

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

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

IN THE SENATE OF THE UNITED STATES

JULY 7, 2009

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for
5 military construction, the Department of Veterans Affairs,

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

3 TITLE I

4 DEPARTMENT OF DEFENSE

5 MILITARY CONSTRUCTION, ARMY

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

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

3 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

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

1 MILITARY CONSTRUCTION, AIR FORCE

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

20 MILITARY CONSTRUCTION, DEFENSE-WIDE

21 (INCLUDING TRANSFER OF FUNDS)

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

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

1 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

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

15 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

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

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

3 MILITARY CONSTRUCTION, ARMY RESERVE

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

16 MILITARY CONSTRUCTION, NAVY RESERVE

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

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

5 MILITARY CONSTRUCTION, AIR FORCE RESERVE

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

18 NORTH ATLANTIC TREATY ORGANIZATION SECURITY

19 INVESTMENT PROGRAM

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

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

8 FAMILY HOUSING CONSTRUCTION, ARMY

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

19 FAMILY HOUSING OPERATION AND MAINTENANCE,

20 ARMY

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

1 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
2 CORPS

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

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

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

21 FAMILY HOUSING CONSTRUCTION, AIR FORCE

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

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

7 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
8 FORCE

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

14 FAMILY HOUSING CONSTRUCTION, DEFENSE-WIDE

15 For expenses of family housing for the activities and
16 agencies of the Department of Defense (other than the
17 military departments) for construction, including acquisi-
18 tion, replacement, addition, expansion, extension and al-
19 teration, as authorized by law, \$2,859,000, to remain
20 available until September 30, 2014: *Provided*, That the
21 amounts made available under this heading shall be ex-
22 pended for the projects and activities, and in the amounts
23 specified, under this heading in the Committee rec-
24 ommendations and detail tables, including the table enti-

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

3 FAMILY HOUSING OPERATION AND MAINTENANCE,
4 DEFENSE-WIDE

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

10 DEPARTMENT OF DEFENSE FAMILY HOUSING
11 IMPROVEMENT FUND

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

18 HOMEOWNERS ASSISTANCE FUND

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

1 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT
2 2005

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

19 ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

8 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

1 within seven days of a decision to carry out such a military
2 construction project.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 126. During the 5-year period after appropria-
5 tions available in this Act to the Department of Defense
6 for military construction and family housing operation and
7 maintenance and construction have expired for obligation,
8 upon a determination that such appropriations will not be
9 necessary for the liquidation of obligations or for making
10 authorized adjustments to such appropriations for obliga-
11 tions incurred during the period of availability of such ap-
12 propriations, unobligated balances of such appropriations
13 may be transferred into the appropriation “Foreign Cur-
14 rency Fluctuations, Construction, Defense”, to be merged
15 with and to be available for the same time period and for
16 the same purposes as the appropriation to which trans-
17 ferred.

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

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

4 TITLE II

5 DEPARTMENT OF VETERANS AFFAIRS

6 VETERANS BENEFITS ADMINISTRATION

7 COMPENSATION AND PENSIONS

8 (INCLUDING TRANSFER OF FUNDS)

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

Calendar No. 100

111TH CONGRESS }
1st Session }

SENATE

{ REPORT
111-40

MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND
RELATED AGENCIES APPROPRIATION BILL, 2010

JULY 7, 2009.—Ordered to be printed

Mr. JOHNSON, from the Committee on Appropriations,
submitted the following

REPORT

[To accompany S. 1407]

The Committee on Appropriations reports the bill (S. 1407) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Amounts in new budget authority

Total of bill as reported to the Senate for fiscal year 2010 ¹	\$133,926,656,000
Total of bill as reported to the Senate for fiscal year 2011, advance appropriations	48,183,000,000
Amount of 2009 appropriations ²	126,817,267,000
Amount of 2010 budget estimate ³	133,487,510,000
Bill as recommended to Senate for fiscal year 2010 compared to—	
Amount of 2009 appropriations ²	+ 7,109,389,000
Amount of 2010 budget estimate ³	+ 439,146,000

¹Includes \$1,398,984,000 in overseas contingency operations funding for fiscal year 2010.

²Includes \$7,211,342,000 in emergency funding provided in Public Laws 110-329 and 111-5 and in supplemental funding provided in Public Law 111-32.

³Includes \$1,404,984,000 in overseas contingency operations funding for fiscal year 2010.

OVERSEAS CONTINGENCY OPERATIONS—Continued

[In thousands of dollars]

	Budget request	Committee recommendation	Committee versus request
TARIN KOWT:			
CARGO HANDLING AREA	4,900	4,900	.....
TOMBSTONE/BASTION:			
AVIATION OPERATIONS & MAINTENANCE FACILITIES	8,900	8,900	.....
CARGO HANDLING AREA	18,000	18,000	.....
CAS APRON EXPANSION	40,000	40,000	.....
EXPEDITIONARY FIGHTER SHELTER	6,300	6,300	.....
ISR APRON	41,000	41,000	.....
SECURE RSOI FACILITY	10,000	10,000	.....
STRATEGIC AIRLIFT APRON EXPANSION	32,000	32,000	.....
WOLVERINE:			
CARGO HANDLING AREA	4,900	4,900	.....
WORLDWIDE CLASSIFIED			
DEFENSE-WIDE:			
CLASSIFIED PROJECT	6,000	.....	— 6,000
WORLDWIDE UNSPECIFIED			
ARMY:			
MINOR CONSTRUCTION	20,000	20,000	.....
PLANNING AND DESIGN	76,284	72,884	— 3,400
AIR FORCE:			
PLANNING AND DESIGN	35,000	35,000	.....
DEFENSE-WIDE:			
PLANNING AND DESIGN (NSA)	600	.....	— 600
GRAND TOTAL	1,404,984	1,398,984	— 6,000
MILITARY CONSTRUCTION, ARMY	923,884	924,484	+ 600
MILITARY CONSTRUCTION, AIR FORCE	474,500	474,500	.....
MILITARY CONSTRUCTION, DEFENSE-WIDE	6,600	.....	— 6,600

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

The Constitution vests in the Congress the power of the purse. The Committee believes strongly that Congress should make the decisions on how to allocate the people's money.

As defined in Rule XLIV of the Standing Rules of the Senate, the term "congressionally directed spending item" means a provision or report language included primarily at the request of a Senator, providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or congressional district, other than through a statutory or administrative, formula-driven, or competitive award process.

For each item, a Member is required to provide a certification that neither the Member nor the Member's immediate family has a pecuniary interest in such congressionally directed spending item. Such certifications are available to the public on the website of the Senate Committee on Appropriations (www.appropriations.senate.gov/senators.cfm).

Following is a list of congressionally directed spending items included in the Senate recommendation discussed in this report,

along with the name of each Senator who submitted a request to the Committee of jurisdiction for each item so identified. Neither the Committee recommendation nor this report contains any limited tax benefits or limited tariff benefits as defined in rule XLIV.

DEPARTMENT OF VETERANS AFFAIRS, CONSTRUCTION, MAJOR PROJECTS

Agency—Veterans Health Administration ..	Colorado: Denver—New Medical Facility	119,000	The President, Senators Mark Udall and Bennet
Agency—Veterans Health Administration ..	Florida: Orlando—New Medical Facility	371,300	The President, Senators Bill Nelson and Martinez
Agency—Veterans Health Administration ..	Puerto Rico: San Juan—Seismic Corrections Building 1	42,000	The President
Agency—Veterans Health Administration ..	Missouri: St. Louis—Medical Facility Improvements and Cemetery Expansion	19,700	The President, Senator Bond
Agency—Veterans Health Administration ..	Florida: Bay Pines—Inpatient/Outpatient Improvements	96,800	The President, Senators Bill Nelson and Martinez
Agency—Veterans Health Administration ..	California: Livermore—Realignment and Closure (Design and Land Purchase)	55,430	The President, Senators Feinstein and Boxer
Agency—Veterans Health Administration ..	New York: Canandaigua—Construction and Renovation (Design)	36,850	The President, Senators Schumer and Gillibrand
Agency—Veterans Health Administration ..	California: San Diego—Seismic Deficiency (Design)	18,340	The President, Senators Feinstein and Boxer
Agency—Veterans Health Administration ..	California: Long Beach—Seismic Corrections—Mental Health and Community Living Center (Design)	24,200	The President, Senators Feinstein and Boxer
Agency—Veterans Health Administration ..	Missouri: St. Louis—Replace Bed Tower/Clinic Expansion (Design)	43,340	The President, Senator Bond
Agency—Veterans Health Administration ..	Massachusetts: Brockton—Long-term Care Spinal Cord Injury Unit (Design)	24,040	The President, Senators Kennedy and Kerry
Agency—Veterans Health Administration ..	Maryland: Perry Point—Replacement Community Living Center (Design)	9,000	The President, Senator Mikulski
Agency—National Cemetery Administration	Illinois: Chicago—Abraham Lincoln National Cemetery—Gravesite Expansion and Cemetery Improvements—Phase 2	38,300	The President, Senator Durbin
Agency—National Cemetery Administration	Texas: Houston—Houston National Cemetery—Gravesite Expansion and Cemetery Improvements—Phase 4	35,000	The President, Senator Hutchison

133

CONGRESSIONALLY DIRECTED SPENDING ITEMS

[In thousands of dollars]

Account	Project	Funding	Requestor
Army	Alabama: Fort Rucker—Army AVIM Hangar (Hanchey Field) (P&D)	1,170	Senator Sessions
Army	Alabama: Redstone Arsenal—Gate 7 Access Control Point	3,550	Senator Sessions
Def-Wide—MDA	Alabama: Redstone Arsenal—Missile and Space Intelligence Center (EOEC)	12,000	Senator Shelby
Army	Alaska: Fort Richardson—Combat Pistol Range	4,900	Senator Begich
Air Force	Alaska: Eielson AFB—Arctic Utilidors, PH 11	9,900	Senator Murkowski
Air Force	Alaska: Eielson AFB—Taxiway Golf Lighting	3,450	Senator Murkowski
Air Force	Arkansas: Little Rock Air Force Base—Security Forces Operations Facility	10,400	Senators Pryor and Lincoln
Air Guard	California: Fresno Yosemite IAP—Squadron Operations Facility	9,900	Senators Feinstein and Boxer
Army	Colorado: Fort Carson—Convoy Skills Trainer (IED)	1,950	Senators Mark Udall and Michael Bennet
Air Force	Colorado: Peterson AFB—Widen Paine Street	2,000	Senators Mark Udall and Michael Bennet
Air Guard	Colorado: Buckley Air Force Base—Add/Alter Weapons Release	4,500	Senators Mark Udall and Michael Bennet
Air Guard	Connecticut: Bradley National Airport—CNAF Beddown, Upgrade Facilities	9,100	Senators Dodd and Lieberman

CONGRESSIONALLY DIRECTED SPENDING ITEMS—Continued

[In thousands of dollars]

Account	Project	Funding	Requestor
Air Force	Delaware: Dover AFB—Chapel Center	7,500	Senators Carper and Kaufman
Army	Florida: Eglin AFB—Elevated Water Storage Tank (Camp Rudder)	1,200	Senator Bill Nelson
Air Force	Florida: Patrick AFB—Combat Weapons Training Facility	8,400	Senators Bill Nelson and Martinez
Air Force	Georgia: Moody Air Force Base—Rescue Operations/Maintenance Headquarters Facility	8,900	Senators Chambliss and Isakson
Army Guard	Georgia: Hunter Army Aviation Facility—Readiness Center	8,967	Senators Chambliss and Isakson
Air Force	Hawaii: Kona International Airport—C-17 Kona Short Auxiliary Airfield (P&D)	910	Senators Inouye and Akaka
Navy	Hawaii: Naval Station Pearl Harbor—Production Services Support Facility	30,360	Senators Inouye and Akaka
Air Force	Illinois: Scott Air Force Base—Aeromedical Evacuation Squadron Facility	7,400	Senator Durbin
Army Guard	Illinois: Milan Readiness Center—Readiness Center Addition	5,600	Senators Durbin and Burris
Navy	Indiana: Crane Naval Surface Warfare Center—Strategic Weapons Systems Engineering Facility	13,710	Senator Lugar
Army Guard	Iowa: Davenport—Armed Forces Reserve Center/Field Maintenance Shop (P&D)	180	Senators Harkin and Grassley
Army Guard	Iowa: Davenport—Add/Alt Army Aviation Support Facility	2,000	Senator Harkin
Army Guard	Iowa: Johnston—United States Property and Fiscal Office	4,000	Senator Harkin
Air Guard	Iowa: Des Moines—Add/Alt Security Forces Facility	4,600	Senators Harkin and Grassley
Air Force	Idaho: Mountain Home Air Force Base—Civil Engineer Maintenance Complex (P&D)	1,700	Senators Crapo and Risch
Army Guard	Kansas: Salina Army Aviation Facility—Taxiway Alterations, ARNG Aviation Support Facility	2,227	Senators Brownback and Roberts
Army	Kansas: Fort Riley—Estes Road Access Control Point	7,100	Senators Brownback and Roberts
Army	Kentucky: Fort Campbell—SOF Language Sustainment Training Facility	5,800	Senators Alexander and Corker
Army	Kentucky: Fort Campbell—Installation Chapel Center	14,400	Senators McConnell and Bunning
Army	Kentucky: Fort Campbell—Warrior Rehabilitation and Fitness Center (P&D)	900	Senators McConnell and Bunning
Chem Demil Const	Kentucky: Blue Grass Army Depot—Chemical Demilitarization Project	5,000	Senator McConnell
Air Force	Louisiana: Barksdale Air Force Base—Phase Five Ramp Replacement—Aircraft Apron Pavement	12,800	Senators Landrieu and Vitter
Navy	Maine: Portsmouth Naval Shipyard—Consolidation of Structural Shops (P&D)	2,000	Senators Collins, Snowe, Gregg, and Shaheen
Navy	Maine: Portsmouth Naval Shipyard—Gate #2 Security Improvements	7,100	Senators Collins and Snowe
Army	Maryland: Aberdeen Proving Ground—Analytical Chemistry Wing—Advanced Chemistry Laboratory.	15,500	Senators Mikulski and Cardin
Army Guard	Massachusetts: Hanscom Air Force Base—Joint Force Headquarters (P&D)	2,663	Senators Kennedy and Kerry
Air Guard	Massachusetts: Otis Air National Guard Base—Composite Operations and Training Facility	12,800	Senators Kennedy and Kerry
Air Guard	Michigan: Battle Creek Air National Guard Base—CNAF Bed Down Facilities	14,000	Senators Levin and Stabenow
Air Guard	Michigan: Selfridge Air National Guard Base—A-10 Squad Operations Facility	7,100	Senators Levin and Stabenow
Air Guard	Michigan: Alpena Combat Readiness Training Center—Replace Troop Quarters	8,900	Senators Levin and Stabenow
Air Guard	Minnesota: Minneapolis/St. Paul IAP 133rd AW Base—STARBASE Facility Alteration	1,900	Senator Klobuchar
Air Force	Mississippi: Columbus Air Force Base—Aircraft Maintenance Administration Facility	10,000	Senator Cochran
Army Guard	Mississippi: Monticello—National Guard Readiness Center	14,350	Senators Cochran and Wicker
Army	Missouri: Fort Leonard Wood—Brigade Headquarters (P&D)	584	Senator Bond

Air Guard	Missouri: Rosecrans Memorial Airport, St. Joseph—Replace Fire/Crash Rescue Station, PH II	9,300	Senator Bond
Air Force	Montana: Malmstrom AFB—Upgrade Weapons Storage Area	9,600	Senators Baucus and Tester
Air Force	Nebraska: Offutt Air Force Base—STRATCOM Gate	10,400	Senator Ben Nelson
Navy	Nevada: Naval Air Station Fallon—Warrior Physical Training Facility	11,450	Senators Reid and Ensign
Army Guard	Nevada: Floyd Edsall Training Center—Add/Alt Clark County Armory	2,000	Senators Reid and Ensign
Army Guard	Nevada: Carson City—Renewable Energy Sustainable Projects	2,000	Senator Reid
Air Guard	Nevada: Reno—Fire Station Replacement	10,800	Senators Reid and Ensign
Air Guard	New Hampshire: Pease Air National Guard Base—Replace Squadron Operations Facilities	10,000	Senators Gregg and Shaheen
Air Guard	New Jersey: 108th Air Refueling Wing, McGuire AFB—Base Civil Engineering Complex	9,700	Senators Lautenberg and Menendez
Air Force	New Mexico: Cannon AFB—Dormitory (P&D)	1,500	Senators Bingaman and Tom Udall
Def-Wide—SOCOM	New Mexico: Cannon AFB—SOF AC-130 Loadout Apron, PH 1	6,000	Senators Bingaman and Tom Udall
Air Force Reserve	New York: Niagara Falls ARB—Indoor Small Arms Range	5,700	Senators Schumer and Gillibrand
Army	North Carolina: Fort Bragg—Automated Sniper Field Fire Range	3,450	Senator Hagan
Air Force	North Carolina: Pope AFB—Air Traffic Control Tower	7,700	Senator Burr
Air Force	North Dakota: Grand Forks AFB—Consolidated Security Forces Facility	12,000	Senators Dorgan and Conrad
Army Guard	North Dakota: Bismarck—Raymond J Bohn Readiness Center Addition	2,000	Senators Dorgan and Conrad
Air Force	Ohio: Wright-Patterson Air Force Base—Replace West Ramp, PH 2	10,600	Senators Brown and Voinovich
Air Force	Oklahoma: Vance Air Force Base—Control Tower	10,700	Senator Inhofe
Army Guard	Oregon: Clackamas County—Camp Withycombe Infrastructure (Storm Sewer) (P&D)	1,226	Senators Wyden and Merkley
Army Guard	Oregon: Clatsop County, Warrenton—Water Supply System (Camp Rilea)	3,369	Senators Wyden and Merkley
Army Guard	Oregon: Washington County—Readiness Center (P&D)	386	Senators Wyden and Merkley
Air Force Reserve	Pennsylvania: Pittsburgh Air Reserve Base—Visiting Quarters, PH 1	12,400	Senators Specter and Casey
Navy	Rhode Island: Naval Station Newport—Renovation of Senior Enlisted Academy	10,550	Senator Reed
Air Guard	South Carolina: McEntire Joint National Guard Base—Joint Force Headquarters Building	1,300	Senator Graham
Air Force	South Dakota: Ellsworth Air Force Base—Add/Alter Deployment Center	14,500	Senators Johnson and Thune
Army Guard	South Dakota: Camp Rapid—Joint Force HQ Readiness Center Supplement	7,890	Senators Johnson and Thune
Army Guard	South Dakota: Camp Rapid—Troop Medical Clinic Addition and Alteration	1,950	Senators Johnson and Thune
Air Guard	South Dakota: Joe Foss Field—Add/Alter Munitions Maintenance Complex	1,300	Senators Johnson and Thune
Air Guard	South Dakota: Joe Foss Field—Above Ground Multi-Cubicle Magazine Storage	1,300	Senators Johnson and Thune
Air Guard	Tennessee: Memphis IAP—Engineer Maintenance and Training Facility	9,800	Senators Alexander and Corker
Air Force	Texas: Dyess Air Force Base—Mission Operations Center (P&D)	390	Senators Hutchison and Cornyn
Air Force	Texas: Goodfellow Air Force Base—Consolidated Learning Center	12,000	Senators Hutchison and Cornyn
Air Force	Texas: Lackland AFB—Consolidated Security Forces Ops Center, PH 2 (P&D)	342	Senators Hutchison and Cornyn
Air Force	Texas: Laughlin AFB—Student Officer Quarters, Phase 2 (P&D)	713	Senators Hutchison and Cornyn
Air Force	Texas: Sheppard Air Force Base—European NATO Joint Jet Pilot Training Operations Complex, PH 1.	11,600	Senators Hutchison and Cornyn
Army	Utah: Dugway Proving Ground—Life Science Test Facility Addition (P&D)	2,890	Senators Bennett and Hatch
Air Guard	Utah: Hill AFB—PCC Apron Northwest End Taxiway	5,100	Senator Hatch
Army Guard	Vermont: Ethan Allen Firing Range—BOQ Additions and Improvements	1,996	Senators Leahy and Sanders
Army Guard	Vermont: Morrisville—Field Vehicle Maintenance Shop (P&D)	812	Senators Leahy and Sanders

CONGRESSIONALLY DIRECTED SPENDING ITEMS—Continued
[In thousands of dollars]

Account	Project	Funding	Requestor
Air Guard	Vermont: Burlington International Airport—Add/Alter Fire Crash and Rescue Station	6,000	Senators Leahy and Sanders
Army	Virginia: Fort Eustis—Upgrade Marshalling Area	8,900	Senators Webb and Warner
Navy	Virginia: NSCW Dalghren—Electromagnetic Research & Engineering Facility	3,660	Senators Webb and Warner
Air Force	Washington: Fairchild Air Force Base—SERE Force Support Complex, PH 1	11,000	Senators Murray and Cantwell
Def-Wide—TMA	Washington: Fort Lewis—Women's Health Center Facility (P&D)	2,000	Senators Murray and Cantwell
Navy	West Virginia: Sugar Grove—Emergency Services Center	9,560	Senator Byrd
Army Guard	West Virginia: St. Albans Armory—Addition Life Safety Upgrade	2,000	Senator Byrd
Air Guard	West Virginia: Shepherd Airbase, Martinsburg—C-5 Taxiway Upgrades	19,500	Senator Byrd
Air Guard	Wisconsin: General Mitchell International Airport—Upgrade Corrosion Control Hangar	5,000	Senator Kohl
Army Reserve	Wisconsin: Fort McCoy—Range Utility Upgrade	3,850	Senator Kohl
Air Guard	Wyoming: Cheyenne Airport—Squadron Operations	1,500	Senators Enzi and Barrasso