—Any reference to the medical center*  
15 *referred to in subsection (a) in any law, regulation, map,*  
16 *document, record, or other paper of the United States shall*  
17 *be considered to be a reference to the Captain James A.*  
18 *Lovell Federal Health Care Center.*

19       SEC. 232. *Section 315(b) of title 38, United States*  
20 *Code, is amended by striking “December 31, 2009” and in-*  
21 *serting “December 31, 2010”.*

22       SEC. 233. *Of the amount appropriated or otherwise*  
23 *made available by this title under the heading “MEDICAL*  
24 *SERVICES”, \$150,000,000 may be available for the grant*

1 program under section 2011 of title 38, United States Code,  
2 and per diem payments under section 2012 of such title.

3 SEC. 234. Of the amounts appropriated or otherwise  
4 made available by this title for the Department of Veterans  
5 Affairs, up to \$5,000,000 may be available for the study  
6 required by section 1077 of the National Defense Authoriza-  
7 tion Act for Fiscal Year 2010.

8 SEC. 235. (a) CAMPUS OUTREACH AND SERVICES FOR  
9 MENTAL HEALTH AND NEUROLOGICAL CONDITIONS.—Of  
10 the amounts appropriated or otherwise made available by  
11 this title, \$5,000,000 may be available to conduct outreach  
12 to and provide services at institutions of higher education  
13 to ensure that veterans enrolled in programs of education  
14 at such institutions have information on and access to care  
15 and services for neurological and psychological issues.

16 (b) SUPPLEMENT NOT SUPPLANT.—The amount de-  
17 scribed in subsection (a) for the purposes described in such  
18 subsection is in addition to amounts otherwise appro-  
19 priated or made available for readjustment counseling and  
20 related mental health services.

21 SEC. 236. In administering section 51.210(d) of title  
22 38, Code of Federal Regulations, the Secretary of Veterans  
23 Affairs may permit a State home to provide services to, in  
24 addition to non-veterans described in such section, a non-  
25 veteran any of whose children died while serving in the

1 *Armed Forces, as long as such services are not denied to*  
 2 *a qualified veteran seeking such services.*

3       *SEC. 237. (a) DESIGNATION OF ROBLEY REX DEPART-*  
 4 *MENT OF VETERANS AFFAIRS MEDICAL CENTER.—The De-*  
 5 *partment of Veterans Affairs Medical Center in Louisville,*  
 6 *Kentucky, and any successor to such medical center, shall*  
 7 *after the date of the enactment of this Act be known and*  
 8 *designated as the “Robley Rex Department of Veterans Af-*  
 9 *fairs Medical Center”.*

10       *(b) REFERENCES.—Any reference in any law, regula-*  
 11 *tion, map, document, record, or other paper of the United*  
 12 *States to the medical center referred to in subsection (a)*  
 13 *shall be considered to be a reference to the Robley Rex De-*  
 14 *partment of Veterans Affairs Medical Center.*

15       *SEC. 238. (a) ADDITIONAL AMOUNT FOR HOMELESS*  
 16 *VETERANS COMPREHENSIVE SERVICE PROGRAMS AND*  
 17 *HOUSING ASSISTANCE AND SUPPORTIVE SERVICES.—The*  
 18 *amount appropriated by this title under the heading “MED-*  
 19 *ICAL SERVICES” under the heading “VETERANS HEALTH*  
 20 *ADMINISTRATION” is increased by \$750,000, with the*  
 21 *amount of the increase to be available for the following:*

22               *(1) The grant program under section 2011 of*  
 23               *title 38, United States Code.*

24               *(2) Per diem payments under section 2012 of*  
 25               *such title.*

1           (3) *Housing assistance and supportive services*  
2           *under subchapter V of chapter 20 of such title.*

3           (b) *OFFSET.—The amount appropriated or otherwise*  
4           *made available by this title under the heading “GENERAL*  
5           *OPERATING EXPENSES” under the heading “DEPART-*  
6           *MENTAL ADMINISTRATION” is decreased by \$750,000.*

7           *SEC. 239. (a) MODIFICATION ON RESTRICTION OF*  
8           *ALIENATION OF CERTAIN REAL PROPERTY IN GULFPORT,*  
9           *MISSISSIPPI.—Section 2703(b) of the Emergency Supple-*  
10          *mental Appropriations Act for Defense, the Global War on*  
11          *Terror, and Hurricane Recovery, 2006 (Public Law 109–*  
12          *234; 120 Stat. 469), as amended by section 231 of the Mili-*  
13          *tary Construction and Veterans Affairs and Related Agen-*  
14          *cies Appropriations Act, 2009 (division E of Public Law*  
15          *110–329; 122 Stat. 3713), is further amended by inserting*  
16          *after “the City of Gulfport” the following: “, or its urban*  
17          *renewal agency,”.*

18          (b) *MEMORIALIZATION OF MODIFICATION.—The Sec-*  
19          *retary of Veterans Affairs shall take appropriate actions to*  
20          *modify the quitclaim deeds executed to effectuate the convey-*  
21          *ance authorized by section 2703 of the Emergency Supple-*  
22          *mental Appropriations Act for Defense, the Global War on*  
23          *Terror, and Hurricane Recovery, 2006 in order to accu-*  
24          *rately reflect and memorialize the amendment made by sub-*  
25          *section (a).*

1       *SEC. 240. (a)(1) The amount appropriated or other-*  
2 *wise made available by this title under the heading “CON-*  
3 *STRUCTION, MINOR PROJECTS” is hereby increased by*  
4 *\$50,000,000.*

5       *(2) Of the amount appropriated or otherwise made*  
6 *available by this title under the heading “CONSTRUCTION,*  
7 *MINOR PROJECTS”, as increased by paragraph (1),*  
8 *\$50,000,000 shall be available for renovation of Department*  
9 *of Veterans Affairs buildings for the purpose of converting*  
10 *unused structures into housing with supportive services for*  
11 *homeless veterans.*

12       *(b) The amount appropriated or otherwise made avail-*  
13 *able by title I under the heading “HOMEOWNERS ASSIST-*  
14 *ANCE FUND” is hereby reduced by \$50,000,000.*

15       *SEC. 241. Of the amounts appropriated or otherwise*  
16 *made available by this title, the Secretary shall award*  
17 *\$5,000,000 in competitively-awarded grants to State and*  
18 *local government entities or their designees with a dem-*  
19 *onstrated record of serving veterans to conduct outreach to*  
20 *ensure that veterans in under-served areas receive the care*  
21 *and benefits for which they are eligible.*

22       *SEC. 242. (a) STUDY ON CAPACITY OF DEPARTMENT*  
23 *OF VETERANS AFFAIRS TO ADDRESS COMBAT STRESS IN*  
24 *WOMEN VETERANS.—The Inspector General of the Depart-*  
25 *ment of Veterans Affairs shall carry out a study to assess*

1 *the capacity of the Department of Veterans Affairs to ad-*  
2 *dress combat stress in women veterans.*

3       (b) *ELEMENTS.—In carrying out the study required*  
4 *by subsection (a), the Inspector General shall consider the*  
5 *following:*

6           (1) *Whether women veterans are properly evalu-*  
7 *ated by the Department for post-traumatic stress dis-*  
8 *order (PTSD), military-related sexual trauma, trau-*  
9 *matic brain injury (TBI), and other combat-related*  
10 *conditions.*

11          (2) *Whether women veterans with combat stress*  
12 *are being properly adjudicated as service-connected*  
13 *disabled by the Department for purposes of veterans*  
14 *disability benefits for combat stress.*

15          (3) *Whether the Veterans Benefits Administra-*  
16 *tion has developed and disseminated to personnel who*  
17 *adjudicate disability claims reference materials that*  
18 *thoroughly and effectively address the management of*  
19 *claims of women veterans involving military-related*  
20 *sexual trauma.*

21          (4) *The feasibility and advisability of requiring*  
22 *training and testing on military-related sexual trau-*  
23 *ma matters as part of a certification of Veterans Ben-*  
24 *efits Administration personnel who adjudicate dis-*



1      *ability claims involving post-traumatic stress dis-*  
2      *order.*

3            *(5) Such other matters as the Inspector General*  
4      *considers appropriate.*

5      *(c) REPORTS.—*

6            *(1) INTERIM REPORT.—Not later than 180 days*  
7      *after the date of the enactment of this Act, the Inspec-*  
8      *tor General shall submit to the Secretary of Veterans*  
9      *Affairs, and to the appropriate committees of Con-*  
10     *gress, a report setting forth the plan of the Inspector*  
11     *General for the study required by subsection (a), to-*  
12     *gether with such interim findings as the Inspector*  
13     *General has made as of the date of the report as a*  
14     *result of the study.*

15           *(2) FINAL REPORT.—Not later than one year*  
16     *after the date of the enactment of this Act, the Inspec-*  
17     *tor General shall submit to the Secretary, and Con-*  
18     *gress, then the Secretary shall make recommendations*  
19     *for legislative or administrative action.*

20           *(3) APPROPRIATE COMMITTEES OF CONGRESS*  
21     *DEFINED.—In this subsection, the term “appropriate*  
22     *committees of Congress” means—*

23             *(A) the Committees on Appropriations and*  
24             *Veterans’ Affairs of the Senate; and*

1                   (B) the Committees on Appropriations and  
2                   Veterans' Affairs of the House of Representatives.

3           SEC. 243. (a) STUDY ON IMPROVEMENTS TO INFORMA-  
4   TION TECHNOLOGY INFRASTRUCTURE NEEDED TO FUR-  
5   NISH HEALTH CARE SERVICES TO VETERANS USING TELE-  
6   HEALTH PLATFORMS.—The Secretary of Veterans Affairs  
7   shall carry out a study to identify the improvements to the  
8   infrastructure of the Department of Veterans Affairs that  
9   are required to furnish health care services to veterans using  
10  telehealth platforms.

11          (b) AVAILABILITY OF FUNDS.—The amounts appro-  
12  priated or otherwise made available by this title under the  
13  headings “DEPARTMENTAL ADMINISTRATION” and “INFOR-  
14  MATION TECHNOLOGY SYSTEMS” shall be available to the  
15  Secretary of Veterans Affairs to carry out the study required  
16  by subsection (a).

17          SEC. 244. Of the amounts appropriated or otherwise  
18  made available by this title under the headings “VETERANS  
19  HEALTH ADMINISTRATION” and “MEDICAL SERVICES”,  
20  \$1,000,000 may be available for education debt reduction  
21  under subchapter VII of chapter 76 of title 38, United  
22  States Code, for mental health care professionals who agree  
23  to employment at the Department of Veterans Affairs.

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

5 *For necessary expenses, not otherwise provided for, of*  
6 *the American Battle Monuments Commission, including the*  
7 *acquisition of land or interest in land in foreign countries;*  
8 *purchases and repair of uniforms for caretakers of national*  
9 *cemeteries and monuments outside of the United States and*  
10 *its territories and possessions; rent of office and garage*  
11 *space in foreign countries; purchase (one-for-one replace-*  
12 *ment basis only) and hire of passenger motor vehicles; not*  
13 *to exceed \$7,500 for official reception and representation*  
14 *expenses; and insurance of official motor vehicles in foreign*  
15 *countries, when required by law of such countries,*  
16 *\$63,549,000, to remain available until expended.*

17 *FOREIGN CURRENCY FLUCTUATIONS ACCOUNT*

18 *For necessary expenses, not otherwise provided for, of*  
19 *the American Battle Monuments Commission, such sums as*  
20 *may be necessary, to remain available until expended, for*  
21 *purposes authorized by section 2109 of title 36, United*  
22 *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 United*  
5 *States Court of Appeals for Veterans Claims as authorized*  
6 *by sections 7251 through 7298 of title 38, United States*  
7 *Code, \$27,115,000, of which \$1,820,000 shall be available*  
8 *for the purpose of providing financial assistance as de-*  
9 *scribed, and in accordance with the process and reporting*  
10 *procedures set forth, under this heading in Public Law 102–*  
11 *229.*

## 12 DEPARTMENT OF DEFENSE—CIVIL

## 13 CEMETERIAL EXPENSES, ARMY

## 14 SALARIES AND EXPENSES

15 *For necessary expenses, as authorized by law, for*  
16 *maintenance, operation, and improvement of Arlington Na-*  
17 *tional Cemetery and Soldiers' and Airmen's Home Na-*  
18 *tional Cemetery, including the purchase of two passenger*  
19 *motor vehicles for replacement only, and not to exceed*  
20 *\$1,000 for official reception and representation expenses,*  
21 *\$37,200,000, to remain available until expended. In addi-*  
22 *tion, such sums as may be necessary for parking mainte-*  
23 *nance, repairs and replacement, to be derived from the*  
24 *Lease of Department of Defense Real Property for Defense*  
25 *Agencies account.*

1       *Funds appropriated under this Act may be provided*  
 2   *to Arlington County, Virginia, for the relocation of the fed-*  
 3   *erally owned water main at Arlington National Cemetery*  
 4   *making additional land available for ground burials.*

5                   *ARMED FORCES RETIREMENT HOME*

6                   *TRUST FUND*

7       *For expenses necessary for the Armed Forces Retire-*  
 8   *ment Home to operate and maintain the Armed Forces Re-*  
 9   *irement Home—Washington, District of Columbia, and the*  
 10   *Armed Forces Retirement Home—Gulfport, Mississippi, to*  
 11   *be paid from funds available in the Armed Forces Retire-*  
 12   *ment Home Trust Fund, \$134,000,000, of which*  
 13   *\$72,000,000 shall remain available until expended for con-*  
 14   *struction and renovation of the physical plants at the*  
 15   *Armed Forces Retirement Home—Washington, District of*  
 16   *Columbia, and the Armed Forces Retirement Home—Gulf-*  
 17   *port, Mississippi.*

18                   *TITLE IV*

19                   *OVERSEAS CONTINGENCIES OPERATIONS*

20                   *MILITARY CONSTRUCTION*

21                   *MILITARY CONSTRUCTION, ARMY*

22       *For an additional amount for “Military Construction,*  
 23   *Army”, \$924,484,000, to remain available until September*  
 24   *30, 2012: Provided, That notwithstanding any other provi-*  
 25   *sion of law, such funds may be obligated and expended to*

1 *carry out planning and design and military construction*  
 2 *projects not otherwise authorized by law.*

3 *MILITARY CONSTRUCTION, AIR FORCE*

4 *For an additional amount for “Military Construction,*  
 5 *Air Force”, \$474,500,000, to remain available until Sep-*  
 6 *tember 30, 2012: Provided, That notwithstanding any other*  
 7 *provision of law, such funds may be obligated and expended*  
 8 *to carry out planning and design and military construction*  
 9 *projects not otherwise authorized by law.*

10 *ADMINISTRATIVE PROVISION*

11 *SEC. 401. (a)(1) The amount appropriated or other-*  
 12 *wise made available by this title under the heading “MILI-*  
 13 *TARY CONSTRUCTION, ARMY” and available for a dining*  
 14 *hall project at Forward Operating Base Dwyer is hereby*  
 15 *increased by \$4,400,000.*

16 *(2) The amount appropriated or otherwise made avail-*  
 17 *able by this title under the heading “MILITARY CONSTRUC-*  
 18 *TION, ARMY” and available for a dining hall project at For-*  
 19 *ward Operating Base Maywand is hereby reduced by*  
 20 *\$4,400,000.*

21 *(b)(1) The amount appropriated or otherwise made*  
 22 *available by this title under the heading “MILITARY CON-*  
 23 *STRUCTION, ARMY” and available for a dining hall project*  
 24 *at Forward Operating Base Wolverine is hereby increased*  
 25 *by \$2,150,000.*

12 *TITLE V*  
13 *DEPARTMENT OF VETERANS AFFAIRS*  
14 *VETERANS HEALTH ADMINISTRATION*  
15 *MEDICAL SERVICES*

16        *For necessary expenses for furnishing, as authorized*  
17 *by law, inpatient and outpatient care and treatment to*  
18 *beneficiaries of the Department of Veterans Affairs and vet-*  
19 *erans described in section 1705(a) of title 38, United States*  
20 *Code, including care and treatment in facilities not under*  
21 *the jurisdiction of the Department, and including medical*  
22 *supplies and equipment, food services, and salaries and ex-*  
23 *penses of healthcare employees hired under title 38, United*  
24 *States Code, and aid to State homes as authorized by sec-*  
25 *tion 1741 of title 38, United States Code; \$37,136,000,000,*

1 *plus reimbursements, which shall become available on Octo-*  
2 *ber 1, 2010, and shall remain available through September*  
3 *30, 2011: Provided, That, notwithstanding any other provi-*  
4 *sion of law, the Secretary of Veterans Affairs shall establish*  
5 *a priority for the provision of medical treatment for vet-*  
6 *erans who have service-connected disabilities, lower income,*  
7 *or have special needs: Provided further, That, notwith-*  
8 *standing any other provision of law, the Secretary of Vet-*  
9 *erans Affairs shall give priority funding for the provision*  
10 *of basic medical benefits to veterans in enrollment priority*  
11 *groups 1 through 6: Provided further, That, notwith-*  
12 *standing any other provision of law, the Secretary of Vet-*  
13 *erans Affairs may authorize the dispensing of prescription*  
14 *drugs from Veterans Health Administration facilities to en-*  
15 *rolled veterans with privately written prescriptions based*  
16 *on requirements established by the Secretary: Provided fur-*  
17 *ther, That the implementation of the program described in*  
18 *the previous proviso shall incur no additional cost to the*  
19 *Department of Veterans Affairs: Provided further, That for*  
20 *the Department of Defense/Department of Veterans Affairs*  
21 *Health Care Sharing Incentive Fund, as authorized by sec-*  
22 *tion 8111(d) of title 38, United States Code, a minimum*  
23 *of \$15,000,000, to remain available until expended, for any*  
24 *purpose authorized by section 8111 of title 38, United*  
25 *States Code.*



1                    *MEDICAL SUPPORT AND COMPLIANCE*

2            *For necessary expenses in the administration of the*  
3 *medical, hospital, nursing home, domiciliary, construction,*  
4 *supply, and research activities, as authorized by law; ad-*  
5 *ministrative expenses in support of capital policy activities;*  
6 *and administrative and legal expenses of the Department*  
7 *for collecting and recovering amounts owed the Department*  
8 *as authorized under chapter 17 of title 38, United States*  
9 *Code, and the Federal Medical Care Recovery Act (42*  
10 *U.S.C. 2651 et seq.); \$5,307,000,000, plus reimbursements,*  
11 *which shall become available on October 1, 2010, and shall*  
12 *remain available through September 30, 2011.*

13                    *MEDICAL FACILITIES*

14            *For necessary expenses for the maintenance and oper-*  
15 *ation of hospitals, nursing homes, and domiciliary facilities*  
16 *and other necessary facilities of the Veterans Health Admin-*  
17 *istration; for administrative expenses in support of plan-*  
18 *ning, design, project management, real property acquisition*  
19 *and disposition, construction, and renovation of any facil-*  
20 *ity under the jurisdiction or for the use of the Department;*  
21 *for oversight, engineering, and architectural activities not*  
22 *charged to project costs; for repairing, altering, improving,*  
23 *or providing facilities in the several hospitals and homes*  
24 *under the jurisdiction of the Department, not otherwise pro-*  
25 *vided for, either by contract or by the hire of temporary*

1 *employees and purchase of materials; for leases of facilities;*  
2 *and for laundry services, \$5,740,000,000, plus reimburse-*  
3 *ments, which shall become available on October 1, 2010, and*  
4 *shall remain available through September 30, 2011.*

## 5 *TITLE VI*

### 6 *GENERAL PROVISIONS*

7 *SEC. 601. No part of any appropriation contained in*  
8 *this Act shall remain available for obligation beyond the*  
9 *current fiscal year unless expressly so provided herein.*

10 *SEC. 602. Such sums as may be necessary for fiscal*  
11 *year 2010 for pay raises for programs funded by this Act*  
12 *shall be absorbed within the levels appropriated in this Act.*

13 *SEC. 603. None of the funds made available in this*  
14 *Act may be used for any program, project, or activity, when*  
15 *it is made known to the Federal entity or official to which*  
16 *the funds are made available that the program, project, or*  
17 *activity is not in compliance with any Federal law relating*  
18 *to risk assessment, the protection of private property rights,*  
19 *or unfunded mandates.*

20 *SEC. 604. No part of any funds appropriated in this*  
21 *Act shall be used by an agency of the executive branch, other*  
22 *than for normal and recognized executive-legislative rela-*  
23 *tionships, for publicity or propaganda purposes, and for*  
24 *the preparation, distribution, or use of any kit, pamphlet,*  
25 *booklet, publication, radio, television, or film presentation*

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

3       *SEC. 605. All departments and agencies funded under*  
4 *this Act are encouraged, within the limits of the existing*  
5 *statutory authorities and funding, to expand their use of*  
6 *“E-Commerce” technologies and procedures in the conduct*  
7 *of their business practices and public service activities.*

8       *SEC. 606. None of the funds made available in this*  
9 *Act may be transferred to any department, agency, or in-*  
10 *strumentality of the United States Government except pur-*  
11 *suant to a transfer made by, or transfer authority provided*  
12 *in, this or any other appropriations Act.*

13       *SEC. 607. Unless stated otherwise, all reports and noti-*  
14 *fications required by this Act shall be submitted to the Sub-*  
15 *committee on Military Construction, Veterans Affairs, and*  
16 *Related Agencies of the Committee on Appropriations of the*  
17 *House of Representatives and the Subcommittee on Military*  
18 *Construction, Veterans Affairs, and Related Agencies of the*  
19 *Committee on Appropriations of the Senate.*

20       *SEC. 608. (a) Notwithstanding any other provision of*  
21 *this Act and except as provided in subsection (b), any re-*  
22 *port required to be submitted by a Federal agency or de-*  
23 *partment to the Committee on Appropriations of either the*  
24 *Senate or the House of Representatives in this Act shall*

1 *be posted on the public website of that agency upon receipt*  
 2 *by the committee.*

3 *(b) Subsection (a) shall not apply to a report if—*

4 *(1) the public posting of the report compromises*  
 5 *national security; or*

6 *(2) the report contains proprietary information.*

7 *SEC. 609. None of the funds made available under this*  
 8 *Act may be distributed to the Association of Community*  
 9 *Organizations for Reform Now (ACORN) or its subsidi-*  
 10 *aries.*

11 *This Act may be cited as the “Military Construction*  
 12 *and Veterans Affairs and Related Agencies Appropriations*  
 13 *Act, 2010”.*

Passed the House of Representatives July 10, 2009.

Attest: LORRAINE C. MILLER,  
*Clerk.*

Passed the Senate November 17, 2009.

Attest: NANCY ERICKSON,  
*Secretary.*