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 Representatives of the United States of America in Congress assembled,
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $4,554,906,000, to remain available until September 30, 2014, of which $924,484,000 is designated as being for overseas deployments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, and of which $450,000,000 shall be for trainee troop housing facilities:

Provided, That of this amount, not to exceed $187,872,000 shall be available for study, planning, de-
sign, architect and engineer services, and host nation sup-
port, as authorized by law, unless the Secretary of Defense
determines that additional obligations are necessary for
such purposes and notifies the Committees on Appropria-
tions of both Houses of Congress 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
Secretary of Defense shall submit to the Committees on
Appropriations of both Houses of Congress an expenditure
plan for the funds provided for trainee troop housing fa-
cilities: 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, Army” and under the headings “Army” in
the tables entitled “Military Construction” and “Overseas
Contingency Operations” in the report of the Committee
on Appropriations of the House of Representatives to ac-
company this bill: Provided further, That of the funds ap-
propriated for “Military Construction, Army” under Pub-
lic Law 110–329, $59,500,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equip-
ment of temporary or permanent public works, naval in-
stallations, facilities, and real property for the Navy and
Marine Corps as currently authorized by law, including
personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $3,757,330,000, to remain available until September 30, 2014: Provided, That of this amount, not to exceed $182,569,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Navy and Marine Corps” and under the headings “Navy” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,833,671,000, to remain available until September 30, 2014, of which $474,500,000 is designated as being for overseas deploy-
ments and other activities pursuant to section 423(a)(1) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: Provided, That of this amount, not to exceed $93,407,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Air Force” and under the headings “Air Force” in the tables entitled “Military Construction” and “Overseas Contingency Operations” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law,
$2,743,526,000, to remain available until September 30, 2014: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $121,442,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Defense-Wide” and under the headings “Defense-Wide” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill: Provided further, That of the funds appropriated for “Military Construction, Defense-Wide” under Public Law 110–329, $25,800,000 are hereby rescinded.
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, $529,129,000, to remain available until September 30, 2014, of which $30,000,000 shall be for critical unfunded requirements: Provided, That of the amount appropriated, not to exceed $40,488,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Director of the Army National Guard 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, Army National Guard” and under the headings “Army National Guard”
in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $226,126,000, to remain available until September 30, 2014, of which $30,000,000 shall be for critical unfunded requirements: Provided, That of the amount appropriated, not to exceed $12,021,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Director of the Air National Guard 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 National Guard” and
under the headings “Air National Guard” in the table en-
titled “Military Construction” in the report of the Com-
mittee on Appropriations of the House of Representatives
to accompany this bill.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilita-
tion, and conversion of facilities for the training and ad-
ministration of the Army Reserve as authorized by chapter
1803 of title 10, United States Code, and Military Con-
struction Authorization Acts, $432,516,000, to remain
available until September 30, 2014, of which $30,000,000
shall be for critical unfunded requirements: Provided,
That of the amount appropriated, not to exceed
$25,016,000 shall be available for study, planning, design,
and architect and engineer services, as authorized by law,
unless the Secretary of Defense determines that additional
obligations are necessary for such purposes and notifies
the Committees on Appropriations of both Houses of Con-
gress of the determination and the reasons therefor: Pro-
vided further, That, not later than 30 days after the date
of the enactment of this Act, the Chief of Army Reserve
shall submit to the Committees on Appropriations of both
Houses of Congress an expenditure plan for the funds pro-
vided for critical unfunded requirements: Provided further,

That the amount appropriated in this paragraph shall be
for the projects and activities, and in the amounts, speci-
fied under the heading “Military Construction, Army Re-
serve” and under the headings “Army Reserve” in the

table entitled “Military Construction” in the report of the
Committee on Appropriations of the House of Representa-
tives to accompany this bill.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilita-
tion, and conversion of facilities for the training and ad-
ministration of the reserve components of the Navy and

Marine Corps as authorized by chapter 1803 of title 10,

United States Code, and Military Construction Authoriza-
tion Acts, $125,874,000, to remain available until Sep-
tember 30, 2014, of which $20,000,000 shall be for crit-
ical unfunded requirements of the Navy Reserve and

$35,000,000 shall be for critical unfunded requirements

of the Marine Forces Reserve: Provided, That of the

amount appropriated, not to exceed $2,951,000 shall be
available for study, planning, design, and architect and en-
gineer services, as authorized by law, unless the Secretary

of Defense determines that additional obligations are nec-
essary for such purposes and notifies the Committees on

Appropriations of both Houses of Congress of the deter-
mination and the reasons therefor: Provided further, That, not later than 30 days after the date of the enactment of this Act, the Chief of Navy Reserve and the Commanders, Marine Forces 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, Navy Reserve” and under the headings “Navy Reserve” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $103,169,000, to remain available until September 30, 2014, of which $55,000,000 shall be for critical unfunded requirements: Provided, That of the amount appropriated, not to exceed $4,669,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law,
unless the Secretary of Defense determines that additional
obligations are necessary for such purposes and notifies
the Committees on Appropriations of both Houses of Con-
gress of the determination and the reasons therefor: Pro-
vided further, That, not later than 30 days after the date
of the enactment of this Act, the Chief of Air Force Re-
serve shall submit to the Committees on Appropriations
of both Houses of Congress an expenditure plan for the
funds provided for critical unfunded requirements: Pro-
vided further, That the amount appropriated in this para-
graph shall be for the projects and activities, and in the
amounts, specified under the heading “Military Construc-
tion, Air Force Reserve” and under the headings “Air
Force Reserve” in the table entitled “Military Construc-
tion” 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 Pro-
gram for the acquisition and construction of military fa-
cilities 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 Mili-
tary Construction Authorization Acts, $234,914,000, to
remain available until expended.

**FAMILY HOUSING CONSTRUCTION, ARMY**

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

**FAMILY HOUSING OPERATION AND MAINTENANCE,**

**ARMY**

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

**FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE**

**CORPS**

For expenses of family housing for the Navy and Ma-
rine Corps for construction, including acquisition, replace-
ment, addition, expansion, extension, and alteration, as
authorized by law, $146,569,000, to remain available until September 30, 2014: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Family Housing Construction, Navy and Marine Corps” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE,

NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $368,540,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $66,101,000, to remain available until September 30, 2014: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Family Housing Construction, Air Force” in the table entitled “Military Construction” in the report of the Committee on Ap-
appropriations of the House of Representatives to accompany this bill.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $502,936,000.

FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $2,859,000, to remain available until September 30, 2014: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the heading “Family Housing Construction, Defense-Wide” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.
FAMILY HOUSING OPERATION AND MAINTENANCE,

DEFENSE-WIDE

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

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,600,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $23,225,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION,

DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in ac-
cordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $146,541,000, to remain available until September 30, 2014: Provided, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings “Chemical Demilitarization Construction, Defense-Wide” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

1990

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

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

2005

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

**Administrative Provisions**

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

Sec. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

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

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

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

SEC. 106. None of the funds made available in this
title shall be used to: (1) acquire land; (2) provide for site
preparation; or (3) install utilities for any family housing,
except housing for which funds have been made available
in annual Acts making appropriations for military con-
struction.
SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

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

SEC. 111. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein
Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

Sec. 112. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

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

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

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 117. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authoriza-
tion Amendments and Base Closure and Realignment Act
(10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
of such Act, may be transferred to the account established
by section 2906(a)(1) of the Defense Base Closure and
Realignment Act of 1990 (10 U.S.C. 2687 note), to be
merged with, and to be available for the same purposes
and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. Subject to 30 days prior notification, or
14 days for a notification provided in an electronic me-
dium pursuant to sections 480 and 2883, of title 10,
United States Code, to the Committees on Appropriations
of both Houses of Congress, such additional amounts as
may be determined by the Secretary of Defense may be
transferred to: (1) the Department of Defense Family
Housing Improvement Fund from amounts appropriated
for construction in “Family Housing” accounts, to be
merged with and to be available for the same purposes
and for the same period of time as amounts appropriated
directly to the Fund; or (2) the Department of Defense
Military Unaccompanied Housing Improvement Fund
from amounts appropriated for construction of military
unaccompanied housing in “Military Construction” ac-
counts, to be merged with and to be available for the same
purposes and for the same period of time as amounts ap-
appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 119. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

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

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

(B) a reduction in force of units stationed at such installation; or
(C) the extended deployment overseas of units stationed at such installation.

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

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 121. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be
spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 122. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 123. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction,
land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of canceling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family
housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: *Provided,* That the Secretary of Defense shall notify the congressional defense committees within 7 days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 124. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation “Foreign Currency Fluctuations, Construction, Defense”, to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 125. None of the funds appropriated or otherwise made available in this title may be used for any action that is related to or promotes the expansion of the bound-
aries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 126. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the report of the Committee on Appropriations of the House of Representatives to accompany this bill and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of December 1996, as in effect on the date of enactment of this Act.

TITLE II
DEPARTMENT OF VETERANS AFFAIRS
Veterans Benefits Administration
COMPENSATION AND PENSIONS
(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code.
States Code; and burial benefits, the Reinstated Entitle-
ment Program for Survivors, emergency and other offi-
cers’ retirement pay, adjusted-service credits and certifi-
cates, payment of premiums due on commercial life insur-
ance policies guaranteed under the provisions of title IV
of the Servicemembers Civil Relief Act (50 U.S.C. App.
541 et seq.) and for other benefits as authorized by sec-
tions 107, 1312, 1977, and 2106, and chapters 23, 51,
53, 55, and 61 of title 38, United States Code,
$47,218,207,000, to remain available until expended: Pro-
vided, That not to exceed $29,283,000 of the amount ap-
propriated under this heading shall be reimbursed to
“General operating expenses”, “Medical support and com-
pliance”, and “Information technology systems” for nec-
essary expenses in implementing the provisions of chapters
51, 53, and 55 of title 38, United States Code, the funding
source for which is specifically provided as the “Com-
pensation and pensions” appropriation: Provided further,
That such sums as may be earned on an actual qualifying
patient basis, shall be reimbursed to “Medical care collec-
tions fund” to augment the funding of individual medical
facilities for nursing home care provided to pensioners as
authorized.
For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $8,663,624,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

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

VETERANS HOUSING BENEFIT PROGRAM FUND

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

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

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

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

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

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $664,000.
GUARANTEED TRANSITIONAL HOUSING LOANS FOR
HOMELESS VETERANS PROGRAM ACCOUNT

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

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized
by law, inpatient and outpatient care and treatment to
beneficiaries of the Department of Veterans Affairs and
veterans described in section 1705(a) of title 38, United
States Code, including care and treatment in facilities not
under the jurisdiction of the Department, and including
medical supplies and equipment, food services, and sala-
ries and expenses of health-care employees hired under
title 38, United States Code, and aid to State homes as
authorized by section 1741 of title 38, United States Code;
$71,840,500,000 (increased by $1,000,000), plus reim-
bursements, of which $37,136,000,000 shall become avail-
able on October 1, 2010, and shall remain available
through September 30, 2011: Provided, That, of the
amount made available under this heading for fiscal year
2010, not to exceed $1,015,000,000 shall remain available
until September 30, 2011: *Provided further,* That, not-
withstanding any other provision of law, the Secretary of
Veterans Affairs shall establish a priority for the provision
of medical treatment for veterans who have service-con-
nected disabilities, lower income, or have special needs:
*Provided further,* That, notwithstanding any other provi-
sion of law, the Secretary of Veterans Affairs shall give
priority funding for the provision of basic medical benefits
to veterans in enrollment priority groups 1 through 6: *Pro-
vided further,* That, notwithstanding any other provision
of law, the Secretary of Veterans Affairs may authorize
the dispensing of prescription drugs from Veterans Health
Administration facilities to enrolled veterans with privately
written prescriptions based on requirements established by
the Secretary: *Provided further,* That the implementation
of the program described in the previous proviso shall
incur no additional cost to the Department of Veterans
Affairs: *Provided further,* That for the Department of De-
fense/Department of Veterans Affairs Health Care Shar-
ing Incentive Fund, as authorized by section 8111(d) of
title 38, United States Code, a minimum of $15,000,000,
to remain available until expended, for any purpose au-
thorized by section 8111 of title 38, United States Code.
MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $10,207,000,000 (reduced by $3,500,000), plus reimbursements, of which $5,307,000,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011: Provided, That, of the amount made available under this heading for fiscal year 2010, not to exceed $145,000,000 shall remain available until September 30, 2011.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the
Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $10,633,000,000, plus reimbursements, of which $5,740,000,000 shall become available on October 1, 2010, and shall remain available through September 30, 2011: Provided, That, of the amount made available under this heading for fiscal year 2010, not to exceed $145,000,000 shall remain available until September 30, 2011: Provided further, That, of the amount available for fiscal year 2010, $200,000,000 for non-recurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $580,000,000, plus reimbursements, to remain available until September 30, 2011.
NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $250,000,000, of which not to exceed $24,200,000 shall be available until September 30, 2011.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $2,083,700,000 (reduced by $1,000,000) (increased by $3,500,000): Provided, That expenses for services and assistance authorized under paragraphs (1), (2),
(5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That the Veterans Benefits Administration shall be funded at not less than $1,690,200,000: Provided further, That of the funds made available under this heading, not to exceed $111,000,000 shall be available for obligation until September 30, 2011: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated cost; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United
States Code, $3,307,000,000, plus reimbursements, to be available until September 30, 2011: Provided, That none of the funds made available under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That within 30 days of enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which provides, by project, the costs included in this appropriation.

OFFICE OF INSPECTOR GENERAL

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

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $1,194,000,000, to remain available until expended, of which $16,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital
asset management related activities, including portfolio
development and management activities, and investment
strategy studies funded through the advance planning
fund and the planning and design activities funded
through the design fund, including needs assessments
which may or may not lead to capital investments, and
funds provided for the purchase of land for the National
Cemetery Administration through the land acquisition line
item, none of the funds made available under this heading
shall be used for any project which has not been approved
by the Congress in the budgetary process: Provided fur-
ther, That funds made available under this heading for
fiscal year 2010, for each approved project shall be obli-
gated: (1) by the awarding of a construction documents
contract by September 30, 2010; and (2) by the awarding
of a construction contract by September 30, 2011: Pro-
vided further, That the Secretary of Veterans Affairs shall
promptly submit to the Committees on Appropriations of
both Houses of Congress a written report on any approved
major construction project for which obligations are not
incurred within the time limitations established above:
Provided further, That of the funds made available under
this heading, $933,030,000 shall be for the projects and
activities, and in the amounts, specified under this heading
CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $726,800,000 (decreased by $4,000,000), to remain available until expended, along with unobligated balances of previous “Construction, minor projects” appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds made available under this heading shall be available for: (1) repairs to any of the nonmedical facili-
ties under the jurisdiction or for the use of the Depart-
ment which are necessary because of loss or damage
caused by any natural disaster or catastrophe; and (2)
temporary measures necessary to prevent or to minimize
further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
FACILITIES

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

GRANTS FOR CONSTRUCTION OF STATE VETERANS
CEMETERIES

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

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Sec. 201. Any appropriation for fiscal year 2010 for
“Compensation and pensions”, “Readjustment benefits”,

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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 among the 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 of Congress of the amount and purpose of the transfer: Provides further, That any transfers between the “Medical services” and “Medical support and compliance” accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary re-
quests from the Committees on Appropriations of both
Houses of Congress the authority to make the transfer
and an approval is issued: Provided further, That any
transfers to or from the “Medical facilities” account may
take place only after the Secretary requests from the Com-
mittees on Appropriations of both Houses of Congress the
authority to make the transfer and an approval is issued.

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

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

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

Sec. 206. Appropriations available in this title for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2009.

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

(INCLUDING TRANSFER OF FUNDS)

Sec. 208. Notwithstanding any other provision of law, during fiscal year 2010, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans’ Special Life Insurance Fund under section
47
1 1923 of title 38, United States Code, and the United
2 States Government Life Insurance Fund under section
3 1955 of title 38, United States Code, reimburse the “Gen-
4 eral operating expenses” and “Information technology sys-
5 tems” accounts for the cost of administration of the insur-
6 ance programs financed through those accounts: Provided,
7 That reimbursement shall be made only from the surplus
8 earnings accumulated in such an insurance program dur-
9 ing fiscal year 2010 that are available for dividends in that
10 program after claims have been paid and actuarially deter-
11 mined reserves have been set aside: Provided further, That
12 if the cost of administration of such an insurance program
13 exceeds the amount of surplus earnings accumulated in
14 that program, reimbursement shall be made only to the
15 extent of such surplus earnings: Provided further, That the
16 Secretary shall determine the cost of administration for
17 fiscal year 2010 which is properly allocable to the provi-
18 sion of each such insurance program and to the provision
19 of any total disability income insurance included in that
20 insurance program.

Sec. 209. Amounts deducted from enhanced-use
22 lease proceeds to reimburse an account for expenses in-
23 curred by that account during a prior fiscal year for pro-
24 viding enhanced-use lease services, may be obligated dur-
25 ing the fiscal year in which the proceeds are received.
(INCLUDING TRANSFER OF FUNDS)

Sec. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $35,257,000 for the Office of Resolution Management and $3,287,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the “General operating expenses” and “Information technology systems” accounts for use by the office that provided the service.

Sec. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than $1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.
SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the "Construction, major projects" and "Construction, minor projects" accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdic-
tion or for the use of the Department of Veterans Affairs.

Such sums as realized are in addition to the amount provided for in “Construction, major projects” and “Construction, minor projects”.

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

(1) for furnishing recreational facilities, supplies, and equipment; and

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

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 216. Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall allow veterans who are eligible under existing Department of Veterans Affairs medical care requirements and who reside in Alaska to obtain medical care services from medical facilities supported by the Indian Health Service or tribal organizations. The Secretary shall: (1) limit the application of this provision to rural Alaskan veterans in areas where an ex-
isting Department of Veterans Affairs facility or Veterans Affairs-contracted service is unavailable; (2) require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary; (3) require this provision to be consistent with Capital Asset Realignment for Enhanced Services activities; and (4) result in no additional cost to the Department 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 “National Cemetery Administration” accounts for fiscal year 2010, may be transferred to or from the “Information technology systems” account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

Sec. 222. Amounts made available for the “Information technology systems” account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

Sec. 223. None of the funds appropriated or otherwise made available by this Act or any other Act for the
Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or

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

SEC. 224. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2010, in this Act or any other Act, under the “Medical facilities” account for non-recurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: Provided, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

SEC. 225. Section 1925(d)(3) of title 38, United States Code, is amended by striking “appropriation ‘General Operating Expenses, Department of Veterans Affairs’” and inserting “appropriations for ‘General Operating Expenses and Information Technology Systems, Department of Veterans Affairs’”.
Sec. 226. Section 1922(a) of title 38, United States Code, is amended by striking “administrative costs to the Government for the costs of” and inserting “administrative support financed by the appropriations for ‘General Operating Expenses, Department of Veterans Affairs’ and ‘Information Technology Systems, Department of Veterans Affairs’ for”.

TITLE III
RELATED AGENCIES
AMERICAN BATTLE MONUMENTS COMMISSION
SALARIES AND EXPENSES
For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $61,800,000, to remain available until expended.
FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

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

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger
motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $42,500,000, to remain available until expended: Provided, That none of the funds available under this heading shall be for construction of a perimeter wall at Arlington National Cemetery. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

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

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $134,000,000, of which $72,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, Dis-
TITLE IV
GENERAL PROVISIONS

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

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

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

Sec. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presen-
tion designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 408. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States Congress.
SEC. 409. Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report detailing the current and planned use of Hyperbaric Oxygen Therapy (hereinafter in this section referred to as “HBOT”) in Department of Veterans Affairs medical facilities. Such report shall include the number of veterans being treated with HBOT, the types of conditions being treated with HBOT and their respective success rates, and the current inventory of hyperbaric chambers.

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

This Act may be cited as the “Military Construction and Veterans Affairs Appropriations Act, 2010”.

Passed the House of Representatives July 10, 2009.

Attest:

Clerk.
111TH CONGRESS
1ST SESSION
H. R. 3082
AN ACT
Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

AN ACT

H. R. 3082
111TH CONGRESS
1ST SESSION