

Union Calendar No. 320

111TH CONGRESS
2^D SESSION

H. R. 5822

[Report No. 111-559]

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.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2010

Mr. EDWARDS, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

9 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

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

1 MILITARY CONSTRUCTION, AIR FORCE

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

14 MILITARY CONSTRUCTION, DEFENSE-WIDE

15 (INCLUDING TRANSFER OF FUNDS)

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

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

17 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

18 For construction, acquisition, expansion, rehabilita-
19 tion, and conversion of facilities for the training and ad-
20 ministration of the Army National Guard, and contribu-
21 tions therefor, as authorized by chapter 1803 of title 10,
22 United States Code, and Military Construction Authoriza-
23 tion Acts, \$1,020,228,000, to remain available until Sep-
24 tember 30, 2015, of which \$60,000,000 shall be for crit-
25 ical unfunded requirements: *Provided*, That of the amount

1 appropriated, not to exceed \$57,182,000 shall be available
2 for study, planning, design, and architect and engineer
3 services, as authorized by law, unless the Director of the
4 Army National Guard determines that additional obliga-
5 tions are necessary for such purposes and notifies the
6 Committees on Appropriations of both Houses of Congress
7 of the determination and the reasons therefor: *Provided*
8 *further*, That, not later than 30 days after the date of the
9 enactment of this Act, the Director of the Army National
10 Guard shall submit to the Committees on Appropriations
11 of both Houses of Congress an expenditure plan for the
12 funds provided for critical unfunded requirements.

13 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

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

1 necessary for such purposes and notifies the Committees
2 on Appropriations of both Houses of Congress of the de-
3 termination and the reasons therefor: *Provided further*,
4 That, not later than 30 days after the date of the enact-
5 ment of this Act, the Director of the Air National Guard
6 shall submit to the Committees on Appropriations of both
7 Houses of Congress an expenditure plan for the funds pro-
8 vided for critical unfunded requirements.

9 MILITARY CONSTRUCTION, ARMY RESERVE

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

1 serve shall submit to the Committees on Appropriations
2 of both Houses of Congress an expenditure plan for the
3 funds provided for critical unfunded requirements.

4 MILITARY CONSTRUCTION, NAVY RESERVE

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

1 expenditure plan for the funds provided for critical un-
2 funded requirements.

3 MILITARY CONSTRUCTION, AIR FORCE RESERVE

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

1 NORTH ATLANTIC TREATY ORGANIZATION
2 SECURITY INVESTMENT PROGRAM

3 For the United States share of the cost of the North
4 Atlantic Treaty Organization Security Investment Pro-
5 gram for the acquisition and construction of military fa-
6 cilities and installations (including international military
7 headquarters) and for related expenses for the collective
8 defense of the North Atlantic Treaty Area as authorized
9 by section 2806 of title 10, United States Code, and Mili-
10 tary Construction Authorization Acts, \$258,884,000, to
11 remain available until expended.

12 FAMILY HOUSING CONSTRUCTION, ARMY

13 For expenses of family housing for the Army for con-
14 struction, including acquisition, replacement, addition, ex-
15 pansion, extension, and alteration, as authorized by law,
16 \$92,369,000, to remain available until September 30,
17 2015.

18 FAMILY HOUSING OPERATION AND MAINTENANCE,

19 ARMY

20 For expenses of family housing for the Army for op-
21 eration and maintenance, including debt payment, leasing,
22 minor construction, principal and interest charges, and in-
23 surance premiums, as authorized by law, \$518,140,000.

1 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
2 CORPS

3 For expenses of family housing for the Navy and Ma-
4 rine Corps for construction, including acquisition, replace-
5 ment, addition, expansion, extension, and alteration, as
6 authorized by law, \$186,444,000, to remain available until
7 September 30, 2015.

8 FAMILY HOUSING OPERATION AND MAINTENANCE,
9 NAVY AND MARINE CORPS

10 For expenses of family housing for the Navy and Ma-
11 rine Corps for operation and maintenance, including debt
12 payment, leasing, minor construction, principal and inter-
13 est charges, and insurance premiums, as authorized by
14 law, \$366,346,000.

15 FAMILY HOUSING CONSTRUCTION, AIR FORCE

16 For expenses of family housing for the Air Force for
17 construction, including acquisition, replacement, addition,
18 expansion, extension, and alteration, as authorized by law,
19 \$78,025,000, to remain available until September 30,
20 2015.

21 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
22 FORCE

23 For expenses of family housing for the Air Force for
24 operation and maintenance, including debt payment, leas-
25 ing, minor construction, principal and interest charges,

1 and insurance premiums, as authorized by law,
2 \$513,792,000.

3 FAMILY HOUSING OPERATION AND MAINTENANCE,
4 DEFENSE-WIDE

5 For expenses of family housing for the activities and
6 agencies of the Department of Defense (other than the
7 military departments) for operation and maintenance,
8 leasing, and minor construction, as authorized by law,
9 \$50,464,000.

10 DEPARTMENT OF DEFENSE FAMILY HOUSING
11 IMPROVEMENT FUND

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

18 HOMEOWNERS ASSISTANCE FUND

19 For the Homeowners Assistance Fund established by
20 section 1013 of the Demonstration Cities and Metropoli-
21 tan Development Act of 1966, as amended (42 U.S.C.
22 3374), \$16,515,000, to remain available until expended.

1 able until expended: *Provided*, That the Department of
2 Defense shall notify the Committees on Appropriations of
3 both Houses of Congress 14 days prior to obligating an
4 amount for a construction project that exceeds or reduces
5 the amount identified for that project in the most recently
6 submitted budget request for this account by 20 percent
7 or \$2,000,000, whichever is less: *Provided further*, That
8 the previous proviso shall not apply to projects costing less
9 than \$5,000,000, except for those projects not previously
10 identified in any budget submission for this account and
11 exceeding the minor construction threshold under section
12 2805 of title 10, United States Code.

13 ADMINISTRATIVE PROVISIONS

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

21 SEC. 102. Funds made available in this title for con-
22 struction shall be available for hire of passenger motor ve-
23 hicles.

24 SEC. 103. Funds made available in this title for con-
25 struction may be used for advances to the Federal High-

1 way Administration, Department of Transportation, for
2 the construction of access roads as authorized by section
3 210 of title 23, United States Code, when projects author-
4 ized therein are certified as important to the national de-
5 fense by the Secretary of Defense.

6 SEC. 104. None of the funds made available in this
7 title may be used to begin construction of new bases in
8 the United States for which specific appropriations have
9 not been made.

10 SEC. 105. None of the funds made available in this
11 title shall be used for purchase of land or land easements
12 in excess of 100 percent of the value as determined by
13 the Army Corps of Engineers or the Naval Facilities Engi-
14 neering Command, except: (1) where there is a determina-
15 tion of value by a Federal court; (2) purchases negotiated
16 by the Attorney General or the designee of the Attorney
17 General; (3) where the estimated value is less than
18 \$25,000; or (4) as otherwise determined by the Secretary
19 of Defense to be in the public interest.

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

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

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

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

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

19 SEC. 111. None of the funds made available in this
20 title may be obligated for architect and engineer contracts
21 estimated by the Government to exceed \$500,000 for
22 projects to be accomplished in Japan, in any North Atlan-
23 tic Treaty Organization member country, or in countries
24 within the United States Central Command Area of Re-
25 sponsibility, unless such contracts are awarded to United

1 States firms or United States firms in joint venture with
2 host nation firms.

3 SEC. 112. None of the funds made available in this
4 title for military construction in the United States terri-
5 tories and possessions in the Pacific and on Kwajalein
6 Atoll, or in countries within the United States Central
7 Command Area of Responsibility, may be used to award
8 any contract estimated by the Government to exceed
9 \$1,000,000 to a foreign contractor: *Provided*, That this
10 section shall not be applicable to contract awards for
11 which the lowest responsive and responsible bid of a
12 United States contractor exceeds the lowest responsive
13 and responsible bid of a foreign contractor by greater than
14 20 percent: *Provided further*, That this section shall not
15 apply to contract awards for military construction on
16 Kwajalein Atoll for which the lowest responsive and re-
17 sponsible bid is submitted by a Marshallese contractor.

18 SEC. 113. The Secretary of Defense is to inform the
19 appropriate committees of both Houses of Congress, in-
20 cluding the Committees on Appropriations, of the plans
21 and scope of any proposed military exercise involving
22 United States personnel 30 days prior to its occurring,
23 if amounts expended for construction, either temporary or
24 permanent, are anticipated to exceed \$100,000.

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

5 SEC. 115. Funds appropriated to the Department of
6 Defense for construction in prior years shall be available
7 for construction authorized for each such military depart-
8 ment by the authorizations enacted into law during the
9 current session of Congress.

10 SEC. 116. For military construction or family housing
11 projects that are being completed with funds otherwise ex-
12 pired or lapsed for obligation, expired or lapsed funds may
13 be used to pay the cost of associated supervision, inspec-
14 tion, overhead, engineering and design on those projects
15 and on subsequent claims, if any.

16 SEC. 117. Notwithstanding any other provision of
17 law, any funds made available to a military department
18 or defense agency for the construction of military projects
19 may be obligated for a military construction project or
20 contract, or for any portion of such a project or contract,
21 at any time before the end of the fourth fiscal year after
22 the fiscal year for which funds for such project were made
23 available, if the funds obligated for such project: (1) are
24 obligated from funds available for military construction
25 projects; and (2) do not exceed the amount appropriated

1 for such project, plus any amount by which the cost of
2 such project is increased pursuant to law.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 118. In addition to any other transfer authority
5 available to the Department of Defense, proceeds depos-
6 ited to the Department of Defense Base Closure Account
7 established by section 207(a)(1) of the Defense Authoriza-
8 tion Amendments and Base Closure and Realignment Act
9 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
10 of such Act, may be transferred to the account established
11 by section 2906(a)(1) of the Defense Base Closure and
12 Realignment Act of 1990 (10 U.S.C. 2687 note), to be
13 merged with, and to be available for the same purposes
14 and the same time period as that account.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 119. Subject to 30 days prior notification, or
17 14 days for a notification provided in an electronic me-
18 dium pursuant to sections 480 and 2883, of title 10,
19 United States Code, to the Committees on Appropriations
20 of both Houses of Congress, such additional amounts as
21 may be determined by the Secretary of Defense may be
22 transferred to: (1) the Department of Defense Family
23 Housing Improvement Fund from amounts appropriated
24 for construction in “Family Housing” accounts, to be
25 merged with and to be available for the same purposes

1 and for the same period of time as amounts appropriated
2 directly to the Fund; or (2) the Department of Defense
3 Military Unaccompanied Housing Improvement Fund
4 from amounts appropriated for construction of military
5 unaccompanied housing in “Military Construction” ac-
6 counts, to be merged with and to be available for the same
7 purposes and for the same period of time as amounts ap-
8 propriated directly to the Fund: *Provided*, That appropria-
9 tions made available to the Funds shall be available to
10 cover the costs, as defined in section 502(5) of the Con-
11 gressional Budget Act of 1974, of direct loans or loan
12 guarantees issued by the Department of Defense pursuant
13 to the provisions of subchapter IV of chapter 169 of title
14 10, United States Code, pertaining to alternative means
15 of acquiring and improving military family housing, mili-
16 tary unaccompanied housing, and supporting facilities.

17 SEC. 120. (a) Not later than 60 days before issuing
18 any solicitation for a contract with the private sector for
19 military family housing the Secretary of the military de-
20 partment concerned shall submit to the Committees on
21 Appropriations of both Houses of Congress the notice de-
22 scribed in subsection (b).

23 (b)(1) A notice referred to in subsection (a) is a no-
24 tice of any guarantee (including the making of mortgage
25 or rental payments) proposed to be made by the Secretary

1 to the private party under the contract involved in the
2 event of—

3 (A) the closure or realignment of the installa-
4 tion for which housing is provided under the con-
5 tract;

6 (B) a reduction in force of units stationed at
7 such installation; or

8 (C) the extended deployment overseas of units
9 stationed at such installation.

10 (2) Each notice under this subsection shall specify
11 the nature of the guarantee involved and assess the extent
12 and likelihood, if any, of the liability of the Federal Gov-
13 ernment with respect to the guarantee.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 121. In addition to any other transfer authority
16 available to the Department of Defense, amounts may be
17 transferred from the accounts established by sections
18 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure
19 and Realignment Act of 1990 (10 U.S.C. 2687 note), to
20 the fund established by section 1013(d) of the Demonstra-
21 tion Cities and Metropolitan Development Act of 1966 (42
22 U.S.C. 3374) to pay for expenses associated with the
23 Homeowners Assistance Program incurred under 42
24 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be

1 merged with and be available for the same purposes and
2 for the same time period as the fund to which transferred.

3 SEC. 122. Notwithstanding any other provision of
4 law, funds made available in this title for operation and
5 maintenance of family housing shall be the exclusive
6 source of funds for repair and maintenance of all family
7 housing units, including general or flag officer quarters:
8 *Provided*, That not more than \$35,000 per unit may be
9 spent annually for the maintenance and repair of any gen-
10 eral or flag officer quarters without 30 days prior notifica-
11 tion, or 14 days for a notification provided in an electronic
12 medium pursuant to sections 480 and 2883 of title 10,
13 United States Code, to the Committees on Appropriations
14 of both Houses of Congress, except that an after-the-fact
15 notification shall be submitted if the limitation is exceeded
16 solely due to costs associated with environmental remedi-
17 ation that could not be reasonably anticipated at the time
18 of the budget submission: *Provided further*, That the
19 Under Secretary of Defense (Comptroller) is to report an-
20 nually to the Committees on Appropriations of both
21 Houses of Congress all operation and maintenance ex-
22 penditures for each individual general or flag officer quar-
23 ters for the prior fiscal year.

24 SEC. 123. Amounts contained in the Ford Island Im-
25 provement Account established by subsection (h) of sec-

1 tion 2814 of title 10, United States Code, are appro-
2 priated and shall be available until expended for the pur-
3 poses specified in subsection (i)(1) of such section or until
4 transferred pursuant to subsection (i)(3) of such section.

5 SEC. 124. None of the funds made available in this
6 title, or in any Act making appropriations for military con-
7 struction which remain available for obligation, may be ob-
8 ligated or expended to carry out a military construction,
9 land acquisition, or family housing project at or for a mili-
10 tary installation approved for closure, or at a military in-
11 stallation for the purposes of supporting a function that
12 has been approved for realignment to another installation,
13 in 2005 under the Defense Base Closure and Realignment
14 Act of 1990 (part A of title XXIX of Public Law 101–
15 510; 10 U.S.C. 2687 note), unless such a project at a mili-
16 tary installation approved for realignment will support a
17 continuing mission or function at that installation or a
18 new mission or function that is planned for that installa-
19 tion, or unless the Secretary of Defense certifies that the
20 cost to the United States of carrying out such project
21 would be less than the cost to the United States of cancel-
22 ling such project, or if the project is at an active compo-
23 nent base that shall be established as an enclave or in the
24 case of projects having multi-agency use, that another
25 Government agency has indicated it will assume ownership

1 of the completed project. The Secretary of Defense may
2 not transfer funds made available as a result of this limi-
3 tation from any military construction project, land acquisi-
4 tion, or family housing project to another account or use
5 such funds for another purpose or project without the
6 prior approval of the Committees on Appropriations of
7 both Houses of Congress. This section shall not apply to
8 military construction projects, land acquisition, or family
9 housing projects for which the project is vital to the na-
10 tional security or the protection of health, safety, or envi-
11 ronmental quality: *Provided*, That the Secretary of De-
12 fense shall notify the congressional defense committees
13 within seven days of a decision to carry out such a military
14 construction project.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 125. During the 5-year period after appropria-
17 tions available in this Act to the Department of Defense
18 for military construction and family housing operation and
19 maintenance and construction have expired for obligation,
20 upon a determination that such appropriations will not be
21 necessary for the liquidation of obligations or for making
22 authorized adjustments to such appropriations for obliga-
23 tions incurred during the period of availability of such ap-
24 propriations, unobligated balances of such appropriations
25 may be transferred into the appropriation “Foreign Cur-

1 rency Fluctuations, Construction, Defense”, to be merged
2 with and to be available for the same time period and for
3 the same purposes as the appropriation to which trans-
4 ferred.

5 SEC. 126. None of the funds appropriated or other-
6 wise made available in this title may be used for any action
7 that is related to or promotes the expansion of the bound-
8 aries or size of the Pinon Canyon Maneuver Site, Colo-
9 rado.

10 SEC. 127. Amounts appropriated or otherwise made
11 available in an account funded under the headings in this
12 title may be transferred among projects and activities
13 within the account in accordance with the reprogramming
14 guidelines for military construction and family housing
15 construction contained in the report of the Committee on
16 Appropriations of the House of Representatives to accom-
17 pany this bill and in the guidance for military construction
18 reprogrammings and notifications contained in Depart-
19 ment of Defense Financial Management Regulation
20 7000.14–R, Volume 3, Chapter 7, of December 1996, as
21 in effect on the date of enactment of this Act.

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

6 For the payment of compensation benefits to or on
7 behalf of veterans and a pilot program for disability ex-
8 aminations as authorized by section 107 and chapters 11,
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
10 pension benefits to or on behalf of veterans as authorized
11 by chapters 15, 51, 53, 55, and 61 of title 38, United
12 States Code; and burial benefits, the Reinstated Entitle-
13 ment Program for Survivors, emergency and other offi-
14 cers' retirement pay, adjusted-service credits and certifi-
15 cates, payment of premiums due on commercial life insur-
16 ance policies guaranteed under the provisions of title IV
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.
18 541 et seq.) and for other benefits as authorized by sec-
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
20 53, 55, and 61 of title 38, United States Code,
21 \$53,492,234,000, to remain available until expended: *Pro-*
22 *vided*, That not to exceed \$30,423,000 of the amount ap-
23 propriated under this heading shall be reimbursed to
24 "General operating expenses", "Medical support and com-
25 pliance", and "Information technology systems" for nec-

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

10 READJUSTMENT BENEFITS

11 For the payment of readjustment and rehabilitation
12 benefits to or on behalf of veterans as authorized by chap-
13 ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61
14 of title 38, United States Code, \$10,440,245,000, to re-
15 main available until expended: *Provided*, That expenses for
16 rehabilitation program services and assistance which the
17 Secretary is authorized to provide under subsection (a) of
18 section 3104 of title 38, United States Code, other than
19 under paragraphs (1), (2), (5), and (11) of that sub-
20 section, shall be charged to this account.

21 VETERANS INSURANCE AND INDEMNITIES

22 For military and naval insurance, national service life
23 insurance, servicemen’s indemnities, service-disabled vet-
24 erans insurance, and veterans mortgage life insurance as

1 authorized by title 38, United States Code, chapters 19
2 and 21, \$62,589,000, to remain available until expended.

3 VETERANS HOUSING BENEFIT PROGRAM FUND

4 For the cost of direct and guaranteed loans, such
5 sums as may be necessary to carry out the program, as
6 authorized by subchapters I through III of chapter 37 of
7 title 38, United States Code: *Provided*, That such costs,
8 including the cost of modifying such loans, shall be as de-
9 fined in section 502 of the Congressional Budget Act of
10 1974: *Provided further*, That during fiscal year 2011,
11 within the resources available, not to exceed \$500,000 in
12 gross obligations for direct loans are authorized for spe-
13 cially adapted housing loans.

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

16 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

17 For the cost of direct loans, \$48,000, as authorized
18 by chapter 31 of title 38, United States Code: *Provided*,
19 That such costs, including the cost of modifying such
20 loans, shall be as defined in section 502 of the Congres-
21 sional Budget Act of 1974: *Provided further*, That funds
22 made available under this heading are available to sub-
23 sidize gross obligations for the principal amount of direct
24 loans not to exceed \$3,042,000.

1 163, \$39,649,985,000, plus reimbursements, shall become
2 available on October 1, 2011, and shall remain available
3 until September 30, 2012: *Provided*, That, of the amount
4 made available under this heading \$1,015,000,000 shall
5 remain available until September 30, 2013: *Provided fur-*
6 *ther*, That, notwithstanding any other provision of law, the
7 Secretary of Veterans Affairs shall establish a priority for
8 the provision of medical treatment for veterans who have
9 service-connected disabilities, lower income, or have special
10 needs: *Provided further*, That, notwithstanding any other
11 provision of law, the Secretary of Veterans Affairs shall
12 give priority funding for the provision of basic medical
13 benefits to veterans in enrollment priority groups 1
14 through 6: *Provided further*, That, notwithstanding any
15 other provision of law, the Secretary of Veterans Affairs
16 may authorize the dispensing of prescription drugs from
17 Veterans Health Administration facilities to enrolled vet-
18 erans with privately written prescriptions based on re-
19 quirements established by the Secretary: *Provided further*,
20 That the implementation of the program described in the
21 previous proviso shall incur no additional cost to the De-
22 partment of Veterans Affairs.

23 MEDICAL SUPPORT AND COMPLIANCE

24 For necessary expenses in the administration of the
25 medical, hospital, nursing home, domiciliary, construction,

1 supply, and research activities, as authorized by law; ad-
2 ministrative expenses in support of capital policy activi-
3 ties; and administrative and legal expenses of the Depart-
4 ment for collecting and recovering amounts owed the De-
5 partment as authorized under chapter 17 of title 38,
6 United States Code, and the Federal Medical Care Recov-
7 ery Act (42 U.S.C. 2651 et seq.); \$5,535,000,000, plus
8 reimbursements, shall become available on October 1,
9 2011, and shall remain available until September 30,
10 2012: *Provided*, That, of the amount made available under
11 this heading, \$145,000,000 shall remain available until
12 September 30, 2013.

13 MEDICAL FACILITIES

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

1 the hire of temporary employees and purchase of mate-
2 rials; for leases of facilities; and for laundry services,
3 \$5,426,000,000, plus reimbursements, shall become avail-
4 able on October 1, 2011, and shall remain available until
5 September 30, 2012: *Provided*, That, of the amount made
6 available under this heading, \$145,000,000 shall remain
7 available until September 30, 2013: *Provided further*,
8 That, of the amount available for fiscal year 2012,
9 \$130,000,000 for non-recurring maintenance shall be allo-
10 cated in a manner not subject to the Veterans Equitable
11 Resource Allocation.

12 MEDICAL AND PROSTHETIC RESEARCH

13 For necessary expenses in carrying out programs of
14 medical and prosthetic research and development as au-
15 thorized by chapter 73 of title 38, United States Code,
16 \$590,000,000, plus reimbursements, shall remain avail-
17 able until September 30, 2012.

18 NATIONAL CEMETERY ADMINISTRATION

19 For necessary expenses of the National Cemetery Ad-
20 ministration for operations and maintenance, not other-
21 wise provided for, including uniforms or allowances there-
22 for; cemeterial expenses as authorized by law; purchase
23 of one passenger motor vehicle for use in cemeterial oper-
24 ations; hire of passenger motor vehicles; and repair, alter-
25 ation or improvement of facilities under the jurisdiction

1 of the National Cemetery Administration, \$259,004,000,
2 of which not to exceed \$24,200,000 shall remain available
3 until September 30, 2012.

4 DEPARTMENTAL ADMINISTRATION

5 GENERAL OPERATING EXPENSES

6 For necessary operating expenses of the Department
7 of Veterans Affairs, not otherwise provided for, including
8 administrative expenses in support of Department-wide
9 capital planning, management and policy activities, uni-
10 forms, or allowances therefor; not to exceed \$25,000 for
11 official reception and representation expenses; hire of pas-
12 senger motor vehicles; and reimbursement of the General
13 Services Administration for security guard services, and
14 the Department of Defense for the cost of overseas em-
15 ployee mail, \$2,601,389,000: *Provided*, That expenses for
16 services and assistance authorized under paragraphs (1),
17 (2), (5), and (11) of section 3104(a) of title 38, United
18 States Code, that the Secretary of Veterans Affairs deter-
19 mines are necessary to enable entitled veterans: (1) to the
20 maximum extent feasible, to become employable and to ob-
21 tain and maintain suitable employment; or (2) to achieve
22 maximum independence in daily living, shall be charged
23 to this account: *Provided further*, That the Veterans Bene-
24 fits Administration shall be funded at not less than
25 \$2,162,776,000: *Provided further*, That of the funds made

1 available under this heading, not to exceed \$111,000,000
2 shall remain available until September 30, 2012: *Provided*
3 *further*, That from the funds made available under this
4 heading, the Veterans Benefits Administration may pur-
5 chase (on a one-for-one replacement basis only) up to two
6 passenger motor vehicles for use in operations of that Ad-
7 ministration in Manila, Philippines.

8 INFORMATION TECHNOLOGY SYSTEMS

9 For necessary expenses for information technology
10 systems and telecommunications support, including devel-
11 opmental information systems and operational information
12 systems; for pay and associated costs; and for the capital
13 asset acquisition of information technology systems, in-
14 cluding management and related contractual costs of said
15 acquisitions, including contractual costs associated with
16 operations authorized by section 3109 of title 5, United
17 States Code, \$3,222,000,000, plus reimbursements, shall
18 remain available until September 30, 2012: *Provided*,
19 That none of the funds made available under this heading
20 may be obligated until the Department of Veterans Affairs
21 submits to the Committees on Appropriations of both
22 Houses of Congress, and such Committees approve, a plan
23 for expenditure that: (1) meets the capital planning and
24 investment control review requirements established by the
25 Office of Management and Budget; (2) complies with the

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

14 OFFICE OF INSPECTOR GENERAL

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

20 CONSTRUCTION, MAJOR 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, or for any of the purposes set forth in sections
25 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,

1 and 8122 of title 38, United States Code, including plan-
2 ning, architectural and engineering services, construction
3 management services, maintenance or guarantee period
4 services costs associated with equipment guarantees pro-
5 vided under the project, services of claims analysts, offsite
6 utility and storm drainage system construction costs, and
7 site acquisition, where the estimated cost of a project is
8 more than the amount set forth in section 8104(a)(3)(A)
9 of title 38, United States Code, or where funds for a
10 project were made available in a previous major project
11 appropriation, \$1,166,036,000, to remain available until
12 expended, of which \$6,000,000 shall be to make reim-
13 bursements as provided in section 13 of the Contract Dis-
14 putes Act of 1978 (41 U.S.C. 612) for claims paid for
15 contract disputes: *Provided*, That except for advance plan-
16 ning activities, including needs assessments which may or
17 may not lead to capital investments, and other capital
18 asset management related activities, including portfolio
19 development and management activities, and investment
20 strategy studies funded through the advance planning
21 fund and the planning and design activities funded
22 through the design fund, including needs assessments
23 which may or may not lead to capital investments, and
24 salaries and associated costs of the resident engineers who
25 oversee those capital investments funded through this ac-

1 count, and funds provided for the purchase of land for
2 the National Cemetery Administration through the land
3 acquisition line item, none of the funds made available
4 under this heading shall be used for any project which has
5 not been approved by the Congress in the budgetary pro-
6 cess: *Provided further*, That funds made available under
7 this heading for fiscal year 2011, for each approved
8 project shall be obligated: (1) by the awarding of a con-
9 struction documents contract by September 30, 2011; and
10 (2) by the awarding of a construction contract by Sep-
11 tember 30, 2012: *Provided further*, That the Secretary of
12 Veterans Affairs shall promptly submit to the Committees
13 on Appropriations of both Houses of Congress a written
14 report on any approved major construction project for
15 which obligations are not incurred within the time limita-
16 tions established above.

17 CONSTRUCTION, MINOR PROJECTS

18 For constructing, altering, extending, and improving
19 any of the facilities, including parking projects, under the
20 jurisdiction or for the use of the Department of Veterans
21 Affairs, including planning and assessments of needs
22 which may lead to capital investments, architectural and
23 engineering services, maintenance or guarantee period
24 services costs associated with equipment guarantees pro-
25 vided under the project, services of claims analysts, offsite

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

19 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
20 FACILITIES

21 For grants to assist States to acquire or construct
22 State nursing home and domiciliary facilities and to re-
23 model, modify, or alter existing hospital, nursing home,
24 and domiciliary facilities in State homes, for furnishing
25 care to veterans as authorized by sections 8131 through

1 8137 of title 38, United States Code, \$85,000,000, to re-
2 main available until expended.

3 GRANTS FOR CONSTRUCTION OF STATE VETERANS
4 CEMETERIES

5 For grants to assist States in establishing, expand-
6 ing, or improving State veterans cemeteries as authorized
7 by section 2408 of title 38, United States Code,
8 \$46,000,000, to remain available until expended.

9 ADMINISTRATIVE PROVISIONS
10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 201. Any appropriation for fiscal year 2011 for
12 “Compensation and pensions”, “Readjustment benefits”,
13 and “Veterans insurance and indemnities” may be trans-
14 ferred as necessary to any other of the mentioned appro-
15 priations: *Provided*, That before a transfer may take place,
16 the Secretary of Veterans Affairs shall request from the
17 Committees on Appropriations of both Houses of Congress
18 the authority to make the transfer and such Committees
19 issue an approval, or absent a response, a period of 30
20 days has elapsed.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 202. Amounts made available for the Depart-
23 ment of Veterans Affairs for fiscal year 2011, in this Act
24 or any other Act, under the “Medical services”, “Medical
25 support and compliance”, and “Medical facilities” ac-

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

20 SEC. 203. Appropriations available in this title for
21 salaries and expenses shall be available for services au-
22 thorized by section 3109 of title 5, United States Code,
23 hire of passenger motor vehicles; lease of a facility or land
24 or both; and uniforms or allowances therefore, as author-

1 ized by sections 5901 through 5902 of title 5, United
2 States Code.

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

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

19 SEC. 206. Appropriations available in this title for
20 “Compensation and pensions”, “Readjustment benefits”,
21 and “Veterans insurance and indemnities” shall be avail-
22 able for payment of prior year accrued obligations re-
23 quired to be recorded by law against the corresponding
24 prior year accounts within the last quarter of fiscal year
25 2010.

1 SEC. 207. Appropriations available in this title shall
2 be available to pay prior year obligations of corresponding
3 prior year appropriations accounts resulting from sections
4 3328(a), 3334, and 3712(a) of title 31, United States
5 Code, except that if such obligations are from trust fund
6 accounts they shall be payable only from “Compensation
7 and pensions”.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 208. Notwithstanding any other provision of
10 law, during fiscal year 2011, the Secretary of Veterans
11 Affairs shall, from the National Service Life Insurance
12 Fund under section 1920 of title 38, United States Code,
13 the Veterans’ Special Life Insurance Fund under section
14 1923 of title 38, United States Code, and the United
15 States Government Life Insurance Fund under section
16 1955 of title 38, United States Code, reimburse the “Gen-
17 eral operating expenses” and “Information technology sys-
18 tems” accounts for the cost of administration of the insur-
19 ance programs financed through those accounts: *Provided*,
20 That reimbursement shall be made only from the surplus
21 earnings accumulated in such an insurance program dur-
22 ing fiscal year 2011 that are available for dividends in that
23 program after claims have been paid and actuarially deter-
24 mined reserves have been set aside: *Provided further*, That
25 if the cost of administration of such an insurance program

1 exceeds the amount of surplus earnings accumulated in
2 that program, reimbursement shall be made only to the
3 extent of such surplus earnings: *Provided further*, That the
4 Secretary shall determine the cost of administration for
5 fiscal year 2011 which is properly allocable to the provi-
6 sion of each such insurance program and to the provision
7 of any total disability income insurance included in that
8 insurance program.

9 SEC. 209. Amounts deducted from enhanced-use
10 lease proceeds to reimburse an account for expenses in-
11 curred by that account during a prior fiscal year for pro-
12 viding enhanced-use lease services, may be obligated dur-
13 ing the fiscal year in which the proceeds are received.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 210. Funds available in this title or funds for
16 salaries and other administrative expenses shall also be
17 available to reimburse the Office of Resolution Manage-
18 ment of the Department of Veterans Affairs and the Of-
19 fice of Employment Discrimination Complaint Adjudica-
20 tion under section 319 of title 38, United States Code,
21 for all services provided at rates which will recover actual
22 costs but not exceed \$35,794,000 for the Office of Resolu-
23 tion Management and \$3,354,000 for the Office of Em-
24 ployment and Discrimination Complaint Adjudication:
25 *Provided*, That payments may be made in advance for

1 services to be furnished based on estimated costs: *Provided*
2 *further*, That amounts received shall be credited to the
3 “General operating expenses” and “Information tech-
4 nology systems” accounts for use by the office that pro-
5 vided the service.

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

13 SEC. 212. No funds of the Department of Veterans
14 Affairs shall be available for hospital care, nursing home
15 care, or medical services provided to any person under
16 chapter 17 of title 38, United States Code, for a non-serv-
17 ice-connected disability described in section 1729(a)(2) of
18 such title, unless that person has disclosed to the Sec-
19 retary of Veterans Affairs, in such form as the Secretary
20 may require, current, accurate third-party reimbursement
21 information for purposes of section 1729 of such title: *Pro-*
22 *vided*, That the Secretary may recover, in the same man-
23 ner as any other debt due the United States, the reason-
24 able charges for such care or services from any person who
25 does not make such disclosure as required: *Provided fur-*

1 *ther*, That any amounts so recovered for care or services
2 provided in a prior fiscal year may be obligated by the
3 Secretary during the fiscal year in which amounts are re-
4 ceived.

5 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

1 (INCLUDING TRANSFER OF FUNDS)

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

7 SEC. 216. The Secretary of Veterans Affairs may
8 enter into agreements with Indian tribes and tribal organi-
9 zations which are party to the Alaska Native Health Com-
10 pact with the Indian Health Service, and Indian tribes and
11 tribal organizations serving rural Alaska which have en-
12 tered into contracts with the Indian Health Service under
13 the Indian Self Determination and Educational Assistance
14 Act, to provide healthcare, including behavioral health and
15 dental care. The Secretary shall require participating vet-
16 erans and facilities to comply with all appropriate rules
17 and regulations, as established by the Secretary. The term
18 “rural Alaska” shall mean those lands sited within the ex-
19 ternal boundaries of the Alaska Native regions specified
20 in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native
21 Claims Settlement Act, as amended (43 U.S.C. 1606), and
22 those lands within the Alaska Native regions specified in
23 sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims
24 Settlement Act, as amended (43 U.S.C. 1606), which are
25 not within the boundaries of the Municipality of Anchor-

1 age, the Fairbanks North Star Borough, the Kenai Penin-
2 sula Borough or the Matanuska Susitna Borough.

3 (INCLUDING TRANSFER OF FUNDS)

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

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

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

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 220. Amounts made available under the “Med-
21 ical services”, “Medical support and compliance”, “Med-
22 ical facilities”, “General operating expenses”, and “Na-
23 tional Cemetery Administration” accounts for fiscal year
24 2011, may be transferred to or from the “Information
25 technology systems” account: *Provided*, That before a

1 transfer may take place, the Secretary of Veterans Affairs
2 shall request from the Committees on Appropriations of
3 both Houses of Congress the authority to make the trans-
4 fer and an approval is issued.

5 (INCLUDING TRANSFER OF FUNDS)

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

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

18 (1) section 842 of the Transportation, Treas-
19 ury, Housing and Urban Development, the Judici-
20 ary, the District of Columbia, and Independent
21 Agencies Appropriations Act, 2006 (Public Law
22 109–115; 119 Stat. 2506); or

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

1 Fund, established by section 1704 of title XVII of division
2 A of Public Law 111–84, and shall be available to fund
3 operations of the integrated Captain James A. Lovell Fed-
4 eral Health Care Center, consisting of the North Chicago
5 Veteran Affairs Medical Center, and Navy Ambulatory
6 Care Center, and supporting facilities designated as a
7 combined Federal medical facility as described by Section
8 706 of Public Law 110–417.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 226. Such sums as may be deposited to the
11 Medical Care Collections Fund pursuant to section 1729A
12 of title 38, United States Code, for health care provided
13 at the Captain James A. Lovell Federal Health Care Cen-
14 ter may be transferred to the Joint Department of De-
15 fense-Department of Veterans Affairs Medical Facility
16 Demonstration Fund, established by section 1704 of title
17 XVII of division A of Public Law 111–84, and shall be
18 available to fund operations of the integrated Captain
19 James A. Lovell Federal Health Care Center, consisting
20 of the North Chicago Veteran Affairs Medical Center, and
21 Navy Ambulatory Care Center, and supporting facilities
22 designated as a combined Federal medical facility as de-
23 scribed by section 1706 of Public Law 110–417.

1 (INCLUDING TRANSFER OF FUNDS)

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

10 (INCLUDING RESCISSION OF FUNDS)

11 SEC. 228. (a) Of the funds appropriated in the Mili-
12 tary Construction and Veterans Affairs and Related Agen-
13 cies Appropriations Act, 2010 (Public Law 111-117, Divi-
14 sion E), the following amounts which become available on
15 October 1, 2010 are hereby permanently cancelled from
16 the accounts in the amounts specified:

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

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

21 “Medical facilities”, Department of Veterans
22 Affairs, \$145,000,000.

23 (b) An additional amount is appropriated to the fol-
24 lowing accounts in the amounts specified, to become avail-

1 able on October 1, 2010 and to remain available until Sep-
2 tember 30, 2012:

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

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

7 “Medical facilities”, Department of Veterans
8 Affairs, \$145,000,000.

9 SEC. 229. For an additional amount for the “General
10 operating expenses” account, \$23,584,000, to increase the
11 Department’s acquisition workforce capacity and capabili-
12 ties: *Provided*, That such funds may be transferred by the
13 Secretary to any other account in the Department to carry
14 out the purposes provided herein: *Provided further*, That
15 such transfer authority is in addition to any other transfer
16 authority provided in this Act: *Provided further*, That such
17 funds shall be available only to supplement and not to sup-
18 plant existing acquisition workforce activities: *Provided*
19 *further*, That such funds shall be available for training,
20 recruitment, retention, and hiring additional members of
21 the acquisition workforce as defined by the Office of Fed-
22 eral Procurement Policy Act, as amended (41 U.S.C. 401
23 et seq.): *Provided further*, That such funds shall be avail-
24 able for information technology in support of acquisition

1 workforce effectiveness or for management solutions to
2 improve acquisition management.

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

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

21 SEC. 232. The scope of work for a project included
22 in “Construction, major projects”, may not be increased
23 above the scope specified for that project in the original
24 justification data provided to the Congress as part of the
25 request for appropriations, without prior notification to

1 the Committees on Appropriations of both Houses of Con-
2 gress.

3 TITLE III

4 RELATED AGENCIES

5 AMERICAN BATTLE MONUMENTS COMMISSION

6 SALARIES AND EXPENSES

7 For necessary expenses, not otherwise provided for,
8 of the American Battle Monuments Commission, including
9 the acquisition of land or interest in land in foreign coun-
10 tries; purchases and repair of uniforms for caretakers of
11 national cemeteries and monuments outside of the United
12 States and its territories and possessions; rent of office
13 and garage space in foreign countries; purchase (one-for-
14 one replacement basis only) and hire of passenger motor
15 vehicles; not to exceed \$7,500 for official reception and
16 representation expenses; and insurance of official motor
17 vehicles in foreign countries, when required by law of such
18 countries, \$65,667,000, to remain available until ex-
19 pended: *Provided*, That of the amount made available
20 under this heading, \$1,000,000 shall be for improvements
21 and rehabilitation of the Bataan Death March Memorial
22 at the Cabanatuan American Memorial in the Philippines.

23 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

24 For necessary expenses, not otherwise provided for,
25 of the American Battle Monuments Commission, such

1 sums as may be necessary, to remain available until ex-
2 pended, for purposes authorized by section 2109 of title
3 36, United States Code.

4 UNITED STATES COURT OF APPEALS FOR VETERANS
5 CLAIMS
6 SALARIES AND EXPENSES

7 For necessary expenses for the operation of the
8 United States Court of Appeals for Veterans Claims as
9 authorized by sections 7251 through 7298 of title 38,
10 United States Code, \$90,147,000: *Provided*, That, of the
11 foregoing amount, \$62,000,000 shall be transferred to the
12 General Services Administration for the construction of a
13 courthouse to house the United States Court of Appeals
14 for Veterans Claims: *Provided further*, That \$2,515,229
15 shall be available for the purpose of providing financial
16 assistance as described, and in accordance with the proc-
17 ess and reporting procedures set forth, under this heading
18 in Public Law 102-229.

19 DEPARTMENT OF DEFENSE - CIVIL
20 CEMETERIAL EXPENSES, ARMY
21 SALARIES AND EXPENSES

22 For necessary expenses, as authorized by law, for
23 maintenance, operation, and improvement of Arlington
24 National Cemetery and Soldiers' and Airmen's Home Na-
25 tional Cemetery, including the purchase of two passenger

1 motor vehicles for replacement only, and not to exceed
2 \$1,000 for official reception and representation expenses,
3 \$39,600,000, to remain available until expended: *Pro-*
4 *vided*, That none of the funds available under this heading
5 shall be for construction of a perimeter wall at Arlington
6 National Cemetery. In addition, such sums as may be nec-
7 essary for parking maintenance, repairs and replacement,
8 to be derived from the Lease of Department of Defense
9 Real Property for Defense Agencies account.

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

14 ARMED FORCES RETIREMENT HOME

15 TRUST FUND

16 For expenses necessary for the Armed Forces Retire-
17 ment Home to operate and maintain the Armed Forces
18 Retirement Home—Washington, District of Columbia,
19 and the Armed Forces Retirement Home—Gulfport, Mis-
20 sissippi, to be paid from funds available in the Armed
21 Forces Retirement Home Trust Fund, \$71,200,000, of
22 which \$2,000,000 shall remain available until expended
23 for construction and renovation of the physical plants at
24 the Armed Forces Retirement Home—Washington, Dis-

1 triet of Columbia, and the Armed Forces Retirement
2 Home—Gulfport, Mississippi.

3 TITLE IV
4 OVERSEAS CONTINGENCY OPERATIONS
5 DEPARTMENT OF DEFENSE
6 MILITARY CONSTRUCTION, ARMY
7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Military Construction,
9 Army”, \$929,996,000, to remain available until Sep-
10 tember 30, 2013: *Provided*, That notwithstanding any
11 other provision of law, such funds may be obligated and
12 expended to carry out planning and design and military
13 construction projects not otherwise authorized by law:
14 *Provided further*, That of the amount appropriated,
15 \$10,000,000 shall be transferred to “Department of De-
16 fense — Other Department of Defense Programs — Of-
17 fice of the Inspector General”, to be merged with and to
18 be available for the same time period as the appropriation
19 to which transferred, for the purpose of carrying out au-
20 dits of military construction projects in Afghanistan: *Pro-*
21 *vided further*, That this transfer authority is in addition
22 to any other transfer authority available to the Depart-
23 ment of Defense.

1 MILITARY CONSTRUCTION, AIR FORCE

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

8 MILITARY CONSTRUCTION, DEFENSE-WIDE

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

15 ADMINISTRATIVE PROVISIONS

16 SEC. 401. Unless otherwise specified, each amount in
17 this title is designated as an emergency requirement and
18 necessary to meet emergency needs pursuant to sections
19 403(a) and 423(b) of S. Con. Res. 13 (111th Congress),
20 the concurrent resolution on the budget for fiscal year
21 2010.

22 SEC. 402. None of the funds made available in this
23 title may be obligated for architect and engineer contracts
24 estimated by the Government to exceed \$500,000, unless
25 such contracts are awarded to United States firms or

1 United States firms in joint venture with host nation
2 firms.

3 SEC. 403. None of the funds made available in this
4 title may be used to award any contract estimated by the
5 Government to exceed \$1,000,000 to a foreign contractor:
6 *Provided*, That this section shall not be applicable to con-
7 tract awards for which the lowest responsive and respon-
8 sible bid of a United States contractor exceeds the lowest
9 responsive and responsible bid of a foreign contractor by
10 greater than 20 percent: *Provided further*, That the Sec-
11 retary of Defense may waive the limitation imposed by this
12 section upon a determination that such limitation is incon-
13 sistent with national security: *Provided further*, That the
14 Secretary of Defense shall notify the Committees on Ap-
15 propriations of both Houses of Congress no later than five
16 days following a decision to waive the limitation imposed
17 in this section.

18 TITLE V

19 GENERAL PROVISIONS

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

23 SEC. 502. Such sums as may be necessary for fiscal
24 year 2011 for pay raises for programs funded by this Act

1 shall be absorbed within the levels appropriated in this
2 Act.

3 SEC. 503. None of the funds made available in this
4 Act may be used for any program, project, or activity,
5 when it is made known to the Federal entity or official
6 to which the funds are made available that the program,
7 project, or activity is not in compliance with any Federal
8 law relating to risk assessment, the protection of private
9 property rights, or unfunded mandates.

10 SEC. 504. No part of any funds appropriated in this
11 Act shall be used by an agency of the executive branch,
12 other than for normal and recognized executive-legislative
13 relationships, for publicity or propaganda purposes, and
14 for the preparation, distribution, or use of any kit, pam-
15 phlet, booklet, publication, radio, television, or film presen-
16 tation designed to support or defeat legislation pending
17 before Congress, except in presentation to Congress itself.

18 SEC. 505. All departments and agencies funded under
19 this Act are encouraged, within the limits of the existing
20 statutory authorities and funding, to expand their use of
21 “E-Commerce” technologies and procedures in the con-
22 duct of their business practices and public service activi-
23 ties.

24 SEC. 506. None of the funds made available in this
25 Act may be transferred to any department, agency, or in-

1 strumentality of the United States Government except
2 pursuant to a transfer made by, or transfer authority pro-
3 vided in, this or any other appropriations Act.

4 SEC. 507. Unless stated otherwise, all reports and no-
5 tifications required by this Act shall be submitted to the
6 Subcommittee on Military Construction and Veterans Af-
7 fairs, and Related Agencies of the Committee on Appro-
8 priations of the House of Representatives and the Sub-
9 committee on Military Construction and Veterans Affairs,
10 and Related Agencies of the Committee on Appropriations
11 of the Senate.

12 SEC. 508. None of the funds made available in this
13 Act may be used for a project or program named for an
14 individual serving as a Member, Delegate, or Resident
15 Commissioner of the United States House of Representa-
16 tives.

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

23 (b) Subsection (a) shall not apply to a report if—
24 (1) the public posting of the report com-
25 promises national security; or

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

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

7 SEC. 510. None of the funds made available in this
8 Act may be distributed to the Association of Community
9 Organizations for Reform Now (ACORN) or its subsidi-
10 aries.

11 SEC. 511. None of the funds appropriated or other-
12 wise made available by this Act may be obligated by any
13 covered executive agency in contravention of the certifi-
14 cation requirement of section 6(b) of the Iran Sanctions
15 Act of 1996, as included in the revisions to the Federal
16 Acquisition Regulation pursuant to such section.

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

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

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

5 This Act may be cited as the “Military Construction
6 and Veterans Affairs and Related Agencies Appropriations
7 Act, 2011”.

Union Calendar No. 320

11TH CONGRESS
2^D SESSION

H. R. 5822

[Report No. 111-559]

A BILL

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.

JULY 22, 2010

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed