Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 20 (legislative day, JULY 19), 2011

Ordered to be printed with the amendment of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives 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, 2012, and for other purposes, namely:
TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $3,141,491,000, to remain available until September 30, 2016. Provided, That of this amount, not to exceed $255,241,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of 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 of the unobligated balances available for "Military Construction, Army" from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the
global war on terrorism or as an emergency requirement), $100,000,000 are hereby rescinded.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

(INCLUDING RESCISSION OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, 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, $2,461,547,000, to remain available until September 30, 2016: Provided, That of this amount, not to exceed $84,362,000 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 of the unobligated balances available for “Military Construction, Navy and Marine Corps” from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $25,000,000 are hereby rescinded.
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, $1,279,358,000, to remain available until September 30, 2016: Provided, That of this amount, not to exceed $81,913,000 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 of the unobligated balances available for "Military Construction, Air Force" from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $32,000,000 are hereby rescinded.

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agen-
cies of the Department of Defense (other than the military
departments), as currently authorized by law,
$3,665,157,000; to remain available until September 30,
2016: Provided, That such amounts of this appropriation
as may be determined by the Secretary of Defense may
be transferred to such appropriations of the Department
of Defense available for military construction or family
housing as the Secretary may designate, to be merged with
and to be available for the same purposes, and for the
same time period, as the appropriation or fund to which
transferred: Provided further, That of the amount appro-
priated, not to exceed $454,602,000 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 Appropri-
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,
$24,118,000 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 of the unobligated
balances available for “Military Construction, Defense-
Wide” in prior appropriations Acts (other than appropria-
tions designated by law as being for contingency opera-
tions directly related to the global war on terrorism or
as an emergency requirement), $131,400,000 are hereby
reseeded.

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 therefore, as authorized by chapter 1803 of title 10,
United States Code, and Military Construction Authoriza-
tion Acts, $773,592,000 (increased by $25,000,000), to
remain available until September 30, 2016: Provided,
That of the amount appropriated, not to exceed
$20,671,000 shall be available for study, planning, design,
and architect and engineer services, as authorized by law,
unless the Secretary of Defense determines that additional
obligations are necessary for such purposes and notifies
the Committees on Appropriations of both Houses of Con-
gress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilita-
tion, and conversion of facilities for the training and ad-
ministration of the Air National Guard, and contribu-
tions therefore, as authorized by chapter 1803 of title 10, United
States Code, and Military Construction Authorization
Acts, $116,246,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $9,000,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $280,549,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $28,924,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.
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, $26,299,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $2,591,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

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, $33,620,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $2,200,000 shall be available for study, planning, design, and architect and engineer services, as au-
authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

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, $272,611,000 (reduced by $25,000,000), 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, $186,807,000, to remain available until September 30, 2016.
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, $494,858,000.

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, $100,972,000, to remain available until September 30, 2016.

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, $367,863,000.

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,
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$84,804,000, to remain available until September 30, 2016.

**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, $404,761,000.

**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, $50,723,000.

**Department of Defense Family Housing Improvement Fund**

For the Department of Defense Family Housing Improvement Fund, $2,184,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.
HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966; (42 U.S.C. 3374); as amended, $1,284,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in 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 authorized by law, $75,312,000, to remain available until September 30, 2016, which shall be only for the Assembled Chemical Weapons Alternatives Program.

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), $373,543,000, to remain available until expended.
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), $258,776,000, to remain available 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: Provided further, That of the unobligated balances available under this heading from prior appropriation Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $50,000,000 are hereby re-
seinced, which represent savings resulting from favorable bids.

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 therefore.

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 authorized 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 another, without prior notification to the Committees on Appropriations of both Houses of Congress.

Sec. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel pro-
ducers, 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 within the United States Central Command Area of Responsibility, 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 territories and possessions in the Pacific and on Kwajalein Atoll, or in countries within the United States Central Command Area of Responsibility, may be used to award any contract estimated by the Government to exceed
$1,000,000 to a foreign contractor; Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent; Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

Sec. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

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

Sec. 115. Funds appropriated to the Department of 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.

(INCLUDING TRANSFER OF FUNDS)

Sec. 118. 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. 119. 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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by subsection (d) of section 1013 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 subsection (a)(1)(A) of such section 1013. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 121. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family
housing units, including general or flag officer quarters:

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

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

Sec. 123. None of the funds made available in this title, or in any Act making appropriations for military con-
struction which remain available for obligation, may be ob-
ligated or expended to carry out a military construction,
land acquisition, or family housing project at or for a mili-
tary installation approved for closure, or at a military in-
stallation 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 mili-
tary 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 installa-
tion, 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 cancel-
ling such project, or if the project is at an active compo-
nent 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 national security or the protection of health, safety, or environmental quality. Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

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

Sec. 125. Amounts appropriated or otherwise made available in an account funded under the headings in this
title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the report of the Committee on Appropriations of the House of Representatives to accompany this bill and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14-R, Volume 3, Chapter 7, of February 2009, as in effect on the date of enactment of this Act.

(RESCission OF Funds)

SEC. 126. Of the unobligated balances available for "Base Realignment and Closure Account, 1990" from prior appropriations Acts (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $100,000,000 are hereby rescinded.

SEC. 127. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 1,000 parking spaces provided by the combination spaces provided by the BRAC 133 project and the lease of spaces in the immediate vicinity of the BRAC 133 project.

SEC. 128. None of the funds made available by this Act may be used for any action that relates to or promotes
the expansion of the boundaries or size of the Pinon Can-
yon Maneuver Site, Colorado.

Sec. 129. None of the funds made available by this Act may be used by the Secretary of the Army to relocate a unit of the Army that would impact more than 200 person-

real, calculated as the sum of impacted members of the regular or reserve components of the Army, civilian em-

ployees of the Department of the Army, and Army con-

tractor personnel, unless the Secretary certifies to the con-

gressional defense committees that the Secretary complied with Army Regulation 5–10 relating to the policy, proce-

dures, and responsibilities for Army stationing actions.

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 ex-

aminations 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 Entitle-

ment Program for Survivors, emergency and other offi-
cers': 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, $58,067,319,000, to remain available until expended. Provided, That not to exceed $32,187,000 of the amount appropriated under this heading shall be reimbursed to "General operating expenses, Veterans Benefits Administration", "Medical support and compliance", and "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, $11,011,086,000, 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 chapters 19 and 21, title 38, United States Code, $100,252,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 2012 within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.
In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $154,698,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $19,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,019,000:

In addition, for administrative expenses necessary to carry out the direct loan program, $343,000, 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, $1,116,000.

VETERANS HEALTH ADMINISTRATION MEDICAL SERVICES

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, 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 the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note) $41,354,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013: Provided, That, of the amount made available under this heading $1,000,000,000 (reduced by $20,000,000) (increased by $20,000,000) shall remain available until September 30, 2014: 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, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical
benefits to veterans in enrollment priority groups 1 through 6. Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary. Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs. Provided further, That of the funds provided in Public Law 112–10 for “Department of Veterans Affairs, Medical services” for fiscal year 2012, $664,000,000 shall be available only in the fourth quarter of the fiscal year upon approval of the Committees on Appropriations of both Houses of Congress of a request from the Secretary of Veterans Affairs to release such funding due to unanticipated needs related to economic conditions.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the De-
partment as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $5,746,000,000 (reduced by $100,000) (increased by $100,000), plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013; Provided, That, of the amount made available under this heading $100,000,000 shall remain available until September 30, 2014.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; $5,441,000,000, plus reimbursements, shall become avail-
able on October 1, 2012, and shall remain available until September 30, 2013: Provided, That, of the amount made available under this heading, $100,000,000 shall remain available until September 30, 2014.

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, $508,774,000 (increased by $22,000,000), plus reimbursements, shall remain available until September 30, 2013.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefore; 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, $250,934,000, of which not to exceed $25,100,000 shall remain available until September 30, 2013: Provided, That no funds shall be made available to any project associated with the National Cemetery Administration’s Urban Initiative pro-
gram until a strategy to serve rural veterans is finalized and operational.

DEPARTMENTAL ADMINISTRATION

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, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services; $422,500,000 (reduced by $22,000,000), of which not to exceed $22,144,000 shall remain available until September 30, 2013: Provided, That $20,000,000 shall be used to increase the Department’s acquisition workforce capacity and capabilities and may be transferred by the Secretary to any other account in the Department to carry out the purposes provided therein: Provided further, That funds provided under this heading may be transferred to “General operating expenses, Veterans Benefits Adminis-

tration”.

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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, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $2,020,128,000 (reduced by $100,000) (increased by $100,000): Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $105,856,000 shall remain available until September 30, 2013: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.
INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated 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, $3,025,000,000 (reduced by $70,000,000) (increased by $70,000,000), plus reimbursements, shall remain available until September 30, 2013: Provided, That none of the funds made available under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: Provided further, That 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 de-
development costs to be carried out utilizing amounts made
available under this heading.

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.), $109,391,000, of which $6,000,000 shall re-
main available until September 30, 2013.

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 plan-
ning, architectural and engineering services, construction
management services, maintenance or guarantee period
services costs associated with equipment guarantees pro-
vided 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; $589,604,000, to remain available until September 30, 2016, of which $5,000,000 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 2012, for each approved
project shall be obligated: (1) by the awarding of a con-
struction documents contract by September 30, 2012; and
(2) by the awarding of a construction contract by Sep-
tember 30, 2013: 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 limita-
tions established above.

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 pro-
vided 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, $475,091,000, to remain available until September 30, 2016, 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 VETERANS CEMETERIES

For grants to assist States and tribal governments in establishing, expanding, or improving 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 2012 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 such 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 2012, 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 Com-
mittees 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 re-
quests from the Committees on Appropriations of both
Houses of Congress the authority to make the transfer
and an approval is issued. Provided further, That any
transfers to or from the "Medical facilities" account may
take place only after the Secretary requests from the Com-
mittees on Appropriations of both Houses of Congress the
authority to make the transfer and an approval is issued.

Sec. 203. Appropriations made 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 Department of Veterans Affairs 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 examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the "Medical services" account at such rates as may be fixed by the Secretary of Veterans Affairs.

Sec. 206. Appropriations available in this title for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2011.

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".

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Sec. 208. Notwithstanding any other provision of law, during fiscal year 2012, 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 2012 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 2012 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 for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $42,904,000 for the Office of Resolution Management and $3,360,000 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 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 Commit-
tees on Appropriations of both Houses of Congress ap-
prove within 30 days following the date on which the re-
port 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-serv-
ice-connected disability described in section 1729(a)(2) of
such title, unless that person has disclosed to the Sec-
retary 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: Pro-
vided, That the Secretary may recover, in the same man-
ner as any other debt due the United States, the reason-
able charges for such care or services from any person who
does not make such disclosure as required: Provided fur-
ther, 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 re-
ceived.

(INCLUDING TRANSFER OF FUNDS)

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

Sec. 214. Amounts made available under "Medical
services" are available—

(1) for furnishing recreational facilities, sup-
plies, 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 organi-
izations which are party to the Alaska Native Health Com-
pact 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 external 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 avail-
able until September 30, 2016, 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.

(INCLUDING TRANSFER OF FUNDS)

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 2012, 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. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2012, 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. 223. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2012 for "Medical services", "Medical support and compliance", "Medical facilities", "Construction, minor projects", and "Information technology systems", up to $241,666,000, plus reimbursements, may be transferred to the Joint De-
partment of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): 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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. 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 facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Dem-
onstration Fund, established by section 1704 of the Na-
tional Defense Authorization Act for Fiscal Year 2010
(Public Law 111–84; 123 Stat. 3571); and (2) for oper-
ations of the facilities designated as combined Federal
medical facilities as described by section 706 of the Dun-
can Hunter National Defense Authorization Act for Fiscal

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. 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 DOD-VA Health Care Sharing In-
centive Fund, as authorized by section 8111(d) of title 38,
United States Code, to remain until expended, for any
purpose authorized by section 8111 of title 38, United
States Code.

(INCLUDING RESCISSION OF FUNDS)

SEC. 226. (a) Of the funds appropriated in title X
of division B of Public Law 112–10, the following amounts
which become available on October 1, 2011, are hereby
receded from the following accounts in the amounts
specified:

(1) “Department of Veterans Affairs, Medical
services”, $1,000,000,000.
(2) "Department of Veterans Affairs, Medical support and compliance", $100,000,000.

(3) "Department of Veterans Affairs, Medical facilities", $100,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified, to remain available until September 30, 2013:

(1) "Department of Veterans Affairs, Medical services", $1,000,000,000.

(2) "Department of Veterans Affairs, Medical support and compliance", $100,000,000.

(3) "Department of Veterans Affairs, Medical facilities", $100,000,000.

Sec. 227. 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 programmed amount of the project, whichever is less. Provided, That such notification shall occur within 14 days of entering into a contract. Provided further, That the Secretary shall notify the committees 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.
Sec. 228. The scope of work for a project included in "Construction, major projects" may not be increased above the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations.

Sec. 229. (a) Section 5701 of title 38, United States Code, is amended by adding at the end the following new subsection:

"(1) The Secretary shall disclose to a State controlled substance monitoring program, including a program under section 399O of the Public Health Service Act (42 U.S.C. 280g-3), the name and address of a veteran or a dependent of a veteran to the extent necessary to prevent misuse and diversion of prescription medicines.

"(2) In this subsection, the terms 'State' and 'controlled substance' have the meaning given such terms in section 399O(m) of the Public Health Service Act (42 U.S.C. 280g-3(m))."

(b) Section 7332(b)(2) of title 38, United States Code is amended by adding at the end the following new subparagraph:

"(G)(i) To a State controlled substance monitoring program, including a program under section 399O of the Public Health Service Act (42 U.S.C.
280g–3), to the extent necessary to prevent misuse
and diversion of prescription medicines.

"(ii) In this subparagraph, the terms ‘State’
and ‘controlled substance’ have the meanings given
such terms in section 399O(m) of the Public Health
Service Act (42 U.S.C. 280g–3(m)).’’. Sec. 230. Not more than $250,000 may be used by
the Department of Veterans Affairs to conduct any single
national outreach and awareness marketing campaign, in-
cluding motorsports sponsorship, prior to submitting a re-
quest to the Committees on Appropriations of both Houses
of Congress and an approval is issued or absent a re-
response, a period of 30 days has elapsed.

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 coun-
tries; purchases and repair of uniforms for caretakers of
national cemeteries and monuments outside of the United
States and its territories and possessions; rent of office
and garage space in foreign countries; purchase (one-for-
one replacement basis only) and hire of passenger motor
vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $61,100,000, to remain available until expended:

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code; $30,770,000. Provided, That $2,726,363 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.
DEPARTMENT OF DEFENSE—Civil

Cemeterial Expenses, Army

Salaries and Expenses

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers’ and Airmen’s Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $1,000 for official reception and representation expenses; $45,800,000, 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, $67,700,000, 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**

**GENERAL PROVISIONS**

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

Sec. 402. 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. 403. 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, or for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation
designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

Sec. 404. 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. 405. 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.

Sec. 406. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

Sec. 407. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any
other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

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

Sec. 408. None of the funds made available in this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries or successors.

Sec. 409. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

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

Sec. 410. None of the funds appropriated or otherwise made available in this Act may be used by an agency...
of the executive branch to pay for first-class travel by an
employee of the agency in contravention of sections 301–
10.122 through 301–10.124 of title 41, Code of Federal
Regulations.

Sec. 411. None of the funds appropriated or other-
wise made available in this Act may be used by an agency
of the executive branch to exercise the power of eminent
domain (to take private property for public use) without
the payment of just compensation.

Sec. 412. None of the funds appropriated or other-
wise made available to the Department of Defense in this
Act may be used to renovate, expand, or construct any
facility in the continental United States for the purpose
of housing any individual who has been detained, at any
time after September 11, 2001, at United States Naval
Station, Guantanamo Bay, Cuba.

Sec. 413. None of the funds provided in this Act may
be used to execute a contract for goods or services, includ-
ing construction services, where the contractor has not
complied with Executive Order No. 12989.

Sec. 414. None of the funds made available by this
Act may be used to enter into a contract, memorandum
of understanding, or cooperative agreement with, or to
make a grant to, any corporation that was convicted of
a felony criminal violation under any Federal or State law within the preceding 24 months.

SPENDING REDUCTION ACCOUNT

Sec. 415. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0.

Sec. 416. None of the funds made available by this Act may be used to declare as excess to the needs of the Department of Veterans Affairs or otherwise take any action to exchange, trade, auction, transfer, or otherwise dispose of, or reduce the acreage of, Federal land and improvements at the St. Albans campus, consisting of approximately 55 acres of land, with borders near Linden Boulevard on the northwest, 115th Avenue on the west, the Long Island Railroad on the northeast, and Baisley Boulevard on the southeast.

Sec. 417. None of the funds made available by this Act shall be available to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140, 42 U.S.C. 17142).

Sec. 418. None of the funds made available in this Act may be used to enter into a contract using procedures that do not give to small business concerns owned and con-
trolled by veterans (as that term is defined in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)) that are included in the database under section 8127(f) of title 38, United States Code, any preference available with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veterans (as that term defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).

SEC. 419. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

This Act may be cited as the “Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2012”.

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, 2012, 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, $3,066,891,000, to remain available until September 30, 2016: Provided, That of this amount, not to exceed $255,241,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, 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, $2,187,622,000, to remain available until September 30, 2016: Provided, That of this amount, not to exceed $84,362,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that ad-
ditional obligations are necessary for such purposes and not-
tifies the Committees on Appropriations of both Houses of
Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equip-
ment of temporary or permanent public works, military in-
stallations, facilities, and real property for the Air Force
as currently authorized by law, $1,227,058,000, to remain
available until September 30, 2016: Provided, That of this
amount, not to exceed $81,913,000 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.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equip-
ment of temporary or permanent public works, installa-
tions, facilities, and real property for activities and agen-
cies of the Department of Defense (other than the military
departments), as currently authorized by law, $3,380,917,000, to remain available until September 30,
2016: Provided, That such amounts of this appropriation
as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred:

Provided further, That of the amount appropriated, not to exceed $439,602,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the amount appropriated, notwithstanding any other provision of law, $24,118,000 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.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $773,592,000, to remain available until Sep-
tember 30, 2016: Provided, That of the amount appropriated, not to exceed $20,671,000 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.

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, $116,246,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $9,000,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air 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.
Military Construction, Army Reserve

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $280,549,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $28,924,000 shall be available for study, planning, design, and architect and engineer 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 determination and the reasons therefor.

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, $26,299,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $2,591,000 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.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $33,620,000, to remain available until September 30, 2016: Provided, That of the amount appropriated, not to exceed $2,200,000 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.

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, $272,611,000, 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, $186,897,000, to remain available until September 30, 2016.

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, $494,858,000.

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, $100,972,000, to remain available until September 30, 2016.

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, $367,863,000.

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, $84,804,000, to remain available until September 30, 2016.

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, $404,761,000.

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, $50,723,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $2,184,000, to remain available until ex-
pended, 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 authorized by law, $75,312,000, to remain available until September 30, 2016, which shall be only for the Assembled Chemical Weapons Alternatives program.
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), $323,543,000, to remain available until expended.

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), $258,776,000, to remain available 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 authorized 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 another, without prior notification to the Committees on Appropriations of both Houses of Congress.

Sec. 108. None of the funds made available in this title may be used for the procurement of steel for any con-
struction 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 territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor. Provided, That
this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent:

Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

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

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

SEC. 115. Funds appropriated to the Department of 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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. 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. 119. 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. 120. (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. 121. 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. 122. 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. 123. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

Sec. 124. 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
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obligated or expended to carry out a military construction, 
land acquisition, or family housing project at or for a mili-
tary installation approved for closure, or at a military in-
stallation 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 in-
stallation approved for realignment will support a con-
tinuing 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 cancelling such project, 
or if the project is at an active component base that shall 
be established as an enclave or in the case of projects having 
multi-agency use, that another Government agency has in-
dicated it will assume ownership of the completed project. 
The Secretary of Defense may not transfer funds made 
available as a result of this limitation from any military 
construction project, land acquisition, or family housing 
project to another account or use such funds for another 
purpose or project without the prior approval of the Com-
mittees on Appropriations of both Houses of Congress. This 
section shall not apply to military construction projects,
land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation “Foreign Currency Fluctuations, Construction, Defense”, to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 126. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming
guidelines for military construction and family housing
construction contained in Department of Defense Financial
Management Regulation 7000.14–R, Volume 3, Chapter 7,
of February 2009, as in effect on the date of enactment of
this Act.

SEC. 127. (a) CLOSURE OF UMATILLA ARMY CHEM-
ICAL DEPOT, OREGON.—The closure of the Umatilla Army
Chemical Depot, Oregon, and subsequent management and
property disposal, may be carried out in accordance with
procedures and authorities contained in the Defense Base
Closure and Realignment Act of 1990 (part A of title XXIX

(b) RETENTION OF PROPERTY AND FACILITIES.—The
Secretary of the Army may retain minimum essential
ranges, facilities, and training areas at Umatilla Army
Chemical Depot, totaling approximately 7,500 acres, as a
training enclave for the reserve components of the Armed
Forces to permit the conduct of individual and annual
training.

(c) OFFICE OF ECONOMIC ADJUSTMENT ACTIVITIES.—
Notwithstanding any other provision of law, the Office of
Economic Adjustment Activities of the Department of De-
fense may make grants and supplement other Federal funds,
using funds made available by title, in connection with the
closure and management and disposal provided for in this
section, and the projects so supported shall be considered
to be authorized by law.

Sec. 128. None of the funds appropriated or otherwise
made available by this title may be obligated or expended
for a permanent United States Africa Command head-
quarters outside of the United States until the Secretary
of Defense provides the congressional defense committees an
analysis of all military construction costs associated with
establishing a permanent location overseas versus in the
United States.

Sec. 129. None of the funds appropriated or otherwise
made available by this title may be obligated or expended
on a military construction project at Grafenwoehr, Ger-
many, or Baumholder, Germany, until the Secretary of the
Army submits to Congress, in writing, a report on installa-
tions and properties in Germany that the Army intends
to return to the host nation, including—

(1) intended timelines for closures along with the
list of military construction projects required at other
installations to facilitate the downsizing and consoli-
dation of Army forces in Germany;

(2) an identification of the brigade combat team
that will be withdrawn from Germany; and

(3) an estimate of costs (including operation and
maintenance costs and military construction costs) to
be incurred during fiscal years 2012 through 2015 in connection with keeping the brigade identified in Germany through September 30, 2015 versus stationing a similar brigade in the United States.

SEC. 130. No later than 90 days after enactment of this Act, the Secretary of Defense shall report to the congressional defense committees of the Senate and the House of Representatives on the status and improvement plan for all DODEA schools with an overall condition rating of Q3 (poor) or Q4 (failing) as identified in the October 2009 Report to Congress on Department of Defense Education Activity’s Military Construction Program.

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, ad-
justed-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, $58,067,319,000, to remain available until expended:
Provided, That not to exceed $32,187,000 of the amount appropriated under this heading shall be reimbursed to “General operating expenses, Veterans Benefits Administration”, “Medical support and compliance”, and “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, 32, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $11,011,086,000, to remain avail-
able until expended: Provided, That expenses for rehabilita-
tion 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 para-
graphs (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 vet-
erans insurance, and veterans mortgage life insurance as
authorized by title 38, United States Code, chapters 19 and
21, $100,252,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums
as may be necessary to carry out the program, as authorized
by subchapters I through III of chapter 37 of title 38,
United States Code: Provided, That such costs, including
the cost of modifying such loans, shall be as defined in sec-
tion 502 of the Congressional Budget Act of 1974: Provided
further, That during fiscal year 2012, within the resources
available, not to exceed $500,000 in gross obligations for
direct loans are authorized for specially adapted housing
loans.

In addition, for administrative expenses to carry out
the direct and guaranteed loan programs, $154,698,000.
VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $19,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,019,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $343,000, 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, $1,116,000.

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, 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; $41,354,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013: Provided, 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, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided fur-
ther, That the implementation of the program described 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; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $5,746,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving,
or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $5,441,000,000, plus reimbursements, shall become available on October 1, 2012, and shall remain available until September 30, 2013.

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, $581,000,000, plus reimbursements, shall remain available until September 30, 2013.

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, $250,934,000, of which not to exceed $25,100,000 shall remain available until September 30, 2013.
DEPARTMENTAL ADMINISTRATION

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, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $431,257,000, of which not to exceed $21,562,000 shall remain available until September 30, 2013: Provided, That $15,000,000 shall be to increase the Department’s acquisition workforce capacity and capabilities and may be transferred by the Secretary to any other account in the Department to carry out the purposes provided therein: Provided further, That funds provided under this heading may be transferred to “General operating expenses, Veterans Benefits 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 reimbursement of the Department of Defense for the cost of overseas employee
mail, $2,018,764,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed $105,000,000 shall remain available until September 20, 2013: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated 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, $3,161,376,000, plus reimbursements: Provided, That $915,000,000 shall be for pay and associated costs, of which not to exceed $25,000,000 shall remain available until September 30, 2013: Provided further, That $1,709,953,000 shall be for operations and maintenance as designated in the President’s 2012 budget justification, of which not to exceed $110,000,000 shall remain available until September 30, 2013: Provided further, That $536,423,000 shall be for information technology systems development, modernization, and enhancement as designated in the President’s 2012 budget justification, and shall remain available until September 30, 2013: Provided further, 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 manage-
ment practices of the Federal Government: Provided further, That amounts made available for information technology systems development, modernization, and enhancement 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: Provided further, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three subaccounts after the Secretary of Veterans Affairs 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 the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects and in the amounts, specified under this heading in the report accompanying this Act.
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.), $112,391,000, of which $6,600,000 shall remain available until September 30, 2013.

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, $589,604,000, to remain available until expended, of which $5,000,000 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 as-
sessments which may or may not lead to capital invest-
ments, and other capital asset management related activi-
ties, including portfolio development and management ac-
tivities, and investment strategy studies funded through the
advance planning fund and the planning and design activi-
ties funded through the design fund, including needs assess-
ments 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 ac-
quision 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 2012, for each approved project shall
be obligated:

(1) by the awarding of a construction documents
contract by September 30, 2012; and

(2) by the awarding of a construction contract
by September 30, 2013: 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
collection project for which obligations are not in-
curred within the time limitations established above.

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 engi-
neering 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 acquisi-
tion, 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, $550,091,000, 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: Pro-
vided, 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 VETERANS CEMETERIES

For grants to assist States and tribal governments in establishing, expanding, or improving 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 2012 for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” may be trans-
ferred as necessary to any other of the mentioned appropri-
ations: 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 2012, 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 trans-
fers 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 Sec-
retary of Veterans Affairs to the Committees on Appropria-
tions of both Houses of Congress of the amount and purpose
of the transfer: Provided further, That any transfers be-
tween 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 fur-
ther, That any transfers to or from the “Medical facilities”
account 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 ap-
proval is issued.

SEC. 203. Appropriations available in this title for sal-
aries and expenses shall be available for services authorized
by section 3109 of title 5, United States Code, hire of pas-
senger motor vehicles; lease of a facility or land or both;
and uniforms or allowances therefore, as authorized by sec-
tions 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 sections
7901 through 7904 of title 5, United States Code, or the
Robert T. Stafford Disaster Relief and Emergency Assist-
ce Act (42 U.S.C. 5121 et seq.)), unless reimbursement
of the cost of such hospitalization or examination is made to the “Medical services” account at such rates as may be fixed by the Secretary of Veterans Affairs.

Sec. 206. Appropriations available in this title for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2011.

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 2012, 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 2012 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 2012 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 Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $42,904,000 for the Office of Resolution Management and $3,360,000 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 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”.

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 external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Set-
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tlement 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 Fair-
banks 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 De-
partment 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 “Con-
struction, 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 sub-
mmit 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 2012, 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 for development, modernization, and enhancement may be transferred between projects or to newly defined 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. None of the funds appropriated or otherwise made available by this Act or any other Act for the Depart-
ment 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 Ap-
propriations Act, 2006 (Public Law 109–115; 119
Stat. 2506); or

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

SEC. 223. Of the amounts made available to the De-
partment of Veterans Affairs for fiscal year 2012, 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 Sec-
retary may waive this requirement after providing written
notice to the Committees on Appropriations of both Houses
of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Of the amounts appropriated to the Depart-
ment of Veterans Affairs for fiscal year 2011 for “Medical
services”, “Medical support and compliance”, “Medical fa-
cilities”, “Construction, minor projects”, and “Information
technology systems”, up to $241,666,000, plus reimburse-
ments, may be transferred to the Joint Department of De-
fense-Department of Veterans Affairs Medical Facility

Demonstration Fund, established by section 1704 of title XVII of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500):

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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available:

(1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of
title XVII of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and

(2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 226. 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.

(INCLUDING RESCISSION OF FUNDS)

SEC. 227. (a) Of the funds appropriated in title X of division B of Public Law 112–10, the following amounts which will become available on October 1, 2011, are hereby rescinded from the following accounts in the amounts specified:

(1) “Department of Veterans Affairs, Medical services”, $1,400,000,000.
(2) “Department of Veterans Affairs, Medical support and compliance”, $100,000,000.

(3) “Department of Veterans Affairs, Medical facilities”, $250,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified, to become available on October 1, 2011, and to remain available until September 30, 2013:

(1) “Department of Veterans Affairs, Medical services”, $1,400,000,000.

(2) “Department of Veterans Affairs, Medical support and compliance”, $100,000,000.

(3) “Department of Veterans Affairs, Medical facilities”, $250,000,000.

SEC. 228. 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 programmed amount of the project, whichever is less: Provided, That such notification shall occur within 14 days of a contract identifying the programmed amount: Provided further, That the Secretary shall notify the committees 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.
SEC. 229. The scope of work for a project included in “Construction, major projects” may not be increased above the scope specified for that project in the original justifi-
ation data provided to the Congress as part of the request for appropriations.

SEC. 230. (a) Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Aff-
fairs, in coordination with the Defense Advanced Research Projects Agency (DARPA), shall submit to the Committee on Appropriations, the Committee on Veterans’ Affairs, and the Committee on Armed Services of the Senate and the Committee on Appropriations, the Committee on Veterans’ Affairs, and the Committee on Armed Services of the House of Representatives a report, in writing, on the plans of the Secretary to make available to injured members of the Armed Forces and veterans the next generation of advanced prosthetics.

(b) The report required by subsection (a) shall include the following:

(1) Details of the strategic plan and timetable of the Secretary to make available to injured members of the Armed Forces and veterans the next generation of advanced prosthetics

(2) A description of the challenges, both technical and administrative, that could delay injured members
of the Armed Forces and veterans access to prosthetics described in paragraph (1).

(3) The plans of the Secretary to address these challenges described under paragraph (2).

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $61,100,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $30,770,000: Provided, That $2,726,323 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers’ and Airmen’s Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $45,800,000, to remain available until expended: Provided, That none of the funds available under this heading shall be for construction of a perimeter wall at Arlington Na-
tional Cemetery. In addition, such sums as may be neces-
nessary 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 fed-
erally 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 Retire-
ment Home to operate and maintain the Armed Forces Re-
tirement Home—Washington, District of Columbia, and the
Armed Forces Retirement Home—Gulfport, Mississippi, to
be paid from funds available in the Armed Forces Retire-
ment Home Trust Fund, $67,700,000, of which $2,000,000
shall remain available until expended for construction and
renovation of the physical plants at the Armed Forces Re-
tirement Home—Washington, District of Columbia, and the
Armed Forces Retirement Home—Gulfport, Mississippi.

Sec. 301. Not later than 90 days after enactment of
this Act, the Executive Director of Arlington National Cem-
tery shall provide a report to the Committees on Approp-
riations of the Senate and the House of Representatives;
the Senate Armed Services Committee; the Senate Veterans’
Affairs Committee; and the Senate Homeland Security and Governmental Affairs Committee, detailing the strategic plan and timetable to modernize the Cemetery’s Information Technology system, including electronic burial records. The report should also include a description of the steps taken by the Executive Director in 2011 to implement information technology and management systems improvements, and identify any remaining information technology and systems infrastructure needs of Arlington National Cemetery.

TITLE IV
GENERAL PROVISIONS

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

SEC. 402. Such sums as may be necessary for fiscal year 2012 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 403. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.
Sec. 404. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

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

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

Sec. 407. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction 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.
SEC. 408. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

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

SEC. 409. (a) In GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantanamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.
(b) **EXCEPTION.**—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

This Act may be cited as the “Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2012”.

Passed the House of Representatives June 14, 2011.

Attest: KAREN L. HAAS,

Clerk.

Passed the Senate July 20 (legislation day, July 19), 2011.

Attest: NANCY ERICKSON,

Secretary.