

111TH CONGRESS
2^D SESSION

H. R. 5822

AN ACT

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, 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,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for
3 military construction, the Department of Veterans Affairs,
4 and related agencies for the fiscal year ending September
5 30, 2011, and for other purposes, namely:

6

TITLE I

7

DEPARTMENT OF DEFENSE

8

MILITARY CONSTRUCTION, ARMY

9 For acquisition, construction, installation, and equip-
10 ment of temporary or permanent public works, military
11 installations, facilities, and real property for the Army as
12 currently authorized by law, including personnel in the
13 Army Corps of Engineers and other personal services nec-
14 essary for the purposes of this appropriation, and for con-
15 struction and operation of facilities in support of the func-
16 tions of the Commander in Chief, \$4,051,512,000, to re-
17 main available until September 30, 2015, of which
18 \$190,000,000 shall be for trainee troop housing facilities:
19 *Provided*, That of this amount, not to exceed
20 \$259,456,000 shall be available for study, planning, de-
21 sign, architect and engineer services, and host nation sup-
22 port, as authorized by law, unless the Secretary of the
23 Army determines that additional obligations are necessary
24 for such purposes and notifies the Committees on Appro-
25 priations of both Houses of Congress of the determination

1 and the reasons therefor: *Provided further*, That, not later
2 than 30 days after the date of the enactment of this Act,
3 the Secretary of the Army shall submit to the Committees
4 on Appropriations of both Houses of Congress an expendi-
5 ture plan for the funds provided for trainee troop housing
6 facilities.

7 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

8 For acquisition, construction, installation, and equip-
9 ment of temporary or permanent public works, naval in-
10 stallations, facilities, and real property for the Navy and
11 Marine Corps as currently authorized by law, including
12 personnel in the Naval Facilities Engineering Command
13 and other personal services necessary for the purposes of
14 this appropriation, \$3,587,376,000, to remain available
15 until September 30, 2015: *Provided*, That of this amount,
16 not to exceed \$123,750,000 shall be available for study,
17 planning, design, and architect and engineer services, as
18 authorized by law, unless the Secretary of the Navy deter-
19 mines that additional obligations are necessary for such
20 purposes and notifies the Committees on Appropriations
21 of both Houses of Congress of the determination and the
22 reasons therefor.

23 MILITARY CONSTRUCTION, AIR FORCE

24 For acquisition, construction, installation, and equip-
25 ment of temporary or permanent public works, military

1 installations, facilities, and real property for the Air Force
2 as currently authorized by law, \$1,276,385,000, to remain
3 available until September 30, 2015: *Provided*, That of this
4 amount, not to exceed \$73,536,000 shall be available for
5 study, planning, design, and architect and engineer serv-
6 ices, as authorized by law, unless the Secretary of the Air
7 Force determines that additional obligations are necessary
8 for such purposes and notifies the Committees on Appro-
9 priations of both Houses of Congress of the determination
10 and the reasons therefor.

11 MILITARY CONSTRUCTION, DEFENSE-WIDE

12 (INCLUDING TRANSFER OF FUNDS)

13 For acquisition, construction, installation, and equip-
14 ment of temporary or permanent public works, installa-
15 tions, facilities, and real property for activities and agen-
16 cies of the Department of Defense (other than the military
17 departments), as currently authorized by law,
18 \$2,999,612,000, to remain available until September 30,
19 2015: *Provided*, That such amounts of this appropriation
20 as may be determined by the Secretary of Defense may
21 be transferred to such appropriations of the Department
22 of Defense available for military construction or family
23 housing as the Secretary may designate, to be merged with
24 and to be available for the same purposes, and for the
25 same time period, as the appropriation or fund to which

1 transferred: *Provided further*, That of the amount appro-
2 priated, not to exceed \$434,217,000 shall be available for
3 study, planning, design, and architect and engineer serv-
4 ices, as authorized by law, unless the Secretary of Defense
5 determines that additional obligations are necessary for
6 such purposes and notifies the Committees on Appropria-
7 tions of both Houses of Congress of the determination and
8 the reasons therefor: *Provided further*, That of the amount
9 appropriated, notwithstanding any other provision of law,
10 \$31,863,000 shall be available for payments to the North
11 Atlantic Treaty Organization for the planning, design, and
12 construction of a new North Atlantic Treaty Organization
13 headquarters.

14 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

15 For construction, acquisition, expansion, rehabilita-
16 tion, and conversion of facilities for the training and ad-
17 ministration of the Army National Guard, and contribu-
18 tions therefor, as authorized by chapter 1803 of title 10,
19 United States Code, and Military Construction Authoriza-
20 tion Acts, \$1,020,228,000, to remain available until Sep-
21 tember 30, 2015, of which \$60,000,000 shall be for crit-
22 ical unfunded requirements: *Provided*, That of the amount
23 appropriated, not to exceed \$57,182,000 shall be available
24 for study, planning, design, and architect and engineer
25 services, as authorized by law, unless the Director of the

1 Army National Guard determines that additional obliga-
2 tions are necessary for such purposes and notifies the
3 Committees on Appropriations of both Houses of Congress
4 of the determination and the reasons therefor: *Provided*
5 *further*, That, not later than 30 days after the date of the
6 enactment of this Act, the Director of the Army National
7 Guard shall submit to the Committees on Appropriations
8 of both Houses of Congress an expenditure plan for the
9 funds provided for critical unfunded requirements.

10 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

11 For construction, acquisition, expansion, rehabilita-
12 tion, and conversion of facilities for the training and ad-
13 ministration of the Air National Guard, and contributions
14 therefor, as authorized by chapter 1803 of title 10, United
15 States Code, and Military Construction Authorization
16 Acts, \$292,386,000, to remain available until September
17 30, 2015, of which \$50,000,000 shall be for critical un-
18 funded requirements: *Provided*, That of the amount appro-
19 priated, not to exceed \$21,214,000 shall be available for
20 study, planning, design, and architect and engineer serv-
21 ices, as authorized by law, unless the Director of the Air
22 National Guard determines that additional obligations are
23 necessary for such purposes and notifies the Committees
24 on Appropriations of both Houses of Congress of the de-
25 termination and the reasons therefor: *Provided further*,

1 That, not later than 30 days after the date of the enact-
2 ment of this Act, the Director of the Air National Guard
3 shall submit to the Committees on Appropriations of both
4 Houses of Congress an expenditure plan for the funds pro-
5 vided for critical unfunded requirements.

6 MILITARY CONSTRUCTION, ARMY RESERVE

7 For construction, acquisition, expansion, rehabilita-
8 tion, and conversion of facilities for the training and ad-
9 ministration of the Army Reserve as authorized by chapter
10 1803 of title 10, United States Code, and Military Con-
11 struction Authorization Acts, \$358,325,000, to remain
12 available until September 30, 2015, of which \$30,000,000
13 shall be for critical unfunded requirements: *Provided*,
14 That of the amount appropriated, not to exceed
15 \$26,250,000 shall be available for study, planning, design,
16 and architect and engineer services, as authorized by law,
17 unless the Secretary of the Army determines that addi-
18 tional obligations are necessary for such purposes and no-
19 tifies the Committees on Appropriations of both Houses
20 of Congress of the determination and the reasons therefor:
21 *Provided further*, That, not later than 30 days after the
22 date of the enactment of this Act, the Chief of Army Re-
23 serve shall submit to the Committees on Appropriations
24 of both Houses of Congress an expenditure plan for the
25 funds provided for critical unfunded requirements.

1 MILITARY CONSTRUCTION, NAVY RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the reserve components of the Navy and
5 Marine Corps as authorized by chapter 1803 of title 10,
6 United States Code, and Military Construction Authoriza-
7 tion Acts, \$91,557,000, to remain available until Sep-
8 tember 30, 2015, of which \$15,000,000 shall be for crit-
9 ical unfunded requirements of the Navy Reserve and
10 \$15,000,000 shall be for critical unfunded requirements
11 of the Marine Forces Reserve: *Provided*, That of the
12 amount appropriated, not to exceed \$1,857,000 shall be
13 available for study, planning, design, and architect and en-
14 gineer services, as authorized by law, unless the Secretary
15 of the Navy determines that additional obligations are nec-
16 essary for such purposes and notifies the Committees on
17 Appropriations of both Houses of Congress of the deter-
18 mination and the reasons therefor: *Provided further*, That,
19 not later than 30 days after the date of the enactment
20 of this Act, the Chief of Navy Reserve and the Com-
21 mander, Marine Forces Reserve shall submit to the Com-
22 mittees on Appropriations of both Houses of Congress an
23 expenditure plan for the funds provided for critical un-
24 funded requirements.

1 MILITARY CONSTRUCTION, AIR FORCE RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Air Force Reserve as authorized by
5 chapter 1803 of title 10, United States Code, and Military
6 Construction Authorization Acts, \$48,182,000, to remain
7 available until September 30, 2015, of which \$30,000,000
8 shall be for critical unfunded requirements: *Provided*,
9 That of the amount appropriated, not to exceed
10 \$2,503,000 shall be available for study, planning, design,
11 and architect and engineer services, as authorized by law,
12 unless the Secretary of the Air Force determines that ad-
13 ditional obligations are necessary for such purposes and
14 notifies the Committees on Appropriations of both Houses
15 of Congress of the determination and the reasons therefor:
16 *Provided further*, That, not later than 30 days after the
17 date of the enactment of this Act, the Chief of Air Force
18 Reserve shall submit to the Committees on Appropriations
19 of both Houses of Congress an expenditure plan for the
20 funds provided for critical unfunded requirements.

21 NORTH ATLANTIC TREATY ORGANIZATION

22 SECURITY INVESTMENT PROGRAM

23 For the United States share of the cost of the North
24 Atlantic Treaty Organization Security Investment Pro-
25 gram for the acquisition and construction of military fa-

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

3 For expenses of family housing for the Navy and Ma-
4 rine Corps for operation and maintenance, including debt
5 payment, leasing, minor construction, principal and inter-
6 est charges, and insurance premiums, as authorized by
7 law, \$366,346,000.

8 FAMILY HOUSING CONSTRUCTION, AIR FORCE

9 For expenses of family housing for the Air Force for
10 construction, including acquisition, replacement, addition,
11 expansion, extension, and alteration, as authorized by law,
12 \$78,025,000, to remain available until September 30,
13 2015.

14 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
15 FORCE

16 For expenses of family housing for the Air Force for
17 operation and maintenance, including debt payment, leas-
18 ing, minor construction, principal and interest charges,
19 and insurance premiums, as authorized by law,
20 \$513,792,000.

21 FAMILY HOUSING OPERATION AND MAINTENANCE,
22 DEFENSE-WIDE

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

1 leasing, and minor construction, as authorized by law,
2 \$50,464,000.

3 DEPARTMENT OF DEFENSE FAMILY HOUSING
4 IMPROVEMENT FUND

5 For the Department of Defense Family Housing Im-
6 provement Fund, \$1,096,000, to remain available until ex-
7 pended, for family housing initiatives undertaken pursu-
8 ant to section 2883 of title 10, United States Code, pro-
9 viding alternative means of acquiring and improving mili-
10 tary family housing and supporting facilities.

11 HOMEOWNERS ASSISTANCE FUND

12 For the Homeowners Assistance Fund established by
13 section 1013 of the Demonstration Cities and Metropoli-
14 tan Development Act of 1966, as amended (42 U.S.C.
15 3374), \$16,515,000, to remain available until expended.

16 CHEMICAL DEMILITARIZATION CONSTRUCTION,
17 DEFENSE-WIDE

18 For expenses of construction, not otherwise provided
19 for, necessary for the destruction of the United States
20 stockpile of lethal chemical agents and munitions in ac-
21 cordance with section 1412 of the Department of Defense
22 Authorization Act, 1986 (50 U.S.C. 1521), and for the
23 destruction of other chemical warfare materials that are
24 not in the chemical weapon stockpile, as currently author-
25 ized by law, \$124,971,000, to remain available until Sep-

1 tember 30, 2015, which shall be only for the Assembled
2 Chemical Weapons Alternatives program.

3 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

4 1990

5 For deposit into the Department of Defense Base
6 Closure Account 1990, established by section 2906(a)(1)
7 of the Defense Base Closure and Realignment Act of 1990
8 (10 U.S.C. 2687 note), \$460,474,000, to remain available
9 until expended.

10 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

11 2005

12 For deposit into the Department of Defense Base
13 Closure Account 2005, established by section 2906A(a)(1)
14 of the Defense Base Closure and Realignment Act of 1990
15 (10 U.S.C. 2687 note), \$2,354,285,000, to remain avail-
16 able until expended: *Provided*, That the Department of
17 Defense shall notify the Committees on Appropriations of
18 both Houses of Congress 14 days prior to obligating an
19 amount for a construction project that exceeds or reduces
20 the amount identified for that project in the most recently
21 submitted budget request for this account by 20 percent
22 or \$2,000,000, whichever is less: *Provided further*, That
23 the previous proviso shall not apply to projects costing less
24 than \$5,000,000, except for those projects not previously
25 identified in any budget submission for this account and

1 exceeding the minor construction threshold under section
2 2805 of title 10, United States Code.

3 ADMINISTRATIVE PROVISIONS

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

11 SEC. 102. Funds made available in this title for con-
12 struction shall be available for hire of passenger motor ve-
13 hicles.

14 SEC. 103. Funds made available in this title for con-
15 struction may be used for advances to the Federal High-
16 way Administration, Department of Transportation, for
17 the construction of access roads as authorized by section
18 210 of title 23, United States Code, when projects author-
19 ized therein are certified as important to the national de-
20 fense by the Secretary of Defense.

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

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

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

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

22 SEC. 108. None of the funds made available in this
23 title may be used for the procurement of steel for any con-
24 struction project or activity for which American steel pro-

1 ducers, fabricators, and manufacturers have been denied
2 the opportunity to compete for such steel procurement.

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

7 SEC. 110. None of the funds made available in this
8 title may be used to initiate a new installation overseas
9 without prior notification to the Committees on Appro-
10 priations of both Houses of Congress.

11 SEC. 111. None of the funds made available in this
12 title may be obligated for architect and engineer contracts
13 estimated by the Government to exceed \$500,000 for
14 projects to be accomplished in Japan, in any North Atlan-
15 tic Treaty Organization member country, or in countries
16 within the United States Central Command Area of Re-
17 sponsibility, unless such contracts are awarded to United
18 States firms or United States firms in joint venture with
19 host nation firms.

20 SEC. 112. None of the funds made available in this
21 title for military construction in the United States terri-
22 tories and possessions in the Pacific and on Kwajalein
23 Atoll, or in countries within the United States Central
24 Command Area of Responsibility, may be used to award
25 any contract estimated by the Government to exceed

1 \$1,000,000 to a foreign contractor: *Provided*, That this
2 section shall not be applicable to contract awards for
3 which the lowest responsive and responsible bid of a
4 United States contractor exceeds the lowest responsive
5 and responsible bid of a foreign contractor by greater than
6 20 percent: *Provided further*, That this section shall not
7 apply to contract awards for military construction on
8 Kwajalein Atoll for which the lowest responsive and re-
9 sponsible bid is submitted by a Marshallese contractor.

10 SEC. 113. The Secretary of Defense is to inform the
11 appropriate committees of both Houses of Congress, in-
12 cluding the Committees on Appropriations, of the plans
13 and scope of any proposed military exercise involving
14 United States personnel 30 days prior to its occurring,
15 if amounts expended for construction, either temporary or
16 permanent, are anticipated to exceed \$100,000.

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

21 SEC. 115. Funds appropriated to the Department of
22 Defense for construction in prior years shall be available
23 for construction authorized for each such military depart-
24 ment by the authorizations enacted into law during the
25 current session of Congress.

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

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 119. Subject to 30 days prior notification, or
8 14 days for a notification provided in an electronic me-
9 dium pursuant to sections 480 and 2883, of title 10,
10 United States Code, to the Committees on Appropriations
11 of both Houses of Congress, such additional amounts as
12 may be determined by the Secretary of Defense may be
13 transferred to: (1) the Department of Defense Family
14 Housing Improvement Fund from amounts appropriated
15 for construction in “Family Housing” accounts, to be
16 merged with and to be available for the same purposes
17 and for the same period of time as amounts appropriated
18 directly to the Fund; or (2) the Department of Defense
19 Military Unaccompanied Housing Improvement Fund
20 from amounts appropriated for construction of military
21 unaccompanied housing in “Military Construction” ac-
22 counts, to be merged with and to be available for the same
23 purposes and for the same period of time as amounts ap-
24 propriated directly to the Fund: *Provided*, That appropria-
25 tions made available to the Funds shall be available to

1 cover the costs, as defined in section 502(5) of the Con-
2 gressional Budget Act of 1974, of direct loans or loan
3 guarantees issued by the Department of Defense pursuant
4 to the provisions of subchapter IV of chapter 169 of title
5 10, United States Code, pertaining to alternative means
6 of acquiring and improving military family housing, mili-
7 tary unaccompanied housing, and supporting facilities.

8 SEC. 120. (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 tion, or 14 days for a notification provided in an electronic
2 medium pursuant to sections 480 and 2883 of title 10,
3 United States Code, to the Committees on Appropriations
4 of both Houses of Congress, except that an after-the-fact
5 notification shall be submitted if the limitation is exceeded
6 solely due to costs associated with environmental remedi-
7 ation that could not be reasonably anticipated at the time
8 of the budget submission: *Provided further*, That the
9 Under Secretary of Defense (Comptroller) is to report an-
10 nually to the Committees on Appropriations of both
11 Houses of Congress all operation and maintenance ex-
12 penditures for each individual general or flag officer quar-
13 ters for the prior fiscal year.

14 SEC. 123. Amounts contained in the Ford Island Im-
15 provement Account established by subsection (h) of sec-
16 tion 2814 of title 10, United States Code, are appro-
17 priated and shall be available until expended for the pur-
18 poses specified in subsection (i)(1) of such section or until
19 transferred pursuant to subsection (i)(3) of such section.

20 SEC. 124. None of the funds made available in this
21 title, or in any Act making appropriations for military con-
22 struction which remain available for obligation, may be ob-
23 ligated or expended to carry out a military construction,
24 land acquisition, or family housing project at or for a mili-
25 tary installation approved for closure, or at a military in-

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

1 ronmental quality: *Provided*, That the Secretary of De-
2 fense shall notify the congressional defense committees
3 within seven days of a decision to carry out such a military
4 construction project.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 125. During the 5-year period after appropria-
7 tions available in this Act to the Department of Defense
8 for military construction and family housing operation and
9 maintenance and construction have expired for obligation,
10 upon a determination that such appropriations will not be
11 necessary for the liquidation of obligations or for making
12 authorized adjustments to such appropriations for obliga-
13 tions incurred during the period of availability of such ap-
14 propriations, unobligated balances of such appropriations
15 may be transferred into the appropriation “Foreign Cur-
16 rency Fluctuations, Construction, Defense”, to be merged
17 with and to be available for the same time period and for
18 the same purposes as the appropriation to which trans-
19 ferred.

20 SEC. 126. None of the funds appropriated or other-
21 wise made available in this title may be used for any action
22 that is related to or promotes the expansion of the bound-
23 aries or size of the Pinon Canyon Maneuver Site, Colo-
24 rado.

1 cers' retirement pay, adjusted-service credits and certifi-
2 cates, payment of premiums due on commercial life insur-
3 ance policies guaranteed under the provisions of title IV
4 of the Servicemembers Civil Relief Act (50 U.S.C. App.
5 541 et seq.) and for other benefits as authorized by sec-
6 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
7 53, 55, and 61 of title 38, United States Code,
8 \$53,492,234,000, to remain available until expended: *Pro-*
9 *vided*, That not to exceed \$30,423,000 of the amount ap-
10 propriated under this heading shall be reimbursed to
11 "General operating expenses", "Medical support and com-
12 pliance", and "Information technology systems" for nec-
13 essary expenses in implementing the provisions of chapters
14 51, 53, and 55 of title 38, United States Code, the funding
15 source for which is specifically provided as the "Com-
16 pensation and pensions" appropriation: *Provided further*,
17 That such sums as may be earned on an actual qualifying
18 patient basis, shall be reimbursed to "Medical care collec-
19 tions fund" to augment the funding of individual medical
20 facilities for nursing home care provided to pensioners as
21 authorized.

22 READJUSTMENT BENEFITS

23 For the payment of readjustment and rehabilitation
24 benefits to or on behalf of veterans as authorized by chap-
25 ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61

1 of title 38, United States Code, \$10,440,245,000, to re-
2 main available until expended: *Provided*, That expenses for
3 rehabilitation program services and assistance which the
4 Secretary is authorized to provide under subsection (a) of
5 section 3104 of title 38, United States Code, other than
6 under paragraphs (1), (2), (5), and (11) of that sub-
7 section, shall be charged to this account.

8 VETERANS INSURANCE AND INDEMNITIES

9 For military and naval insurance, national service life
10 insurance, servicemen's indemnities, service-disabled vet-
11 erans insurance, and veterans mortgage life insurance as
12 authorized by title 38, United States Code, chapters 19
13 and 21, \$62,589,000, to remain available until expended.

14 VETERANS HOUSING BENEFIT PROGRAM FUND

15 For the cost of direct and guaranteed loans, such
16 sums as may be necessary to carry out the program, as
17 authorized by subchapters I through III of chapter 37 of
18 title 38, United States Code: *Provided*, That such costs,
19 including the cost of modifying such loans, shall be as de-
20 fined in section 502 of the Congressional Budget Act of
21 1974: *Provided further*, That during fiscal year 2011,
22 within the resources available, not to exceed \$500,000 in
23 gross obligations for direct loans are authorized for spe-
24 cially adapted housing loans.

1 In addition, for administrative expenses to carry out
 2 the direct and guaranteed loan programs, \$163,646,000.

3 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

4 For the cost of direct loans, \$48,000, as authorized
 5 by chapter 31 of title 38, United States Code: *Provided*,
 6 That such costs, including the cost of modifying such
 7 loans, shall be as defined in section 502 of the Congres-
 8 sional Budget Act of 1974: *Provided further*, That funds
 9 made available under this heading are available to sub-
 10 sidize gross obligations for the principal amount of direct
 11 loans not to exceed \$3,042,000.

12 In addition, for administrative expenses necessary to
 13 carry out the direct loan program, \$337,000, which may
 14 be paid to the appropriation for “General operating ex-
 15 penses”.

16 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM
 17 ACCOUNT

18 For administrative expenses to carry out the direct
 19 loan program authorized by subchapter V of chapter 37
 20 of title 38, United States Code, \$707,000.

21 VETERANS HEALTH ADMINISTRATION
 22 MEDICAL SERVICES
 23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses for furnishing, as authorized
 25 by law, inpatient and outpatient care and treatment to

1 beneficiaries of the Department of Veterans Affairs and
2 veterans described in section 1705(a) of title 38, United
3 States Code, including care and treatment in facilities not
4 under the jurisdiction of the Department, and including
5 medical supplies and equipment, food services, and sala-
6 ries and expenses of health care employees hired under
7 title 38, United States Code, aid to State homes as author-
8 ized by section 1741 of title 38, United States Code, as-
9 sistance and support services for caregivers as authorized
10 by section 1720G of title 38, United States Code, and loan
11 repayments authorized by section 604 of Public Law 111-
12 163, \$39,649,985,000, plus reimbursements, shall become
13 available on October 1, 2011, and shall remain available
14 until September 30, 2012: *Provided*, That, of the amount
15 made available under this heading \$1,015,000,000 shall
16 remain available until September 30, 2013: *Provided fur-*
17 *ther*, That, notwithstanding any other provision of law, the
18 Secretary of Veterans Affairs shall establish a priority for
19 the provision of medical treatment for veterans who have
20 service-connected disabilities, lower income, or have special
21 needs: *Provided further*, That, notwithstanding any other
22 provision of law, the Secretary of Veterans Affairs shall
23 give priority funding for the provision of basic medical
24 benefits to veterans in enrollment priority groups 1
25 through 6: *Provided further*, That, notwithstanding any

1 other provision of law, the Secretary of Veterans Affairs
2 may authorize the dispensing of prescription drugs from
3 Veterans Health Administration facilities to enrolled vet-
4 erans with privately written prescriptions based on re-
5 quirements established by the Secretary: *Provided further*,
6 That the implementation of the program described in the
7 previous proviso shall incur no additional cost to the De-
8 partment of Veterans Affairs.

9 MEDICAL SUPPORT AND COMPLIANCE

10 For necessary expenses in the administration of the
11 medical, hospital, nursing home, domiciliary, construction,
12 supply, and research activities, as authorized by law; ad-
13 ministrative expenses in support of capital policy activi-
14 ties; and administrative and legal expenses of the Depart-
15 ment for collecting and recovering amounts owed the De-
16 partment as authorized under chapter 17 of title 38,
17 United States Code, and the Federal Medical Care Recov-
18 ery Act (42 U.S.C. 2651 et seq.); \$5,535,000,000, plus
19 reimbursements, shall become available on October 1,
20 2011, and shall remain available until September 30,
21 2012: *Provided*, That, of the amount made available under
22 this heading, \$145,000,000 shall remain available until
23 September 30, 2013.

1 MEDICAL FACILITIES

2 For necessary expenses for the maintenance and op-
3 eration of hospitals, nursing homes, and domiciliary facili-
4 ties and other necessary facilities of the Veterans Health
5 Administration; for administrative expenses in support of
6 planning, design, project management, real property ac-
7 quisition and disposition, construction, and renovation of
8 any facility under the jurisdiction or for the use of the
9 Department; for oversight, engineering, and architectural
10 activities not charged to project costs; for repairing, alter-
11 ing, improving, or providing facilities in the several hos-
12 pitals and homes under the jurisdiction of the Depart-
13 ment, not otherwise provided for, either by contract or by
14 the hire of temporary employees and purchase of mate-
15 rials; for leases of facilities; and for laundry services,
16 \$5,426,000,000, plus reimbursements, shall become avail-
17 able on October 1, 2011, and shall remain available until
18 September 30, 2012: *Provided*, That, of the amount made
19 available under this heading, \$145,000,000 shall remain
20 available until September 30, 2013: *Provided further*,
21 That, of the amount available for fiscal year 2012,
22 \$130,000,000 for non-recurring maintenance shall be allo-
23 cated in a manner not subject to the Veterans Equitable
24 Resource 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 \$590,000,000, plus reimbursements, shall remain avail-
6 able until September 30, 2012.

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, \$259,004,000,
16 of which not to exceed \$24,200,000 shall remain available
17 until September 30, 2012.

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, \$2,601,389,000 (reduced by \$20,000,000)
5 (increased by \$20,000,000) (reduced by \$100,000) (in-
6 creased by \$100,000) (reduced by \$10,000,000) (reduced
7 by \$50,000) (increased by \$50,000) (reduced by
8 \$150,000) (increased by \$150,000): *Provided*, That ex-
9 penses for services and assistance authorized under para-
10 graphs (1), (2), (5), and (11) of section 3104(a) of title
11 38, United States Code, that the Secretary of Veterans
12 Affairs determines are necessary to enable entitled vet-
13 erans: (1) to the maximum extent feasible, to become em-
14 ployable and to obtain and maintain suitable employment;
15 or (2) to achieve maximum independence in daily living,
16 shall be charged to this account: *Provided further*, That
17 the Veterans Benefits Administration shall be funded at
18 not less than \$2,162,776,000: *Provided further*, That of
19 the funds made available under this heading, not to exceed
20 \$111,000,000 shall remain available until September 30,
21 2012: *Provided further*, That from the funds made avail-
22 able under this heading, the Veterans Benefits Adminis-
23 tration may purchase (on a one-for-one replacement basis
24 only) up to two passenger motor vehicles for use in oper-
25 ations of that Administration in Manila, Philippines: *Pro-*

1 *vided further*, That of the funds made available under this
2 heading, \$10,000,000 shall be available to increase the
3 number of Department of Veterans Affairs employees who
4 administer benefits under chapter 31 of title 38, United
5 States Code: *Provided further*, That of the funds made
6 available under this heading, \$8,000,000 shall be available
7 to fund the adaptive sports grant program under section
8 521A of title 38, United States Code, and \$2,000,000
9 shall be available to carry out section 322 of title 38,
10 United States Code.

11 INFORMATION TECHNOLOGY SYSTEMS

12 For necessary expenses for information technology
13 systems and telecommunications support, including devel-
14 opmental information systems and operational information
15 systems; for pay and associated costs; and for the capital
16 asset acquisition of information technology systems, in-
17 cluding management and related contractual costs of said
18 acquisitions, including contractual costs associated with
19 operations authorized by section 3109 of title 5, United
20 States Code, \$3,222,000,000, plus reimbursements, shall
21 remain available until September 30, 2012: *Provided*,
22 That none of the funds made available under this heading
23 may be obligated until the Department of Veterans Affairs
24 submits to the Committees on Appropriations of both
25 Houses of Congress, and such Committees approve, a plan

1 for expenditure that: (1) meets the capital planning and
2 investment control review requirements established by the
3 Office of Management and Budget; (2) complies with the
4 Department of Veterans Affairs enterprise architecture;
5 (3) conforms with an established enterprise life cycle
6 methodology; and (4) complies with the acquisition rules,
7 requirements, guidelines, and systems acquisition manage-
8 ment practices of the Federal Government: *Provided fur-*
9 *ther*, That not later than 30 days after the date of the
10 enactment of this Act, the Secretary of Veterans Affairs
11 shall submit to the Committees on Appropriations of both
12 Houses of Congress a reprogramming base letter which
13 sets forth, by project, the operations and maintenance
14 costs, with salary expenses separately designated, and de-
15 velopment costs to be carried out utilizing amounts made
16 available under this heading.

17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
19 General, to include information technology, in carrying out
20 the provisions of the Inspector General Act of 1978 (5
21 U.S.C. App.), \$115,367,000, of which \$6,000,000 shall re-
22 main available until September 30, 2012.

23 CONSTRUCTION, MAJOR PROJECTS

24 For constructing, altering, extending, and improving
25 any of the facilities, including parking projects, under the

1 jurisdiction or for the use of the Department of Veterans
2 Affairs, or for any of the purposes set forth in sections
3 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
4 and 8122 of title 38, United States Code, including plan-
5 ning, architectural and engineering services, construction
6 management services, maintenance or guarantee period
7 services costs associated with equipment guarantees pro-
8 vided under the project, services of claims analysts, offsite
9 utility and storm drainage system construction costs, and
10 site acquisition, where the estimated cost of a project is
11 more than the amount set forth in section 8104(a)(3)(A)
12 of title 38, United States Code, or where funds for a
13 project were made available in a previous major project
14 appropriation, \$1,166,036,000 (increased by
15 \$10,000,000), to remain available until expended, of which
16 \$6,000,000 shall be to make reimbursements as provided
17 in section 13 of the Contract Disputes Act of 1978 (41
18 U.S.C. 612) for claims paid for contract disputes: *Pro-*
19 *vided*, That except for advance planning activities, includ-
20 ing needs assessments which may or may not lead to cap-
21 ital investments, and other capital asset management re-
22 lated activities, including portfolio development and man-
23 agement activities, and investment strategy studies funded
24 through the advance planning fund and the planning and
25 design activities funded through the design fund, including

1 needs assessments which may or may not lead to capital
2 investments, and salaries and associated costs of the resi-
3 dent engineers who oversee those capital investments
4 funded through this account, and funds provided for the
5 purchase of land for the National Cemetery Administra-
6 tion through the land acquisition line item, none of the
7 funds made available under this heading shall be used for
8 any project which has not been approved by the Congress
9 in the budgetary process: *Provided further*, That funds
10 made available under this heading for fiscal year 2011,
11 for each approved project shall be obligated: (1) by the
12 awarding of a construction documents contract by Sep-
13 tember 30, 2011; and (2) by the awarding of a construc-
14 tion contract by September 30, 2012: *Provided further*,
15 That the Secretary of Veterans Affairs shall promptly sub-
16 mit to the Committees on Appropriations of both Houses
17 of Congress a written report on any approved major con-
18 struction project for which obligations are not incurred
19 within the time limitations established above.

20 CONSTRUCTION, MINOR PROJECTS

21 For constructing, altering, extending, and improving
22 any of the facilities, including parking projects, under the
23 jurisdiction or for the use of the Department of Veterans
24 Affairs, including planning and assessments of needs
25 which may lead to capital investments, architectural and

1 engineering services, maintenance or guarantee period
2 services costs associated with equipment guarantees pro-
3 vided under the project, services of claims analysts, offsite
4 utility and storm drainage system construction costs, and
5 site acquisition, or for any of the purposes set forth in
6 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
7 8110, 8122, and 8162 of title 38, United States Code,
8 where the estimated cost of a project is equal to or less
9 than the amount set forth in section 8104(a)(3)(A) of title
10 38, United States Code, \$507,700,000, to remain avail-
11 able until expended, along with unobligated balances of
12 previous “Construction, minor projects” appropriations
13 which are hereby made available for any project where the
14 estimated cost is equal to or less than the amount set forth
15 in such section: *Provided*, That funds made available
16 under this heading shall be for: (1) repairs to any of the
17 nonmedical facilities under the jurisdiction or for the use
18 of the Department which are necessary because of loss or
19 damage caused by any natural disaster or catastrophe;
20 and (2) temporary measures necessary to prevent or to
21 minimize further loss by such causes: *Provided further*,
22 That of the funds made available under this heading,
23 \$162,734,000 shall be for renewable energy projects at
24 Department of Veterans Affairs medical facility campuses
25 pursuant to section 8103 of title 38, United States Code.

1 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
2 FACILITIES

3 For grants to assist States to acquire or construct
4 State nursing home and domiciliary facilities and to re-
5 model, modify, or alter existing hospital, nursing home,
6 and domiciliary facilities in State homes, for furnishing
7 care to veterans as authorized by sections 8131 through
8 8137 of title 38, United States Code, \$85,000,000, to re-
9 main available until expended.

10 GRANTS FOR CONSTRUCTION OF STATE VETERANS
11 CEMETERIES

12 For grants to assist States in establishing, expand-
13 ing, or improving State veterans cemeteries as authorized
14 by section 2408 of title 38, United States Code,
15 \$46,000,000, to remain available until expended.

16 ADMINISTRATIVE PROVISIONS
17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 201. Any appropriation for fiscal year 2011 for
19 “Compensation and pensions”, “Readjustment benefits”,
20 and “Veterans insurance and indemnities” may be trans-
21 ferred as necessary to any other of the mentioned appro-
22 priations: *Provided*, That before a transfer may take place,
23 the Secretary of Veterans Affairs shall request from the
24 Committees on Appropriations of both Houses of Congress
25 the authority to make the transfer and such Committees

1 issue an approval, or absent a response, a period of 30
2 days has elapsed.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 202. Amounts made available for the Depart-
5 ment of Veterans Affairs for fiscal year 2011, in this Act
6 or any other Act, under the “Medical services”, “Medical
7 support and compliance”, and “Medical facilities” ac-
8 counts may be transferred among the accounts: *Provided*,
9 That any transfers between the “Medical services” and
10 “Medical support and compliance” accounts of 1 percent
11 or less of the total amount appropriated to the account
12 in this or any other Act may take place subject to notifica-
13 tion from the Secretary of Veterans Affairs to the Com-
14 mittees on Appropriations of both Houses of Congress of
15 the amount and purpose of the transfer: *Provided further*,
16 That any transfers between the “Medical services” and
17 “Medical support and compliance” accounts in excess of
18 1 percent, or exceeding the cumulative 1 percent for the
19 fiscal year, may take place only after the Secretary re-
20 quests from the Committees on Appropriations of both
21 Houses of Congress the authority to make the transfer
22 and an approval is issued: *Provided further*, That any
23 transfers to or from the “Medical facilities” account may
24 take place only after the Secretary requests from the Com-

1 mittees on Appropriations of both Houses of Congress the
2 authority to make the transfer and an approval is issued.

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

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

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

1 SEC. 206. Appropriations available in this title for
2 “Compensation and pensions”, “Readjustment benefits”,
3 and “Veterans insurance and indemnities” shall be avail-
4 able for payment of prior year accrued obligations re-
5 quired to be recorded by law against the corresponding
6 prior year accounts within the last quarter of fiscal year
7 2010.

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

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 208. Notwithstanding any other provision of
17 law, during fiscal year 2011, the Secretary of Veterans
18 Affairs shall, from the National Service Life Insurance
19 Fund under section 1920 of title 38, United States Code,
20 the Veterans’ Special Life Insurance Fund under section
21 1923 of title 38, United States Code, and the United
22 States Government Life Insurance Fund under section
23 1955 of title 38, United States Code, reimburse the “Gen-
24 eral operating expenses” and “Information technology sys-
25 tems” accounts for the cost of administration of the insur-

1 ance programs financed through those accounts: *Provided*,
2 That reimbursement shall be made only from the surplus
3 earnings accumulated in such an insurance program dur-
4 ing fiscal year 2011 that are available for dividends in that
5 program after claims have been paid and actuarially deter-
6 mined reserves have been set aside: *Provided further*, That
7 if the cost of administration of such an insurance program
8 exceeds the amount of surplus earnings accumulated in
9 that program, reimbursement shall be made only to the
10 extent of such surplus earnings: *Provided further*, That the
11 Secretary shall determine the cost of administration for
12 fiscal year 2011 which is properly allocable to the provi-
13 sion of each such insurance program and to the provision
14 of any total disability income insurance included in that
15 insurance program.

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

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 210. Funds available in this title or funds for
23 salaries and other administrative expenses shall also be
24 available to reimburse the Office of Resolution Manage-
25 ment of the Department of Veterans Affairs and the Of-

1 fice of Employment Discrimination Complaint Adjudica-
2 tion under section 319 of title 38, United States Code,
3 for all services provided at rates which will recover actual
4 costs but not exceed \$35,794,000 for the Office of Resolu-
5 tion Management and \$3,354,000 for the Office of Em-
6 ployment and Discrimination Complaint Adjudication:
7 *Provided*, That payments may be made in advance for
8 services to be furnished based on estimated costs: *Provided*
9 *further*, That amounts received shall be credited to the
10 “General operating expenses” and “Information tech-
11 nology systems” accounts for use by the office that pro-
12 vided the service.

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

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

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

12 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

6 (INCLUDING TRANSFER OF FUNDS)

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

12 SEC. 216. The Secretary of Veterans Affairs may
13 enter into agreements with Indian tribes and tribal organi-
14 zations which are party to the Alaska Native Health Com-
15 pact with the Indian Health Service, and Indian tribes and
16 tribal organizations serving rural Alaska which have en-
17 tered into contracts with the Indian Health Service under
18 the Indian Self Determination and Educational Assistance
19 Act, to provide healthcare, including behavioral health and
20 dental care. The Secretary shall require participating vet-
21 erans and facilities to comply with all appropriate rules
22 and regulations, as established by the Secretary. The term
23 “rural Alaska” shall mean those lands sited within the ex-
24 ternal boundaries of the Alaska Native regions specified
25 in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native

1 Claims Settlement Act, as amended (43 U.S.C. 1606), and
2 those lands within the Alaska Native regions specified in
3 sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims
4 Settlement Act, as amended (43 U.S.C. 1606), which are
5 not within the boundaries of the Municipality of Anchor-
6 age, the Fairbanks North Star Borough, the Kenai Penin-
7 sula Borough or the Matanuska Susitna Borough.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 217. Such sums as may be deposited to the De-
10 partment of Veterans Affairs Capital Asset Fund pursu-
11 ant to section 8118 of title 38, United States Code, may
12 be transferred to the “Construction, major projects” and
13 “Construction, minor projects” accounts, to remain avail-
14 able until expended for the purposes of these accounts.

15 SEC. 218. None of the funds made available in this
16 title may be used to implement any policy prohibiting the
17 Directors of the Veterans Integrated Services Networks
18 from conducting outreach or marketing to enroll new vet-
19 erans within their respective Networks.

20 SEC. 219. The Secretary of Veterans Affairs shall
21 submit to the Committees on Appropriations of both
22 Houses of Congress a quarterly report on the financial
23 status of the Veterans Health Administration.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 220. Amounts made available under the “Med-
3 ical services”, “Medical support and compliance”, “Med-
4 ical facilities”, “General operating expenses”, and “Na-
5 tional Cemetery Administration” accounts for fiscal year
6 2011, may be transferred to or from the “Information
7 technology systems” account: *Provided*, That before a
8 transfer may take place, the Secretary of Veterans Affairs
9 shall request from the Committees on Appropriations of
10 both Houses of Congress the authority to make the trans-
11 fer and an approval is issued.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 221. Amounts made available for the “Informa-
14 tion technology systems” account may be transferred be-
15 tween projects: *Provided*, That no project may be in-
16 creased or decreased by more than \$1,000,000 of cost
17 prior to submitting a request to the Committees on Appro-
18 priations of both Houses of Congress to make the transfer
19 and an approval is issued, or absent a response, a period
20 of 30 days has elapsed.

21 SEC. 222. None of the funds appropriated or other-
22 wise made available by this Act or any other Act for the
23 Department of Veterans Affairs may be used in a manner
24 that is inconsistent with—

1 (1) section 842 of the Transportation, Treas-
2 ury, Housing and Urban Development, the Judici-
3 ary, the District of Columbia, and Independent
4 Agencies Appropriations Act, 2006 (Public Law
5 109–115; 119 Stat. 2506); or

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

8 SEC. 223. Of the amounts made available to the De-
9 partment of Veterans Affairs for fiscal year 2011, in this
10 Act or any other Act, under the “Medical facilities” ac-
11 count for non-recurring maintenance, not more than 20
12 percent of the funds made available shall be obligated dur-
13 ing the last 2 months of that fiscal year: *Provided*, That
14 the Secretary may waive this requirement after providing
15 written notice to the Committees on Appropriations of
16 both Houses of Congress.

17 SEC. 224. Of the amounts appropriated or otherwise
18 made available by this title, the Secretary may execute
19 \$5,000,000 for cooperative agreements with State and
20 local government entities or their designees with a dem-
21 onstrated record of serving veterans to conduct outreach
22 to ensure that veterans in underserved areas receive the
23 care and benefits for which they are eligible.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 225. Of the amounts appropriated to the De-
3 partment of Veterans Affairs in this Act, and any other
4 Act, for “Medical services”, “Medical support and compli-
5 ance”, “Medical facilities”, “Construction, minor
6 projects”, and “Information technology systems”, such
7 sums as may be necessary, plus reimbursements, may be
8 transferred to the Joint Department of Defense-Depart-
9 ment of Veterans Affairs Medical Facility Demonstration
10 Fund, established by section 1704 of title XVII of division
11 A of Public Law 111–84, and shall be available to fund
12 operations of the integrated Captain James A. Lovell Fed-
13 eral Health Care Center, consisting of the North Chicago
14 Veteran Affairs Medical Center, and Navy Ambulatory
15 Care Center, and supporting facilities designated as a
16 combined Federal medical facility as described by Section
17 706 of Public Law 110–417.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 226. Such sums as may be deposited to the
20 Medical Care Collections Fund pursuant to section 1729A
21 of title 38, United States Code, for health care provided
22 at the Captain James A. Lovell Federal Health Care Cen-
23 ter may be transferred to the Joint Department of De-
24 fense-Department of Veterans Affairs Medical Facility
25 Demonstration Fund, established by section 1704 of title

1 XVII of division A of Public Law 111–84, and shall be
2 available to fund operations of the integrated Captain
3 James A. Lovell Federal Health Care Center, consisting
4 of the North Chicago Veteran Affairs Medical Center, and
5 Navy Ambulatory Care Center, and supporting facilities
6 designated as a combined Federal medical facility as de-
7 scribed by section 1706 of Public Law 110–417.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 227. Of the amounts available in this title for
10 “Medical services”, “Medical support and compliance”,
11 and “Medical facilities”, a minimum of \$15,000,000, shall
12 be transferred to the Department of Defense/Department
13 of Veterans Affairs Health Care Sharing Incentive Fund,
14 as authorized by section 8111(d) of title 38, United States
15 Code, to remain available until expended, for any purpose
16 authorized by section 8111 of title 38, United States Code.

17 (INCLUDING RESCISSION OF FUNDS)

18 SEC. 228. (a) Of the funds appropriated in the Mili-
19 tary Construction and Veterans Affairs and Related Agen-
20 cies Appropriations Act, 2010 (Public Law 111–117, Divi-
21 sion E), the following amounts which become available on
22 October 1, 2010 are hereby permanently cancelled from
23 the accounts in the amounts specified:

24 “Medical services”, Department of Veterans Af-
25 fairs, \$1,015,000,000;

1 “Medical support and compliance”, Department
2 of Veterans Affairs, \$145,000,000; and

3 “Medical facilities”, Department of Veterans
4 Affairs, \$145,000,000.

5 (b) An additional amount is appropriated to the fol-
6 lowing accounts in the amounts specified, to become avail-
7 able on October 1, 2010 and to remain available until Sep-
8 tember 30, 2012:

9 “Medical services”, Department of Veterans Af-
10 fairs, \$1,015,000,000;

11 “Medical support and compliance”, Department
12 of Veterans Affairs, \$145,000,000; and

13 “Medical facilities”, Department of Veterans
14 Affairs, \$145,000,000.

15 SEC. 229. For an additional amount for the “General
16 operating expenses” account, \$23,584,000, to increase the
17 Department’s acquisition workforce capacity and capabili-
18 ties: *Provided*, That such funds may be transferred by the
19 Secretary to any other account in the Department to carry
20 out the purposes provided herein: *Provided further*, That
21 such transfer authority is in addition to any other transfer
22 authority provided in this Act: *Provided further*, That such
23 funds shall be available only to supplement and not to sup-
24 plant existing acquisition workforce activities: *Provided*
25 *further*, That such funds shall be available for training,

1 recruitment, retention, and hiring additional members of
2 the acquisition workforce as defined by the Office of Fed-
3 eral Procurement Policy Act, as amended (41 U.S.C. 401
4 et seq.): *Provided further*, That such funds shall be avail-
5 able for information technology in support of acquisition
6 workforce effectiveness or for management solutions to
7 improve acquisition management.

8 SEC. 230. The Secretary of the Department of Vet-
9 erans Affairs shall report to the Committees on Appropria-
10 tions of both Houses of Congress within 30 days of enact-
11 ment of this Act the planned funding allocation from each
12 of the Veterans Health Administration accounts to the
13 National Reserve Fund and any subsequent increase in
14 these allocations of ten percent or more: *Provided*, That
15 the Secretary shall notify the Committees of any planned
16 obligation of the National Reserve Fund fifteen days be-
17 fore such obligation takes place, as well as the intended
18 use of the funds.

19 SEC. 231. The Secretary of the Department of Vet-
20 erans Affairs shall notify the Committees on Appropria-
21 tions of both Houses of Congress of all bid savings in
22 major construction projects that total at least \$5,000,000,
23 or five percent of the programmed amount, whichever is
24 less: *Provided*, That such notification shall occur within
25 14 days after the date on which funds are obligated.

1 vehicles; not to exceed \$7,500 for official reception and
2 representation expenses; and insurance of official motor
3 vehicles in foreign countries, when required by law of such
4 countries, \$65,667,000, to remain available until ex-
5 pended: *Provided*, That of the amount made available
6 under this heading, \$1,000,000 shall be for improvements
7 and rehabilitation of the Bataan Death March Memorial
8 at the Cabanatuan American Memorial in the Philippines.

9 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

10 For necessary expenses, not otherwise provided for,
11 of the American Battle Monuments Commission, such
12 sums as may be necessary, to remain available until ex-
13 pended, for purposes authorized by section 2109 of title
14 36, United States Code.

15 UNITED STATES COURT OF APPEALS FOR VETERANS

16 CLAIMS

17 SALARIES AND EXPENSES

18 For necessary expenses for the operation of the
19 United States Court of Appeals for Veterans Claims as
20 authorized by sections 7251 through 7298 of title 38,
21 United States Code, \$90,147,000: *Provided*, That, of the
22 foregoing amount, \$62,000,000 shall be transferred to the
23 General Services Administration for the construction of a
24 courthouse to house the United States Court of Appeals
25 for Veterans Claims: *Provided further*, That \$2,515,229

1 shall be available for the purpose of providing financial
2 assistance as described, and in accordance with the pro-
3 cess and reporting procedures set forth, under this heading
4 in Public Law 102-229.

5 DEPARTMENT OF DEFENSE - CIVIL

6 CEMETERIAL EXPENSES, ARMY

7 SALARIES AND EXPENSES

8 For necessary expenses, as authorized by law, for
9 maintenance, operation, and improvement of Arlington
10 National Cemetery and Soldiers' and Airmen's Home Na-
11 tional Cemetery, including the purchase of two passenger
12 motor vehicles for replacement only, and not to exceed
13 \$1,000 for official reception and representation expenses,
14 \$39,600,000, to remain available until expended: *Pro-*
15 *vided*, That none of the funds available under this heading
16 shall be for construction of a perimeter wall at Arlington
17 National Cemetery. In addition, such sums as may be nec-
18 essary for parking maintenance, repairs and replacement,
19 to be derived from the Lease of Department of Defense
20 Real Property for Defense Agencies account.

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

1 ARMED FORCES RETIREMENT HOME
2 TRUST FUND

3 For expenses necessary for the Armed Forces Retire-
4 ment Home to operate and maintain the Armed Forces
5 Retirement Home—Washington, District of Columbia,
6 and the Armed Forces Retirement Home—Gulfport, Mis-
7 sissippi, to be paid from funds available in the Armed
8 Forces Retirement Home Trust Fund, \$71,200,000, of
9 which \$2,000,000 shall remain available until expended
10 for construction and renovation of the physical plants at
11 the Armed Forces Retirement Home—Washington, Dis-
12 trict of Columbia, and the Armed Forces Retirement
13 Home—Gulfport, Mississippi.

14 TITLE IV
15 OVERSEAS CONTINGENCY OPERATIONS

16 DEPARTMENT OF DEFENSE
17 MILITARY CONSTRUCTION, ARMY
18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for “Military Construction,
20 Army”, \$929,996,000, to remain available until Sep-
21 tember 30, 2013: *Provided*, That notwithstanding any
22 other provision of law, such funds may be obligated and
23 expended to carry out planning and design and military
24 construction projects not otherwise authorized by law:
25 *Provided further*, That of the amount appropriated,

1 \$10,000,000 shall be transferred to “Department of De-
2 fense — Other Department of Defense Programs — Of-
3 fice of the Inspector General”, to be merged with and to
4 be available for the same time period as the appropriation
5 to which transferred, for the purpose of carrying out au-
6 dits of military construction projects in Afghanistan: *Pro-*
7 *vided further*, That this transfer authority is in addition
8 to any other transfer authority available to the Depart-
9 ment of Defense.

10 MILITARY CONSTRUCTION, AIR FORCE

11 For an additional amount for “Military Construction,
12 Air Force”, \$280,504,000, to remain available until Sep-
13 tember 30, 2013: *Provided*, That notwithstanding any
14 other provision of law, such funds may be obligated and
15 expended to carry out planning and design and military
16 construction projects not otherwise authorized by law.

17 MILITARY CONSTRUCTION, DEFENSE-WIDE

18 For an additional amount for “Military Construction,
19 Defense-Wide”, \$46,500,000, to remain available until
20 September 30, 2013: *Provided*, That notwithstanding any
21 other provision of law, such funds may be obligated and
22 expended to carry out planning and design and military
23 construction projects not otherwise authorized by law.

1 ADMINISTRATIVE PROVISIONS

2 SEC. 401. Unless otherwise specified, each amount in
3 this title is designated as an emergency requirement and
4 necessary to meet emergency needs pursuant to sections
5 403(a) and 423(b) of S. Con. Res. 13 (111th Congress),
6 the concurrent resolution on the budget for fiscal year
7 2010.

8 SEC. 402. None of the funds made available in this
9 title may be obligated for architect and engineer contracts
10 estimated by the Government to exceed \$500,000, unless
11 such contracts are awarded to United States firms or
12 United States firms in joint venture with host nation
13 firms.

14 SEC. 403. None of the funds made available in this
15 title may be used to award any contract estimated by the
16 Government to exceed \$1,000,000 to a foreign contractor:
17 *Provided*, That this section shall not be applicable to con-
18 tract awards for which the lowest responsive and respon-
19 sible bid of a United States contractor exceeds the lowest
20 responsive and responsible bid of a foreign contractor by
21 greater than 20 percent: *Provided further*, That the Sec-
22 retary of Defense may waive the limitation imposed by this
23 section upon a determination that such limitation is incon-
24 sistent with national security: *Provided further*, That the
25 Secretary of Defense shall notify the Committees on Ap-

1 appropriations of both Houses of Congress no later than five
2 days following a decision to waive the limitation imposed
3 in this section.

4 TITLE V

5 GENERAL PROVISIONS

6 SEC. 501. No part of any appropriation contained in
7 this Act shall remain available for obligation beyond the
8 current fiscal year unless expressly so provided herein.

9 SEC. 502. Such sums as may be necessary for fiscal
10 year 2011 for pay raises for programs funded by this Act
11 shall be absorbed within the levels appropriated in this
12 Act.

13 SEC. 503. None of the funds made available in this
14 Act may be used for any program, project, or activity,
15 when it is made known to the Federal entity or official
16 to which the funds are made available that the program,
17 project, or activity is not in compliance with any Federal
18 law relating to risk assessment, the protection of private
19 property rights, or unfunded mandates.

20 SEC. 504. No part of any funds appropriated in this
21 Act shall be used by an agency of the executive branch,
22 other than for normal and recognized executive-legislative
23 relationships, for publicity or propaganda purposes, and
24 for the preparation, distribution, or use of any kit, pam-
25 phlet, booklet, publication, radio, television, or film presen-

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

3 SEC. 505. All departments and agencies funded under
4 this Act are encouraged, within the limits of the existing
5 statutory authorities and funding, to expand their use of
6 “E-Commerce” technologies and procedures in the con-
7 duct of their business practices and public service activi-
8 ties.

9 SEC. 506. None of the funds made available in this
10 Act may be transferred to any department, agency, or in-
11 strumentality of the United States Government except
12 pursuant to a transfer made by, or transfer authority pro-
13 vided in, this or any other appropriations Act.

14 SEC. 507. Unless stated otherwise, all reports and no-
15 tifications required by this Act shall be submitted to the
16 Subcommittee on Military Construction and Veterans Af-
17 fairs, and Related Agencies of the Committee on Appro-
18 priations of the House of Representatives and the Sub-
19 committee on Military Construction and Veterans Affairs,
20 and Related Agencies of the Committee on Appropriations
21 of the Senate.

22 SEC. 508. None of the funds made available in this
23 Act may be used for a project or program named for an
24 individual serving as a Member, Delegate, or Resident

1 Commissioner of the United States House of Representa-
2 tives.

3 SEC. 509. (a) Any agency receiving funds made avail-
4 able in this Act, shall, subject to subsections (b) and (c),
5 post on the public website of that agency any report re-
6 quired to be submitted by the Congress in this or any
7 other Act, upon the determination by the head of the agen-
8 cy that it shall serve the national interest.

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

10 (1) the public posting of the report com-
11 promises national security; or

12 (2) the report contains confidential or propri-
13 etary information.

14 (c) The head of the agency posting such report shall
15 do so only after such report has been made available to
16 the requesting Committee or Committees of Congress for
17 no less than 45 days.

18 SEC. 510. None of the funds made available in this
19 Act may be distributed to the Association of Community
20 Organizations for Reform Now (ACORN) or its subsidi-
21 aries.

22 SEC. 511. None of the funds appropriated or other-
23 wise made available by this Act may be obligated by any
24 covered executive agency in contravention of the certifi-
25 cation requirement of section 6(b) of the Iran Sanctions

1 Act of 1996, as included in the revisions to the Federal
2 Acquisition Regulation pursuant to such section.

3 SEC. 512. (a) None of the funds made available in
4 this Act may be used to maintain or establish a computer
5 network unless such network blocks the viewing,
6 downloading, and exchanging of pornography.

7 (b) Nothing in subsection (a) shall limit the use of
8 funds necessary for any Federal, State, tribal, or local law
9 enforcement agency or any other entity carrying out crimi-
10 nal investigations, prosecution, or adjudication activities.

11 SEC. 513. None of the funds made available in this
12 Act may be used for the processing of new enhanced-use
13 leases at the National Home for Disabled Volunteer Sol-
14 diers located in Milwaukee, Wisconsin.

15 SEC. 514. None of the funds appropriated or other-
16 wise made available in this Act may be used by an agency
17 of the executive branch to pay for first-class travel by an
18 employee of the agency in contravention of sections 301-
19 10.122 through 301-10.124 of title 41, Code of Federal
20 Regulations.

21 SEC. 515. None of the funds appropriated or other-
22 wise made available in this Act may be used by an agency
23 of the executive branch to exercise the power of eminent
24 domain (to take private property for public use) without
25 the payment of just compensation.

1 SEC. 516. None of the funds appropriated or other-
2 wise made available to the Department of Defense in this
3 Act may be used to renovate or construct any facility in
4 the continental United States for the purpose of housing
5 any individual who has been detained, at any time after
6 September 11, 2001, at United States Naval Station,
7 Guantanamo Bay, Cuba.

8 This Act may be cited as the “Military Construction
9 and Veterans Affairs and Related Agencies Appropriations
10 Act, 2011”.

Passed the House of Representatives July 28, 2010.

Attest:

Clerk.

111TH CONGRESS
2^D SESSION

H. R. 5822

AN ACT

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2011, and for other purposes.