

Calendar No. 100111TH CONGRESS
1ST SESSION**S. 1407****[Report No. 111–40]**

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.

IN THE SENATE OF THE UNITED STATES

JULY 7, 2009

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

A BILL

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

1 and related agencies for the fiscal year ending September
2 30, 2010, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF DEFENSE

5 MILITARY CONSTRUCTION, ARMY

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, military
8 installations, facilities, and real property for the Army as
9 currently authorized by law, including personnel in the
10 Army Corps of Engineers and other personal services nec-
11 essary for the purposes of this appropriation, and for con-
12 struction and operation of facilities in support of the func-
13 tions of the Commander in Chief, \$3,477,673,000, to re-
14 main available until September 30, 2014: *Provided*, That
15 of this amount, not to exceed \$191,573,000 shall be avail-
16 able for study, planning, design, architect and engineer
17 services, and host nation support, as authorized by law,
18 unless the Secretary of Defense determines that additional
19 obligations are necessary for such purposes and notifies
20 the Committees on Appropriations of both Houses of Con-
21 gress of the determination and the reasons therefor: *Pro-*
22 *vided further*, That the amounts made available under this
23 heading shall be expended for the projects and activities,
24 and in the amounts specified, under this heading in the
25 Committee recommendations and detail tables, including

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

3 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

4 For acquisition, construction, installation, and equip-
5 ment of temporary or permanent public works, naval in-
6 stallations, facilities, and real property for the Navy and
7 Marine Corps as currently authorized by law, including
8 personnel in the Naval Facilities Engineering Command
9 and other personal services necessary for the purposes of
10 this appropriation, \$3,548,771,000, to remain available
11 until September 30, 2014: *Provided*, That of this amount,
12 not to exceed \$176,896,000 shall be available for study,
13 planning, design, and architect and engineer services, as
14 authorized by law, unless the Secretary of Defense deter-
15 mines that additional obligations are necessary for such
16 purposes and notifies the Committees on Appropriations
17 of both Houses of Congress of the determination and the
18 reasons therefor: *Provided further*, That the amounts
19 made available under this heading shall be expended for
20 the projects and activities, and in the amounts specified,
21 under this heading in the Committee recommendations
22 and detail tables, including the table entitled “Military
23 Construction Projects Listing by Location” in the report
24 accompanying this Act.

1 MILITARY CONSTRUCTION, AIR FORCE

2 For acquisition, construction, installation, and equip-
3 ment of temporary or permanent public works, military
4 installations, facilities, and real property for the Air Force
5 as currently authorized by law, \$1,213,539,000, to remain
6 available until September 30, 2014: *Provided*, That of this
7 amount, not to exceed \$106,918,000 shall be available for
8 study, planning, design, and architect and engineer serv-
9 ices, as authorized by law, unless the Secretary of Defense
10 determines that additional obligations are necessary for
11 such purposes and notifies the Committees on Appropria-
12 tions of both Houses of Congress of the determination and
13 the reasons therefor: *Provided further*, That the amounts
14 made available under this heading shall be expended for
15 the projects and activities, and in the amounts specified,
16 under this heading in the Committee recommendations
17 and detail tables, including the table entitled “Military
18 Construction Projects Listing by Location” in the report
19 accompanying this Act.

20 MILITARY CONSTRUCTION, DEFENSE-WIDE

21 (INCLUDING TRANSFER OF FUNDS)

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

1 departments), as currently authorized by law,
2 \$3,069,114,000, to remain available until September 30,
3 2014: *Provided*, That such amounts of this appropriation
4 as may be determined by the Secretary of Defense may
5 be transferred to such appropriations of the Department
6 of Defense available for military construction or family
7 housing as the Secretary may designate, to be merged with
8 and to be available for the same purposes, and for the
9 same time period, as the appropriation or fund to which
10 transferred: *Provided further*, That of the amount appro-
11 priated, not to exceed \$142,942,000 shall be available for
12 study, planning, design, and architect and engineer serv-
13 ices, as authorized by law, unless the Secretary of Defense
14 determines that additional obligations are necessary for
15 such purposes and notifies the Committees on Appropria-
16 tions of both Houses of Congress of the determination and
17 the reasons therefor: *Provided further*, That the amounts
18 made available under this heading shall be expended for
19 the projects and activities, and in the amounts specified,
20 under this heading in the Committee recommendations
21 and detail tables, including the table entitled “Military
22 Construction Projects Listing by Location” in the report
23 accompanying this Act.

1 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Army National Guard, and contribu-
5 tions therefor, as authorized by chapter 1803 of title 10,
6 United States Code, and Military Construction Authoriza-
7 tion Acts, \$497,210,000, to remain available until Sep-
8 tember 30, 2014: *Provided*, That the amounts made avail-
9 able under this heading shall be expended for the projects
10 and activities, and in the amounts specified, under this
11 heading in the Committee recommendations and detail ta-
12 bles, including the table entitled “Military Construction
13 Projects Listing by Location” in the report accompanying
14 this Act.

15 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

16 For construction, acquisition, expansion, rehabilita-
17 tion, and conversion of facilities for the training and ad-
18 ministration of the Air National Guard, and contributions
19 therefor, as authorized by chapter 1803 of title 10, United
20 States Code, and Military Construction Authorization
21 Acts, \$297,661,000, to remain available until September
22 30, 2014: *Provided*, That the amounts made available
23 under this heading shall be expended for the projects and
24 activities, and in the amounts specified, under this heading
25 in the Committee recommendations and detail tables, in-

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

3 MILITARY CONSTRUCTION, ARMY RESERVE

4 For construction, acquisition, expansion, rehabilita-
5 tion, and conversion of facilities for the training and ad-
6 ministration of the Army Reserve as authorized by chapter
7 1803 of title 10, United States Code, and Military Con-
8 struction Authorization Acts, \$379,012,000, to remain
9 available until September 30, 2014: *Provided*, That the
10 amounts made available under this heading shall be ex-
11 pended for the projects and activities, and in the amounts
12 specified, under this heading in the Committee rec-
13 ommendations and detail tables, including the table enti-
14 tled “Military Construction Projects Listing by Location”
15 in the report accompanying this Act.

16 MILITARY CONSTRUCTION, NAVY RESERVE

17 For construction, acquisition, expansion, rehabilita-
18 tion, and conversion of facilities for the training and ad-
19 ministration of the reserve components of the Navy and
20 Marine Corps as authorized by chapter 1803 of title 10,
21 United States Code, and Military Construction Authoriza-
22 tion Acts, \$64,124,000, to remain available until Sep-
23 tember 30, 2014: *Provided*, That the amounts made avail-
24 able under this heading shall be expended for the projects
25 and activities, and in the amounts specified, under this

1 heading in the Committee recommendations and detail ta-
2 bles, including the table entitled “Military Construction
3 Projects Listing by Location” in the report accompanying
4 this Act.

5 MILITARY CONSTRUCTION, AIR FORCE RESERVE

6 For construction, acquisition, expansion, rehabilita-
7 tion, and conversion of facilities for the training and ad-
8 ministration of the Air Force Reserve as authorized by
9 chapter 1803 of title 10, United States Code, and Military
10 Construction Authorization Acts, \$47,376,000, to remain
11 available until September 30, 2014: *Provided*, That the
12 amounts made available under this heading shall be ex-
13 pended for the projects and activities, and in the amounts
14 specified, under this heading in the Committee rec-
15 ommendations and detail tables, including the table enti-
16 tled “Military Construction Projects Listing by Location”
17 in the report accompanying this Act.

18 NORTH ATLANTIC TREATY ORGANIZATION SECURITY

19 INVESTMENT PROGRAM

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

1 by section 2806 of title 10, United States Code, and Mili-
2 tary Construction Authorization Acts, \$276,314,000, to
3 remain available until expended: *Provided*, That of the
4 amount appropriated, not to exceed \$41,400,000 shall be
5 available for the United States share of the planning, de-
6 sign and construction of a new North Atlantic Treaty Or-
7 ganization headquarters.

8 FAMILY HOUSING CONSTRUCTION, ARMY

9 For expenses of family housing for the Army for con-
10 struction, including acquisition, replacement, addition, ex-
11 pansion, extension, and alteration, as authorized by law,
12 \$273,236,000, to remain available until September 30,
13 2014: *Provided*, That the amounts made available under
14 this heading shall be expended for the projects and activi-
15 ties, and in the amounts specified, under this heading in
16 the Committee recommendations and detail tables, includ-
17 ing the table entitled “Military Construction Projects List-
18 ing by Location” in the report accompanying this Act.

19 FAMILY HOUSING OPERATION AND MAINTENANCE,

20 ARMY

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

1 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
2 CORPS

3 For expenses of family housing for the Navy and Ma-
4 rine Corps for construction, including acquisition, replace-
5 ment, addition, expansion, extension, and alteration, as
6 authorized by law, \$146,569,000, to remain available until
7 September 30, 2014: *Provided*, That the amounts made
8 available under this heading shall be expended for the
9 projects and activities, and in the amounts specified,
10 under this heading in the Committee recommendations
11 and detail tables, including the table entitled “Military
12 Construction Projects Listing by Location” in the report
13 accompanying this Act.

14 FAMILY HOUSING OPERATION AND MAINTENANCE,
15 NAVY AND MARINE CORPS

16 For expenses of family housing for the Navy and Ma-
17 rine Corps for operation and maintenance, including debt
18 payment, leasing, minor construction, principal and inter-
19 est charges, and insurance premiums, as authorized by
20 law, \$368,540,000.

21 FAMILY HOUSING CONSTRUCTION, AIR FORCE

22 For expenses of family housing for the Air Force for
23 construction, including acquisition, replacement, addition,
24 expansion, extension, and alteration, as authorized by law,
25 \$66,101,000, to remain available until September 30,

1 2014: *Provided*, That the amounts made available under
2 this heading shall be expended for the projects and activi-
3 ties, and in the amounts specified, under this heading in
4 the Committee recommendations and detail tables, includ-
5 ing the table entitled “Military Construction Projects List-
6 ing by Location” in the report accompanying this Act.

7 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
8 FORCE

9 For expenses of family housing for the Air Force for
10 operation and maintenance, including debt payment, leas-
11 ing, minor construction, principal and interest charges,
12 and insurance premiums, as authorized by law,
13 \$502,936,000.

14 FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

15 For expenses of family housing for the activities and
16 agencies of the Department of Defense (other than the
17 military departments) for construction, including acquisi-
18 tion, replacement, addition, expansion, extension and al-
19 teration, as authorized by law, \$2,859,000, 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 enti-

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

3 FAMILY HOUSING OPERATION AND MAINTENANCE,
4 DEFENSE-WIDE

5 For expenses of family housing for the activities and
6 agencies of the Department of Defense (other than the
7 military departments) for operation and maintenance,
8 leasing, and minor construction, as authorized by law,
9 \$49,214,000.

10 DEPARTMENT OF DEFENSE FAMILY HOUSING
11 IMPROVEMENT FUND

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

18 HOMEOWNERS ASSISTANCE FUND

19 For the Homeowners Assistance Fund established by
20 section 1013 of the Demonstration Cities and Metropoli-
21 tan Development Act of 1966 (42 U.S.C. 3374), as
22 amended by section 1001 of division A of the American
23 Recovery and Reinvestment Act of 2009 (Public Law 111–
24 5; 123 Stat. 194), \$373,225,000, to remain available until
25 expended.

1 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT
2 2005

3 For deposit into the Department of Defense Base
4 Closure Account 2005, established by section 2906A(a)(1)
5 of the Defense Base Closure and Realignment Act of 1990
6 (10 U.S.C. 2687 note), \$7,479,498,000, to remain avail-
7 able until expended: *Provided*, That the Department of
8 Defense shall notify the Committees on Appropriations of
9 both Houses of Congress 14 days prior to obligating an
10 amount for a construction project that exceeds or reduces
11 the amount identified for that project in the most recently
12 submitted budget request for this account by 20 percent
13 or \$2,000,000, whichever is less: *Provided further*, That
14 the previous proviso shall not apply to projects costing less
15 than \$5,000,000, except for those projects not previously
16 identified in any budget submission for this account and
17 exceeding the minor construction threshold under 10
18 U.S.C. 2805.

19 ADMINISTRATIVE PROVISIONS

20 SEC. 101. None of the funds made available in this
21 title shall be expended for payments under a cost-plus-a-
22 fixed-fee contract for construction, where cost estimates
23 exceed \$25,000, to be performed within the United States,
24 except Alaska, without the specific approval in writing of

1 the Secretary of Defense setting forth the reasons there-
2 for.

3 SEC. 102. Funds made available in this title for con-
4 struction shall be available for hire of passenger motor ve-
5 hicles.

6 SEC. 103. Funds made available in this title for con-
7 struction may be used for advances to the Federal High-
8 way Administration, Department of Transportation, for
9 the construction of access roads as authorized by section
10 210 of title 23, United States Code, when projects author-
11 ized therein are certified as important to the national de-
12 fense by the Secretary of Defense.

13 SEC. 104. None of the funds made available in this
14 title may be used to begin construction of new bases in
15 the United States for which specific appropriations have
16 not been made.

17 SEC. 105. None of the funds made available in this
18 title shall be used for purchase of land or land easements
19 in excess of 100 percent of the value as determined by
20 the Army Corps of Engineers or the Naval Facilities Engi-
21 neering Command, except: (1) where there is a determina-
22 tion of value by a Federal court; (2) purchases negotiated
23 by the Attorney General or the designee of the Attorney
24 General; (3) where the estimated value is less than

1 \$25,000; or (4) as otherwise determined by the Secretary
2 of Defense to be in the public interest.

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

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

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

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

23 SEC. 110. None of the funds made available in this
24 title may be used to initiate a new installation overseas

1 without prior notification to the Committees on Appro-
2 priations of both Houses of Congress.

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

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

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

8 SEC. 114. Not more than 20 percent of the funds
9 made available in this title which are limited for obligation
10 during the current fiscal year shall be obligated during
11 the last two months of the fiscal year.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 115. Funds appropriated to the Department of
14 Defense for construction in prior years shall be available
15 for construction authorized for each such military depart-
16 ment by the authorizations enacted into law during the
17 current session of Congress.

18 SEC. 116. For military construction or family housing
19 projects that are being completed with funds otherwise ex-
20 pired or lapsed for obligation, expired or lapsed funds may
21 be used to pay the cost of associated supervision, inspec-
22 tion, overhead, engineering and design on those projects
23 and on subsequent claims, if any.

24 SEC. 117. Notwithstanding any other provision of
25 law, any funds made available to a military department

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

11 SEC. 118. (a) The Secretary of Defense, in consulta-
12 tion with the Secretary of State, shall submit to the Com-
13 mittees on Appropriations of both Houses of Congress, by
14 February 15 of each year, an annual report in unclassified
15 and, if necessary, classified form, on actions taken by the
16 Department of Defense and the Department of State dur-
17 ing the previous fiscal year to encourage host countries
18 to assume a greater share of the common defense burden
19 of such countries and the United States.

20 (b) The report under subsection (a) shall include a
21 description of—

22 (1) attempts to secure cash and in-kind con-
23 tributions from host countries for military construc-
24 tion projects;

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

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 120. Subject to 30 days prior notification to the
10 Committees on Appropriations of both Houses of Con-
11 gress, such additional amounts as may be determined by
12 the Secretary of Defense may be transferred to: (1) the
13 Department of Defense Family Housing Improvement
14 Fund from amounts appropriated for construction in
15 “Family Housing” accounts, to be merged with and to be
16 available for the same purposes and for the same period
17 of time as amounts appropriated directly to the Fund; or
18 (2) the Department of Defense Military Unaccompanied
19 Housing Improvement Fund from amounts appropriated
20 for construction of military unaccompanied housing in
21 “Military Construction” accounts, to be merged with and
22 to be available for the same purposes and for the same
23 period of time as amounts appropriated directly to the
24 Fund: *Provided*, That appropriations made available to
25 the Funds shall be available to cover the costs, as defined

1 in section 502(5) of the Congressional Budget Act of
2 1974, of direct loans or loan guarantees issued by the De-
3 partment of Defense pursuant to the provisions of sub-
4 chapter IV of chapter 169 of title 10, United States Code,
5 pertaining to alternative means of acquiring and improv-
6 ing military family housing, military unaccompanied hous-
7 ing, and supporting facilities.

8 SEC. 121. (a) Not later than 60 days before issuing
9 any solicitation for a contract with the private sector for
10 military family housing the Secretary of the military de-
11 partment concerned shall submit to the Committees on
12 Appropriations of both Houses of Congress the notice de-
13 scribed in subsection (b).

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

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

22 (B) a reduction in force of units stationed at
23 such installation; or

24 (C) the extended deployment overseas of units
25 stationed at such installation.

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

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

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 125. 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 seven days of a decision to carry out such a military
2 construction project.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 126. 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. 127. Amounts appropriated or otherwise made
19 available in an account funded under the headings in this
20 title may be transferred among projects and activities
21 within that account in accordance with the reprogramming
22 guidelines for military construction and family housing
23 construction contained in the report accompanying this
24 Act, and in the guidance for military construction
25 reprogrammings and notifications contained in Depart-

1 ment of Defense Financial Management Regulation
2 7000.14–R, Volume 3, Chapter 7, of December 1996, as
3 in effect on the date of enactment of this Act.

4 TITLE II

5 DEPARTMENT OF VETERANS AFFAIRS

6 VETERANS BENEFITS ADMINISTRATION

7 COMPENSATION AND PENSIONS

8 (INCLUDING TRANSFER OF FUNDS)

9 For the payment of compensation benefits to or on
10 behalf of veterans and a pilot program for disability ex-
11 aminations as authorized by section 107 and chapters 11,
12 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
13 pension benefits to or on behalf of veterans as authorized
14 by chapters 15, 51, 53, 55, and 61 of title 38, United
15 States Code; and burial benefits, the Reinstated Entitle-
16 ment Program for Survivors, emergency and other offi-
17 cers' retirement pay, adjusted-service credits and certifi-
18 cates, payment of premiums due on commercial life insur-
19 ance policies guaranteed under the provisions of title IV
20 of the Servicemembers Civil Relief Act (50 U.S.C. App.
21 541 et seq.) and for other benefits as authorized by sec-
22 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
23 53, 55, and 61 of title 38, United States Code,
24 \$47,218,207,000, to remain available until expended: *Pro-*
25 *vided*, That not to exceed \$29,283,000 of the amount ap-

1 appropriated under this heading shall be reimbursed to
2 “General operating expenses”, “Medical support and com-
3 pliance”, and “Information technology systems” for nec-
4 essary expenses in implementing the provisions of chapters
5 51, 53, and 55 of title 38, United States Code, the funding
6 source for which is specifically provided as the “Com-
7 pensation and pensions” appropriation: *Provided further*,
8 That such sums as may be earned on an actual qualifying
9 patient basis, shall be reimbursed to “Medical care collec-
10 tions fund” to augment the funding of individual medical
11 facilities for nursing home care provided to pensioners as
12 authorized.

13 READJUSTMENT BENEFITS

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

1 VETERANS INSURANCE AND INDEMNITIES

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

7 VETERANS HOUSING BENEFIT PROGRAM FUND

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

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

20 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

21 (INCLUDING TRANSFER OF FUNDS)

22 For the cost of direct loans, \$29,000, as authorized
23 by chapter 31 of title 38, United States Code: *Provided*,
24 That such costs, including the cost of modifying such
25 loans, shall be as defined in section 502 of the Congres-

1 sional Budget Act of 1974: *Provided further*, That funds
2 made available under this heading are available to sub-
3 sidize gross obligations for the principal amount of direct
4 loans not to exceed \$2,298,000.

5 In addition, for administrative expenses necessary to
6 carry out the direct loan program, \$328,000, which may
7 be paid to the appropriation for “General operating ex-
8 penses”.

9 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM
10 ACCOUNT

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

14 GUARANTEED TRANSITIONAL HOUSING LOANS FOR
15 HOMELESS VETERANS PROGRAM ACCOUNT

16 For the administrative expenses to carry out the
17 guaranteed transitional housing loan program authorized
18 by subchapter VI of chapter 20 of title 38, United States
19 Code, not to exceed \$750,000 of the amounts appropriated
20 by this Act for “General operating expenses” and “Med-
21 ical support and compliance” may be expended.

1 VETERANS HEALTH ADMINISTRATION
2 MEDICAL SERVICES
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses for furnishing, as authorized
5 by law, inpatient and outpatient care and treatment to
6 beneficiaries of the Department of Veterans Affairs and
7 veterans described in section 1705(a) of title 38, United
8 States Code, including care and treatment in facilities not
9 under the jurisdiction of the Department, and including
10 medical supplies and equipment, food services, and sala-
11 ries and expenses of healthcare employees hired under title
12 38, United States Code, and aid to State homes as author-
13 ized by section 1741 of title 38, United States Code;
14 \$34,704,500,000, plus reimbursements: *Provided*, That of
15 the funds made available under this heading, not to exceed
16 \$1,600,000,000 shall be available until September 30,
17 2011: *Provided further*, That, notwithstanding any other
18 provision of law, the Secretary of Veterans Affairs shall
19 establish a priority for the provision of medical treatment
20 for veterans who have service-connected disabilities, lower
21 income, or have special needs: *Provided further*, That, not-
22 withstanding any other provision of law, the Secretary of
23 Veterans Affairs shall give priority funding for the provi-
24 sion of basic medical benefits to veterans in enrollment
25 priority groups 1 through 6: *Provided further*, That, not-

1 withstanding any other provision of law, the Secretary of
2 Veterans Affairs may authorize the dispensing of prescrip-
3 tion drugs from Veterans Health Administration facilities
4 to enrolled veterans with privately written prescriptions
5 based on requirements established by the Secretary: *Pro-*
6 *vided further*, That the implementation of the program de-
7 scribed in the previous proviso shall incur no additional
8 cost to the Department of Veterans Affairs: *Provided fur-*
9 *ther*, That for the Department of Defense/Department of
10 Veterans Affairs Health Care Sharing Incentive Fund, as
11 authorized by section 8111(d) of title 38, United States
12 Code, a minimum of \$15,000,000, to remain available
13 until expended, for any purpose authorized by section
14 8111 of title 38, United States Code.

15 MEDICAL SUPPORT AND COMPLIANCE

16 For necessary expenses in the administration of the
17 medical, hospital, nursing home, domiciliary, construction,
18 supply, and research activities, as authorized by law; ad-
19 ministrative expenses in support of capital policy activi-
20 ties; and administrative and legal expenses of the Depart-
21 ment for collecting and recovering amounts owed the De-
22 partment as authorized under chapter 17 of title 38,
23 United States Code, and the Federal Medical Care Recov-
24 ery Act (42 U.S.C. 2651 et seq.); \$5,100,000,000, plus

1 reimbursements, of which \$250,000,000 shall be available
2 until September 30, 2011.

3 MEDICAL FACILITIES

4 For necessary expenses for the maintenance and op-
5 eration of hospitals, nursing homes, and domiciliary facili-
6 ties and other necessary facilities of the Veterans Health
7 Administration; for administrative expenses in support of
8 planning, design, project management, real property ac-
9 quisition and disposition, construction, and renovation of
10 any facility under the jurisdiction or for the use of the
11 Department; for oversight, engineering, and architectural
12 activities not charged to project costs; for repairing, alter-
13 ing, improving, or providing facilities in the several hos-
14 pitals and homes under the jurisdiction of the Depart-
15 ment, not otherwise provided for, either by contract or by
16 the hire of temporary employees and purchase of mate-
17 rials; for leases of facilities; and for laundry services,
18 \$4,849,883,000, plus reimbursements, of which
19 \$250,000,000 shall be available until September 30, 2011:
20 *Provided*, That \$100,000,000 for non-recurring mainte-
21 nance provided under this heading shall be allocated in
22 a manner not subject to the Veterans Equitable Resource
23 Allocation.

1 MEDICAL AND PROSTHETIC RESEARCH

2 For necessary expenses in carrying out programs of
3 medical and prosthetic research and development as au-
4 thorized by chapter 73 of title 38, United States Code,
5 \$580,000,000, plus reimbursements, to remain available
6 until September 30, 2011.

7 NATIONAL CEMETERY ADMINISTRATION

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

18 DEPARTMENTAL ADMINISTRATION

19 GENERAL OPERATING EXPENSES

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

1 senger motor vehicles; and reimbursement of the General
2 Services Administration for security guard services, and
3 the Department of Defense for the cost of overseas em-
4 ployee mail, \$2,086,251,000: *Provided*, That expenses for
5 services and assistance authorized under paragraphs (1),
6 (2), (5), and (11) of section 3104(a) of title 38, United
7 States Code, that the Secretary of Veterans Affairs deter-
8 mines are necessary to enable entitled veterans: (1) to the
9 maximum extent feasible, to become employable and to ob-
10 tain and maintain suitable employment; or (2) to achieve
11 maximum independence in daily living, shall be charged
12 to this account: *Provided further*, That the Veterans Bene-
13 fits Administration shall be funded at not less than
14 \$1,689,207,000: *Provided further*, That of the funds made
15 available under this heading, not to exceed \$111,000,000
16 shall be available for obligation until September 30, 2011:
17 *Provided further*, That from the funds made available
18 under this heading, the Veterans Benefits Administration
19 may purchase (on a one-for-one replacement basis only)
20 up to two passenger motor vehicles for use in operations
21 of that Administration in Manila, Philippines.

22 INFORMATION TECHNOLOGY SYSTEMS

23 For necessary expenses for information technology
24 systems and telecommunications support, including devel-
25 opmental information systems and operational information

1 systems; for pay and associated costs; and for the capital
2 asset acquisition of information technology systems, in-
3 cluding management and related contractual costs of said
4 acquisitions, including contractual costs associated with
5 operations authorized by section 3109 of title 5, United
6 States Code, \$3,307,000,000, plus reimbursements, to be
7 available until September 30, 2011: *Provided*, That not
8 later than 30 days after the date of the enactment of this
9 Act, the Secretary of Veterans Affairs shall submit to the
10 Committees on Appropriations of both Houses of Congress
11 a reprogramming base letter which sets forth, by project,
12 the Operations and Maintenance and Salaries and Ex-
13 penses costs to be carried out utilizing amounts made
14 available by this heading: *Provided further*, That of the
15 amounts appropriated, \$800,485,000 may not be obligated
16 or expended until the Secretary of Veterans Affairs or the
17 Chief Information Officer of the Department of Veterans
18 Affairs submits to the Committees on Appropriations of
19 both Houses of Congress a certification of the amounts,
20 in parts or in full, to be obligated and expended for each
21 development project: *Provided further*, That amounts spec-
22 ified in the certification with respect to development
23 projects under the preceding proviso shall be incorporated
24 into the reprogramming base letter with respect to devel-

1 opment projects funded using amounts appropriated by
2 this heading.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses of the Office of Inspector
5 General, to include information technology, in carrying out
6 the provisions of the Inspector General Act of 1978 (5
7 U.S.C. App.), \$109,000,000, of which \$6,000,000 shall be
8 available until September 30, 2011.

9 CONSTRUCTION, MAJOR PROJECTS

10 For constructing, altering, extending, and improving
11 any of the facilities, including parking projects, under the
12 jurisdiction or for the use of the Department of Veterans
13 Affairs, or for any of the purposes set forth in sections
14 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
15 and 8122 of title 38, United States Code, including plan-
16 ning, architectural and engineering services, construction
17 management services, maintenance or guarantee period
18 services costs associated with equipment guarantees pro-
19 vided under the project, services of claims analysts, offsite
20 utility and storm drainage system construction costs, and
21 site acquisition, where the estimated cost of a project is
22 more than the amount set forth in section 8104(a)(3)(A)
23 of title 38, United States Code, or where funds for a
24 project were made available in a previous major project
25 appropriation, \$1,194,000,000, to remain available until

1 expended, of which \$16,000,000 shall be to make reim-
2 bursements as provided in section 13 of the Contract Dis-
3 putes Act of 1978 (41 U.S.C. 612) for claims paid for
4 contract disputes: *Provided*, That except for advance plan-
5 ning activities, including needs assessments which may or
6 may not lead to capital investments, and other capital
7 asset management related activities, including portfolio
8 development and management activities, and investment
9 strategy studies funded through the advance planning
10 fund and the planning and design activities funded
11 through the design fund, including needs assessments
12 which may or may not lead to capital investments, and
13 funds provided for the purchase of land for the National
14 Cemetery Administration through the land acquisition line
15 item, none of the funds appropriated under this heading
16 shall be used for any project which has not been approved
17 by the Congress in the budgetary process: *Provided fur-*
18 *ther*, That funds provided in this appropriation for fiscal
19 year 2010, for each approved project shall be obligated:
20 (1) by the awarding of a construction documents contract
21 by September 30, 2010; and (2) by the awarding of a con-
22 struction contract by September 30, 2011: *Provided fur-*
23 *ther*, That the Secretary of Veterans Affairs shall promptly
24 submit to the Committees on Appropriations of both
25 Houses of Congress a written report on any approved

1 major construction project for which obligations are not
2 incurred within the time limitations established above.

3 CONSTRUCTION, MINOR PROJECTS

4 For constructing, altering, extending, and improving
5 any of the facilities, including parking projects, under the
6 jurisdiction or for the use of the Department of Veterans
7 Affairs, including planning and assessments of needs
8 which may lead to capital investments, architectural and
9 engineering services, maintenance or guarantee period
10 services costs associated with equipment guarantees pro-
11 vided under the project, services of claims analysts, offsite
12 utility and storm drainage system construction costs, and
13 site acquisition, or for any of the purposes set forth in
14 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
15 8110, 8122, and 8162 of title 38, United States Code,
16 where the estimated cost of a project is equal to or less
17 than the amount set forth in section 8104(a)(3)(A) of title
18 38, United States Code, \$685,000,000, to remain avail-
19 able until expended, along with unobligated balances of
20 previous "Construction, minor projects" appropriations
21 which are hereby made available for any project where the
22 estimated cost is equal to or less than the amount set forth
23 in such section: *Provided*, That funds in this account shall
24 be available for: (1) repairs to any of the nonmedical facili-
25 ties under the jurisdiction or for the use of the Depart-

1 ment which are necessary because of loss or damage
 2 caused by any natural disaster or catastrophe; and (2)
 3 temporary measures necessary to prevent or to minimize
 4 further loss by such causes.

5 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
 6 FACILITIES

7 For grants to assist States to acquire or construct
 8 State nursing home and domiciliary facilities and to re-
 9 model, modify, or alter existing hospital, nursing home,
 10 and domiciliary facilities in State homes, for furnishing
 11 care to veterans as authorized by sections 8131 through
 12 8137 of title 38, United States Code, \$115,000,000, to
 13 remain available until expended.

14 GRANTS FOR CONSTRUCTION OF STATE VETERANS
 15 CEMETERIES

16 For grants to assist States in establishing, expand-
 17 ing, or improving State veterans cemeteries as authorized
 18 by section 2408 of title 38, United States Code,
 19 \$42,000,000, to remain available until expended.

20 ADMINISTRATIVE PROVISIONS

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 201. Any appropriation for fiscal year 2010 for
 23 “Compensation and pensions”, “Readjustment benefits”,
 24 and “Veterans insurance and indemnities” may be trans-
 25 ferred as necessary to any other of the mentioned appro-

1 priations: *Provided*, That before a transfer may take place,
2 the Secretary of Veterans Affairs shall request from the
3 Committees on Appropriations of both Houses of Congress
4 the authority to make the transfer and such Committees
5 issue an approval, or absent a response, a period of 30
6 days has elapsed.

7 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 208. Notwithstanding any other provision of
22 law, during fiscal year 2010, the Secretary of Veterans
23 Affairs shall, from the National Service Life Insurance
24 Fund (38 U.S.C. 1920), the Veterans’ Special Life Insur-
25 ance Fund (38 U.S.C. 1923), and the United States Gov-

1 ernment Life Insurance Fund (38 U.S.C. 1955), reim-
2 burse the “General operating expenses” and “Information
3 technology systems” accounts for the cost of administra-
4 tion of the insurance programs financed through those ac-
5 counts: *Provided*, That reimbursement shall be made only
6 from the surplus earnings accumulated in such an insur-
7 ance program during fiscal year 2010 that are available
8 for dividends in that program after claims have been paid
9 and actuarially determined reserves have been set aside:
10 *Provided further*, That if the cost of administration of such
11 an insurance program exceeds the amount of surplus earn-
12 ings accumulated in that program, reimbursement shall be
13 made only to the extent of such surplus earnings: *Provided*
14 *further*, That the Secretary shall determine the cost of ad-
15 ministration for fiscal year 2010 which is properly allo-
16 cable to the provision of each such insurance program and
17 to the provision of any total disability income insurance
18 included in that insurance program.

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

1 (INCLUDING TRANSFER OF FUNDS)

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

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

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

18 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 215. Such sums as may be deposited to the
14 Medical Care Collections Fund pursuant to section 1729A
15 of title 38, United States Code, may be transferred to
16 “Medical services”, to remain available until expended for
17 the purposes of that account: *Provided*, That, for fiscal
18 year 2010, \$200,000,000 deposited in the Department of
19 Veterans Affairs Medical Care Collections Fund shall be
20 transferred to “Medical Facilities”, to remain available
21 until expended, for non-recurring maintenance at existing
22 Veterans Health Administration medical facilities: *Pro-*
23 *vided further*, That the allocation of amounts transferred
24 to “Medical Facilities” under the preceding proviso shall

1 not be subject to the Veterans Equitable Resource Alloca-
2 tion formula.

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

1 (INCLUDING TRANSFER OF FUNDS)

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

8 SEC. 218. None of the funds made available in this
9 title may be used to implement any policy prohibiting the
10 Directors of the Veterans Integrated Services Networks
11 from conducting outreach or marketing to enroll new vet-
12 erans within their respective Networks.

13 SEC. 219. The Secretary of Veterans Affairs shall
14 submit to the Committees on Appropriations of both
15 Houses of Congress a quarterly report on the financial
16 status of the Veterans Health Administration.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 220. Amounts made available under the “Med-
19 ical services”, “Medical support and compliance”, “Med-
20 ical facilities”, “General operating expenses”, and “Na-
21 tional Cemetery Administration” accounts for fiscal year
22 2010, may be transferred to or from the “Information
23 technology systems” account: *Provided*, That before a
24 transfer may take place, the Secretary of Veterans Affairs
25 shall request from the Committees on Appropriations of

1 SEC. 224. (a) Upon a determination by the Secretary
2 of Veterans Affairs that such action is in the national in-
3 terest, and will have a direct benefit for veterans through
4 increased access to treatment, the Secretary of Veterans
5 Affairs may transfer not more than \$5,000,000 to the Sec-
6 retary of Health and Human Services for the Graduate
7 Psychology Education Program, which includes treatment
8 of veterans, to support increased training of psychologists
9 skilled in the treatment of post-traumatic stress disorder,
10 traumatic brain injury, and related disorders.

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

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

16 SEC. 225. 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, and Independent Agencies Appropriations Act,
23 2006 (Public Law 109–115; 119 Stat. 2506); or

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

1 SEC. 226. Of the amounts made available to the De-
2 partment of Veterans Affairs for fiscal year 2010, in this
3 Act or any other Act, under the “Medical Facilities” ac-
4 count for non-recurring maintenance, not more than 20
5 percent of the funds made available shall be obligated dur-
6 ing the last 2 months of the fiscal year: *Provided*, That
7 the Secretary may waive this requirement after providing
8 written notice to the Committees on Appropriations of
9 both Houses of Congress.

10 SEC. 227. Section 1925(d)(3) of title 38, United
11 States Code, is amended by striking “appropriation ‘Gen-
12 eral Operating Expenses, Department of Veterans Af-
13 fairs’”, and inserting “appropriations for ‘General Oper-
14 ating Expenses and Information Technology Systems, De-
15 partment of Veterans Affairs’ ”.

16 SEC. 228. Section 1922(a) of title 38, United States
17 Code, is amended by striking “(5) administrative costs to
18 the Government for the costs of”, and inserting “(5) ad-
19 ministrative support performed by General Operating Ex-
20 penses and Information Technology Systems, Department
21 of Veterans 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, \$63,549,000, 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, of which \$1,820,000
8 shall be available for the purpose of providing financial
9 assistance as described, and in accordance with the proc-
10 ess and reporting procedures set forth, under this heading
11 in Public Law 102–229.

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
17 National 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 De-
25 fense Agencies account.

1 Funds appropriated under this Act may be provided
 2 to Arlington County, Virginia, for the relocation of the
 3 federally owned water main at Arlington National Ceme-
 4 tery 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
 9 Retirement Home—Washington, District of Columbia,
 10 and the Armed Forces Retirement Home—Gulfport, Mis-
 11 sissippi, to be paid from funds available in the Armed
 12 Forces Retirement Home Trust Fund, \$134,000,000, of
 13 which \$72,000,000 shall remain available until expended
 14 for construction and renovation of the physical plants at
 15 the Armed Forces Retirement Home—Washington, Dis-
 16 trict of Columbia, and the Armed Forces Retirement
 17 Home—Gulfport, 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 Sep-
 24 tember 30, 2012: *Provided*, That notwithstanding any
 25 other provision of law, such funds may be obligated and

1 expended to carry out planning and design and military
2 construction 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
7 other provision of law, such funds may be obligated and
8 expended to carry out planning and design and military
9 construction projects not otherwise authorized by law.

10 TITLE V

11 DEPARTMENT OF VETERANS AFFAIRS

12 VETERANS HEALTH ADMINISTRATION

13 MEDICAL SERVICES

14 For necessary expenses for furnishing, as authorized
15 by law, inpatient and outpatient care and treatment to
16 beneficiaries of the Department of Veterans Affairs and
17 veterans described in section 1705(a) of title 38, United
18 States Code, including care and treatment in facilities not
19 under the jurisdiction of the Department, and including
20 medical supplies and equipment, food services, and sala-
21 ries and expenses of healthcare employees hired under title
22 38, United States Code, and aid to State homes as author-
23 ized by section 1741 of title 38, United States Code;
24 \$37,136,000,000, plus reimbursements, which shall be-
25 come available on October 1, 2010, and shall remain avail-

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

1 MEDICAL SUPPORT AND COMPLIANCE

2 For necessary expenses in the administration of the
3 medical, hospital, nursing home, domiciliary, construction,
4 supply, and research activities, as authorized by law; ad-
5 ministrative expenses in support of capital policy activi-
6 ties; and administrative and legal expenses of the Depart-
7 ment for collecting and recovering amounts owed the De-
8 partment as authorized under chapter 17 of title 38,
9 United States Code, and the Federal Medical Care Recov-
10 ery Act (42 U.S.C. 2651 et seq.); \$5,307,000,000, plus
11 reimbursements, which shall become available on October
12 1, 2010, and shall remain available through September 30,
13 2011.

14 MEDICAL FACILITIES

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

1 ment, not otherwise provided for, either by contract or by
2 the hire of temporary employees and purchase of mate-
3 rials; for leases of facilities; and for laundry services,
4 \$5,740,000,000, plus reimbursements, which shall become
5 available on October 1, 2010, and shall remain available
6 through September 30, 2011.

7 TITLE VI

8 GENERAL PROVISIONS

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

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

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

23 SEC. 604. No part of any funds appropriated in this
24 Act shall be used by an agency of the executive branch,
25 other than for normal and recognized executive-legislative

1 relationships, for publicity or propaganda purposes, and
2 for the preparation, distribution, or use of any kit, pam-
3 phlet, booklet, publication, radio, television, or film presen-
4 tation designed to support or defeat legislation pending
5 before Congress, except in presentation to Congress itself.

6 SEC. 605. All departments and agencies funded under
7 this Act are encouraged, within the limits of the existing
8 statutory authorities and funding, to expand their use of
9 “E-Commerce” technologies and procedures in the con-
10 duct of their business practices and public service activi-
11 ties.

12 SEC. 606. None of the funds made available in this
13 Act may be transferred to any department, agency, or in-
14 strumentality of the United States Government except
15 pursuant to a transfer made by, or transfer authority pro-
16 vided in, this or any other appropriations Act.

17 SEC. 607. Unless stated otherwise, all reports and no-
18 tifications required by this Act shall be submitted to the
19 Subcommittee on Military Construction, Veterans Affairs,
20 and Related Agencies of the Committee on Appropriations
21 of the House of Representatives and the Subcommittee on
22 Military Construction, Veterans Affairs, and Related
23 Agencies of the Committee on Appropriations of the Sen-
24 ate.

1 This Act may be cited as the “Military Construction
2 and Veterans Affairs and Related Agencies Appropriations
3 Act, 2010”.

Calendar No. 100

111TH CONGRESS
1ST Session

S. 1407

[Report No. 111-40]

A BILL

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

JULY 7, 2009

Read twice and placed on the calendar