IN THE SENATE OF THE UNITED STATES

JULY 19, 2010

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $3,797,521,000 to remain available until September 30, 2015: Provided, That of this amount, not to exceed $230,308,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That none of the funds provided under this heading for military construction in Germany as identified in the table entitled “Military Construction Project Listing by Location” in the report accompanying this Act
may be obligated or expended until the Department of De-
fense completes an evaluation of the North Atlantic Treaty
Organization Strategic Concept Review and an accom-
panying United States assessment of its defense posture
in Europe, and a “Front End Assessment” of the Depart-
ment’s global posture for the fiscal year 2012 to 2016 pro-
gram budget review cycle, and the Secretary of Defense
provides to the congressional defense committees a com-
prehensive Army basing strategy for Europe based on
those assessments, a project-based cost estimate and
timeline to fully implement the strategy, and a certifi-
cation of the requirement identified by the assessments for
each of the Army military construction projects in Ger-
many funded in this section: Provided further, That the
amount appropriated in this section shall be for the
projects and activities, and in the amounts, specified
under the heading “Military Construction, Army” and
under the headings “Army” in the table entitled “Military
Construction Project Listing by Location” in the report
accompanying this Act.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equip-
ment of temporary or permanent public works, naval in-
stallations, facilities, and real property for the Navy and
Marine Corps as currently authorized by law, including
personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $3,667,922,000, to remain available until September 30, 2015: Provided, That of this amount, not to exceed $124,148,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this section shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Navy and Marine Corps” and under the headings “Navy” in the table entitled “Military Construction Project Listing by Location” in the report accompanying this Act.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,378,688,000, to remain available until September 30, 2015: Provided, That of this amount, not to exceed $77,182,000 shall be available for study, planning, design, and architect and engineer serv-
ices, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this section shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Air Force” and under the headings “Air Force” in the table entitled “Military Construction Project Listing by Location” in the report accompanying this Act.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $3,241,601,000, to remain available until September 30, 2015: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the

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same time period, as the appropriation or fund to which
transferred: Provided further, That of the amount appro-
priated, not to exceed $14,850,000 shall be available for
study, planning, design, and architect and engineer serv-
ices, as authorized by law, unless the Secretary of Defense
determines that additional obligations are necessary for
such purposes and notifies the Committees on Appropria-
tions of both Houses of Congress of the determination and
the reasons therefor: Provided further, That of the amount
appropriated, notwithstanding any other provision of law,
$31,863,000 shall be available for payments to the North
Atlantic Treaty Organization for the planning, design, and
construction of a new North Atlantic Treaty Organization
headquarters: Provided further, That the amount appro-
priated in this section shall be for the projects and activi-
ties, and in the amounts, specified under the heading
“Military Construction, Defense-Wide” and under the
headings “Defense-Wide” in the table entitled “Military
Construction Project Listing by Location” in the report
accompanying this Act.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilita-
tion, and conversion of facilities for the training and ad-
ministration of the Army National Guard, and contribu-
tions therefor, as authorized by chapter 1803 of title 10,
United States Code, and Military Construction Authorization Acts, $980,072,000, to remain available until September 30, 2015: Provided, That of the amount appropriated, not to exceed $35,876,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this section shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Army National Guard” and under the headings “Army National Guard” in the table entitled “Military Construction Project Listing by Location” in the report accompanying this Act.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $337,454,000, to remain available until September 30, 2015: Provided, That of the amount appropriated, not to exceed $22,732,000 shall be available for study, plan-
ning, design, and architect and engineer services, as au-

thorized by law, unless the Director of the Air National

Guard determines that additional obligations are nec-

essary for such purposes and notifies the Committees on

Appropriations of both Houses of Congress of the deter-

mination and the reasons therefor: Provided further, That

the amount appropriated in this section shall be for the

projects and activities, and in the amounts, specified

under the heading “Military Construction, Air National

Guard” and under the headings “Air National Guard” in

the table entitled “Military Construction Project Listing

by Location” in the report accompanying this Act.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilita-

tion, and conversion of facilities for the training and ad-

ministration of the Army Reserve as authorized by chapter

1803 of title 10, United States Code, and Military Con-

struction Authorization Acts, $347,916,000, to remain

available until September 30, 2015: Provided, That of the

amount appropriated, not to exceed $26,941,000 shall be

available for study, planning, design, and architect and en-

gineer services, as authorized by law, unless the Secretary

of the Army determines that additional obligations are

necessary for such purposes and notifies the Committees

on Appropriations of both Houses of Congress of the de-
termination and the reasons therefor: Provided further, That the amount appropriated in this section shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Army Reserve” and under the headings “Army Reserve” in the table entitled “Military Construction Project Listing by Location” in the report accompanying this Act.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $61,557,000, to remain available until September 30, 2015: Provided, That of the amount appropriated, not to exceed $1,857,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this section shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Navy Reserve”
and under the headings “Navy Reserve” in the table entitled “Military Construction Project Listing by Location” in the report accompanying this Act.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $12,832,000, to remain available until September 30, 2015: Provided, That of the amount appropriated, not to exceed $1,653,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That the amount appropriated in this section shall be for the projects and activities, and in the amounts, specified under the heading “Military Construction, Air Force Reserve” and under the headings “Air Force Reserve” in the table entitled “Military Construction Project Listing by Location” in the report accompanying this Act.
NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $258,884,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $92,369,000, to remain available until September 30, 2015: Provided, That the amount appropriated in this section shall be for the projects and activities, and in the amounts, specified under the heading “Family Housing Construction, Army” in the table entitled “Military Construction Project Listing by Location” in the report accompanying this Act.
FAMILY HOUSING OPERATION AND MAINTENANCE,

Army

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $518,140,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $186,444,000, to remain available until September 30, 2015: Provided, That the amount appropriated in this section shall be for the projects and activities, and in the amounts, specified under the heading “Family Housing Construction, Navy and Marine Corps” in the table entitled “Military Construction Project Listing by Location” in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE,

Navy and Marine Corps

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $366,346,000.
FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $78,025,000, to remain available until September 30, 2015: Provided, That the amount appropriated in this section shall be for the projects and activities, and in the amounts, specified under the heading “Family Housing Construction, Air Force” in the table entitled “Military Construction Project Listing by Location” in the report accompanying this Act.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $513,792,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $50,464,000.
DEPARTMENT OF DEFENSE FAMILY HOUSING

IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $1,096,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND


CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently author-
ized by law, $124,971,000, to remain available until Sept-
tember 30, 2015, which shall be only for the Assembled
Chemical Weapons Alternatives program: Provided, That
the amount appropriated in this section shall be for the
projects and activities, and in the amounts, specified
under the headings “Chemical Demilitarization Construc-
tion, Defense-Wide” in the table entitled “Military Con-
struction Project Listing by Location” in the report ac-
companying this Act.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

1990

For deposit into the Department of Defense Base
 Closure Account 1990, established by section 2906(a)(1)
of the Defense Base Closure and Realignment Act of 1990
(10 U.S.C. 2687 note), $360,474,000, to remain available
until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

2005

For deposit into the Department of Defense Base
 Closure Account 2005, established by section 2906A(a)(1)
of the Defense Base Closure and Realignment Act of 1990
(10 U.S.C. 2687 note), $2,354,285,000, to remain avail-
able until expended: Provided, That the Department of
Defense shall notify the Committees on Appropriations of
both Houses of Congress 14 days prior to obligating an
amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: Provided further, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

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

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

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

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

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

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

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

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

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

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

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

(1) attempts to secure cash and in-kind contributions from host countries for military construction projects;

(2) attempts to achieve economic incentives offered by host countries to encourage private investment for the benefit of the United States Armed Forces;

(3) attempts to recover funds due to be paid to the United States by host countries for assets deeded or otherwise imparted to host countries upon the cessation of United States operations at military installations;

(4) the amount spent by host countries on defense, in dollars and in terms of the percent of gross domestic product (GDP) of the host country; and

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

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

(INCLUDING TRANSFER OF FUNDS)

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883, of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family
Housing Improvement Fund from amounts appropriated for construction in “Family Housing” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in “Military Construction” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

Sec. 121. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).
(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

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

Sec. 123. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters:

Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.
SEC. 124. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of canceling such project, or if the project is at an active compo-
ent base that shall be established as an enclave or in the
case of projects having multi-agency use, that another
Government agency has indicated it will assume ownership
of the completed project. The Secretary of Defense may
not transfer funds made available as a result of this limi-
tation from any military construction project, land acquisi-
tion, or family housing project to another account or use
such funds for another purpose or project without the
prior approval of the Committees on Appropriations of
both Houses of Congress. This section shall not apply to
military construction projects, land acquisition, or family
housing projects for which the project is vital to the na-
tional security or the protection of health, safety, or envi-
ronmental quality: Provided, That the Secretary of De-
fense shall notify the congressional defense committees
within 7 days of a decision to carry out such a military
construction project.

(INCLUDING TRANSFER OF FUNDS)

Sec. 126. During the 5-year period after appropria-
tions available in this Act to the Department of Defense
for military construction and family housing operation and
maintenance and construction have expired for obligation,
upon a determination that such appropriations will not be
necessary for the liquidation of obligations or for making
authorized adjustments to such appropriations for obliga-
tions incurred during the period of availability of such appro-
propriations, unobligated balances of such appropriations
may be transferred into the appropriation “Foreign Curr-
rency Fluctuations, Construction, Defense”, to be merged
with and to be available for the same time period and for
the same purposes as the appropriation to which trans-
ferred.

Sec. 127. Amounts appropriated or otherwise made
available in an account funded under the headings in this
title may be transferred among projects and activities
within the account in accordance with the reprogramming
guidelines for military construction and family housing
construction contained in the explanatory statement of
managers to accompany this Act and in the guidance for
military construction reprogrammings and notifications
contained in Department of Defense Financial Manage-
ment Regulation 7000.14–R, Volume 3, Chapter 7, of De-
cember 1996, as in effect on the date of enactment of this
Act.
TITLE II

DEPARTMENT OF VETERANS AFFAIRS

Veterans Benefits Administration

Compensation and Pensions

(including transfer of funds)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers’ retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $53,492,234,000, to remain available until expended: Provided, That not to exceed $30,423,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses, Veterans Benefits Administration", "Medical support and compliance", and "Infor-
information technology systems” for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the “Compensation and pensions” appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to “Medical care collections fund” to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $10,440,245,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen’s indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as
authorized by title 38, United States Code, chapters 19
and 21, $62,589,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

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

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

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $48,000, as authorized
by chapter 31 of title 38, United States Code: Provided,
That such costs, including the cost of modifying such
loans, shall be as defined in section 502 of the Congres-
sional Budget Act of 1974: Provided further, That funds
made available under this heading are available to sub-
sidize gross obligations for the principal amount of direct
loans not to exceed $3,042,272.
In addition, for administrative expenses necessary to carry out the direct loan program, $337,000, which may be paid to the appropriation for “General operating expenses, Veterans Benefits Administration”.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

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

VETERANS HEALTH ADMINISTRATION MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, and loan repayments authorized by section 604 of Public Law
111–163; $39,749,985,000, plus reimbursements, of
which $39,649,985,000 shall become available on October
1, 2011, and shall remain available until September 30,
2012: Provided further, That, notwithstanding any other
provision of law, the Secretary of Veterans Affairs shall
establish a priority for the provision of medical treatment
for veterans who have service-connected disabilities, lower
income, or have special needs: Provided further, That, not-
withstanding any other provision of law, the Secretary of
Veterans Affairs shall give priority funding for the provi-
sion of basic medical benefits to veterans in enrollment
priority groups 1 through 6: Provided further, That, not-
withstanding any other provision of law, the Secretary of
Veterans Affairs may authorize the dispensing of prescrip-
tion drugs from Veterans Health Administration facilities
to enrolled veterans with privately written prescriptions
based on requirements established by the Secretary: Pro-
vided further, That the implementation of the program de-
scribed in the previous proviso shall incur no additional
cost to the Department of Veterans Affairs.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the
medical, hospital, nursing home, domiciliary, construction,
supply, and research activities, as authorized by law; ad-
ministrative expenses in support of capital policy activi-
ties; and administrative and legal expenses of the Depart-
ment for collecting and recovering amounts owed the De-
partment as authorized under chapter 17 of title 38,
United States Code, and the Federal Medical Care Recov-
ery Act (42 U.S.C. 2651 et seq.); $5,535,000,000, plus
reimbursements, shall become available on October 1,
2011, and shall remain available until September 30,
2012.

MEDICAL FACILITIES

For necessary expenses for the maintenance and op-
eration of hospitals, nursing homes, and domiciliary facili-
ties and other necessary facilities of the Veterans Health
Administration; for administrative expenses in support of
planning, design, project management, real property ac-
quition and disposition, construction, and renovation of
any facility under the jurisdiction or for the use of the
Department; for oversight, engineering, and architectural
activities not charged to project costs; for repairing, alter-
ing, improving, or providing facilities in the several hos-
pitals and homes under the jurisdiction of the Depart-
ment, not otherwise provided for, either by contract or by
the hire of temporary employees and purchase of mate-
rials; for leases of facilities; and for laundry services,
$5,446,000,000, plus reimbursements, of which
$5,426,000,000 shall become available on October 1,
2011, and shall remain available until September 30, 2012.

MEDICAL AND PROSTHETIC RESEARCH
For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $590,000,000, plus reimbursements, shall remain available until September 30, 2012.

NATIONAL CEMETERY ADMINISTRATION
For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $250,504,000, of which not to exceed $25,500,000 shall remain available until September 30, 2012.

DEPARTMENTAL ADMINISTRATION
GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION
For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, and reimburse-
ment of the Department of Defense for the cost of over-
seas employee mail, $2,148,776,000: Provided, That ex-
penses for services and assistance authorized under para-
graphs (1), (2), (5), and (11) of section 3104(a) of title
38, United States Code, that the Secretary of Veterans
Affairs determines are necessary to enable entitled vet-
ers: (1) to the maximum extent feasible, to become em-
ployable and to obtain and maintain suitable employment;
or (2) to achieve maximum independence in daily living,
shall be charged to this account: Provided further, That
of the funds made available under this heading, not to ex-
cede $108,008,000 shall remain available until September
20, 2012: Provided further, That from the funds made
available under this heading, the Veterans Benefits Ad-
ministration may purchase (on a one-for-one replacement
basis only) up to two passenger motor vehicles for use in
operations of that Administration in Manila, Philippines.

GENERAL ADMINISTRATION
(INCLUDING TRANSFER OF FUNDS)

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

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senger motor vehicles; and reimbursement of the General Services Administration for security guard services, $439,613,000, of which not to exceed $22,000,000 shall remain available until September 30, 2012: Provided, That of the funds made available under this heading, $10,808,000 shall be for the immediate Office of the Secretary; $75,198,000 shall be for the Board of Veterans’ Appeals; $91,049,000 shall be for the Office of General Counsel; $48,557,000 shall be for the Office of Management; $76,177,000 shall be for the Office of Human Resources and Administration; $28,783,000 shall be for the Office of Policy and Planning; $22,091,000 shall be for the Office of Operations, Security, and Preparedness; $23,705,000 shall be for the Office of Public and Intergovernmental Affairs; $7,247,000 shall be for the Office of Congressional and Legislative Affairs; and $55,998,000 shall be for the Office of Acquisition, Logistics, and Construction: Provided further, That funds provided under this heading for line offices may be transferred to any “General Administration” office or to “General Operating Expenses, Veterans Benefits Administration”: Provided further, That no appropriation for any “General Administration” office shall be increased or decreased by more than 5 percent by all such transfers unless the Secretary
of Veterans Affairs submits notice thereof to the Committees on Appropriations of both Houses of Congress.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $3,147,000,000, plus reimbursements, shall remain available until September 30, 2012: Provided, That none of the funds made available under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided fur-
ther, That not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which sets forth, by project, the operations and maintenance costs, with salary expenses separately designated, and development costs to be carried out utilizing amounts made available under this heading: Provided further, That of the amounts made available under this heading, $727,315,000 may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $111,867,000, of which $6,000,000 shall remain available until September 30, 2012.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans
Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $1,197,586,000, to remain available until expended, of which $6,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and
salaries and associated costs of the resident engineers who oversee those capital investments funded through this account, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further, That funds made available under this heading for fiscal year 2011, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2011; and (2) by the awarding of a construction contract by September 30, 2012: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: Provided further, That of the funds made available under this heading, $940,932,000 shall be for the projects and activities, and in the amounts, specified under this heading in the report accompanying this Act.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the
jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $485,965,000, to remain available until expended, along with unobligated balances of previous “Construction, minor projects” appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.
GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

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

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $46,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

Sec. 201. Any appropriation for fiscal year 2011 for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees...
issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2011, in this Act or any other Act, under the “Medical services”, “Medical support and compliance”, and “Medical facilities” accounts may be transferred among the accounts: Provided, That any transfers between the “Medical services” and “Medical support and compliance” accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: Provided further, That any transfers between the “Medical services” and “Medical support and compliance” accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That any transfers to or from the “Medical facilities” account may take place only after the Secretary requests from the Com-
mittees on Appropriations of both Houses of Congress the
authority to make the transfer and an approval is issued.

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

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

SEC. 205. No appropriations in this title shall be
available for hospitalization or examination of any persons
(except beneficiaries entitled to such hospitalization or ex-
amination under the laws providing such benefits to vet-
erans, and persons receiving such treatment under sec-
tions 7901 through 7904 of title 5, United States Code,
or the Robert T. Stafford Disaster Relief and Emergency
Assistance Act (42 U.S.C. 5121 et seq.), unless reim-
bursement of the cost of such hospitalization or examina-
tion is made to the “Medical services” account at such
rates as may be fixed by the Secretary of Veterans Affairs.
Sec. 206. Appropriations available in this title for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2010.

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

(INCLUDING TRANSFER OF FUNDS)

Sec. 208. Notwithstanding any other provision of law, during fiscal year 2011, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans’ Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the “General operating expenses, Veterans Benefits Administration” and “Information technology systems” accounts for
the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2011 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2011 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

Sec. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

Sec. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Manage-
ment of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $35,794,000 for the Office of Resolution Management and $3,354,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the “General operating expenses, Veterans Benefits Administration” and “Information technology systems” accounts for use by the office that provided the service.

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

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

(INCLUDING TRANSFER OF FUNDS)

Sec. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the “Construction, major projects” and “Construction, minor projects” accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in “Construction, major projects” and “Construction, minor projects”.

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

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

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

(INCLUDING TRANSFER OF FUNDS)

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

Sec. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term “rural Alaska” shall mean those lands sited within the ex-
ternal boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

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

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

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.
SEC. 220. Amounts made available under the “Medical services”, “Medical support and compliance”, “Medical facilities”, “General operating expenses, Veterans Benefits Administration”, “General Administration”, and “National Cemetery Administration” accounts for fiscal year 2011, may be transferred to or from the “Information technology systems” account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 221. Amounts made available for the “Information technology systems” account may be transferred between projects: Provided, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 222. (a) Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, and will have a direct benefit for veterans through increased access to treatment, the Secretary of Veterans Affairs may transfer not more than $5,000,000 to the Sec-
Secretary of Health and Human Services for the Graduate Psychology Education Program, which includes treatment of veterans, to support increased training of psychologists skilled in the treatment of post-traumatic stress disorder, traumatic brain injury, and related disorders.

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

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

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

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

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

Sec. 224. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2011, in this Act or any other Act, under the “Medical Facilities” account for nonrecurring maintenance, not more than 20
percent of the funds made available shall be obligated during the last 2 months of that fiscal year: Provided, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

Sec. 225. (a) Of the funds appropriated in the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (Public Law 111–117, division E), the following amounts which become available on October 1, 2010 are hereby rescinded from the following accounts in the amounts specified:

“Medical Services”, Department of Veterans Affairs, $1,000,000,000;

“Medical Support and Compliance”, Department of Veterans Affairs, $200,000,000; and

“Medical Facilities”, Department of Veterans Affairs, $350,000,000.

(b) An additional amount is appropriated to the following accounts in the amounts specified, to become available on October 1, 2010, and to remain available until September 30, 2012:

“Medical Services”, Department of Veterans Affairs, $1,000,000,000;

“Medical Support and Compliance”, Department of Veterans Affairs, $200,000,000; and
“Medical Facilities”, Department of Veterans Affairs, $350,000,000.

Sec. 226. Of the amounts appropriated to the Department of Veterans Affairs in this Act, and any other Act, for “Medical Services”, “Medical Support and Compliance”, “Medical Facilities”, “Construction, minor projects”, and “Information Technology Systems”, up to $235,360,000 necessary, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of title XVII of division A of Public Law 111–84, and shall be available to fund operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veteran Affairs Medical Center, and Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: Provided, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.
SEC. 227. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at the Captain James A. Lovell Federal Health Care Center may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of title XVII of division A of Public Law 111–84, and shall be available to fund operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veteran Affairs Medical Center, and Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 1706 of Public Law 110–417.

SEC. 228. Of the amounts available in this title for “Medical Services”, “Medical Support and Compliance”, and “Medical Facilities”, a minimum of $15,000,000, shall be transferred to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 229. For an additional amount for the “General Administration” account, $23,584,000, to increase the
Department’s acquisition workforce capacity and capabilities: Provided, That such funds may be transferred by the Secretary to any other account in the Department to carry out the purposes provided herein: Provided further, That such transfer authority is in addition to any other transfer authority provided in this Act: Provided further, That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: Provided further, That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): Provided further, That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

Sec. 230. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in Major Construction projects that total at least $5,000,000, or 5 percent of the cost of the contract, whichever is less: Provided, That such notification shall occur prior to the obligation of any bid savings and shall include the anticipated use of such savings for the
project’s expansion or enhancement or the anticipated transfer of the funds to other Major Construction projects.

Sec. 231. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2011, under the heading “Departmental Administration, Construction, Major Projects”, $46,550,000 shall be for the construction of a Nursing Home Care Unit at the Beckley, West Virginia, Veterans Affairs Medical Center: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law.

TITLE III
RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and
representation expenses; and insurance of official motor
vehicles in foreign countries, when required by law of such
countries, $67,200,000, to remain available until ex-
pended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

UNITED STATES COURT OF APPEALS FOR VETERANS
CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the
United States Court of Appeals for Veterans Claims as
authorized by sections 7251 through 7298 of title 38,
United States Code, $53,297,000: Provided, That, of the
foregoing amount, $25,000,000 shall be transferred to the
General Services Administration for the construction of a
courthouse to house the United States Court of Appeals
for Veterans Claims: Provided further, That $2,515,229
shall be available for the purpose of providing financial
assistance as described, and in accordance with the proc-
ess and reporting procedures set forth, under this heading
in Public Law 102–229.
DEPARTMENT OF DEFENSE—Civil

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers’ and Airmen’s Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $43,100,000, to remain available until expended. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

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

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed
Forces Retirement Home Trust Fund, $71,200,000, of which $2,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, $1,045,676,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, $164,826,000, to remain available until September 30, 2012.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for “Military Construction, Defense-Wide”, $46,500,000, to remain available until September 30, 2012: Provided, That notwithstanding any other provision of law, such funds may be obligated and expended to construct facilities in a foreign country for the National Security Agency.
ADMINISTRATIVE PROVISION

Sec. 401. Amounts appropriated or otherwise made available by this title are for overseas deployments and other activities.

TITLE V

GENERAL PROVISIONS

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

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

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

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

SEC. 505. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 506. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 507. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

This Act may be cited as the "Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2011".
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 19, 2010

Read twice and placed on the calendar

S. 3615

REPORT NO. 111-226

111TH CONGRESS 2ND SESSION

Calendar No. 469