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

MAY 31, 2011

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

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 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 equip-
ment 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 nec-
essary for the purposes of this appropriation, and for con-
struction and operation of facilities in support of the func-
tions of the Commander in Chief, $3,141,491,000, to re-
main available until September 30, 2016: Provided, That
of this amount, not to exceed $255,241,000 shall be avail-
able 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operations directly related to the global war on terrorism or as an emergency requirement), $100,000,000 are hereby rescinded.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.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSION OF FUNDS)

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 re-
scinded.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSION 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,
$3,665,157,000, 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-
piated, 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 Appropria-
tions of both Houses of Congress of the determination and
the reasons therefor: Provided further, That of the amount
appropriated, notwithstanding any other provision of law,
$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 oper-
ations directly related to the global war on terrorism or
as an emergency requirement), $131,400,000 are hereby
rescinded.

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, to remain available until Sep-
tember 30, 2016: Provided, That of the amount appro-
priated, not to exceed $20,671,000 shall be available for
study, planning, design, and architect and engineer serv-
dices, 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, 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 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, plan-
ning, design, and architect and engineer services, as au-
thorized by law, unless the Secretary of Defense deter-
mines 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, rehabilita-
tion, and conversion of facilities for the training and ad-
ministration of the Army Reserve as authorized by chapter
1803 of title 10, United States Code, and Military Con-
struction Authorization Acts, $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 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, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY
For expenses of family housing for the Army for construction, including acquisition, replacement, addition, ex-
pansion, 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 expended, for family housing initiatives undertaken pursu-
ant to section 2883 of title 10, United States Code, pro-
viding alternative means of acquiring and improving mili-
tary family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by
section 1013 of the Demonstration Cities and Metropoli-
tan 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 ac-
cordance with section 1412 of the Department of Defense
Authorization Act, 1986 (50 U.S.C. 1521), and for the
destruction of other chemical warfare materials that are
not in the chemical weapon stockpile, as currently author-
ized by law, $75,312,000, to remain available until Sep-
tember 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.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

(INCLUDING RESCISSION OF FUNDS)

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 rescinded, 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 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 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 Con-
gressional 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, mili-
tary 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 associ-
ated 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 mil-
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 installa-
tion, in 2005 under the Defense Base Closure and Re-
alignment Act of 1990 (part A of title XXIX of Public
Law 101–510: 10 U.S.C. 2687 note), unless such a project
at a military installation approved for realignment will
support a continuing mission or function at that installa-
tion 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 an-
other Government agency has indicated it will assume
ownership of the completed project. The Secretary of De-
fense 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 ac-
count or use such funds for another purpose or project
without the prior approval of the Committees on Appro-
priations 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 Canyon 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 personnel, calculated as the sum of impacted members of the regular or reserve components of the Army, civilian employees of the Department of the Army, and Army contractor personnel, unless the Secretary certifies to the congressional defense committees that the Secretary complied with Army Regulation 5–10 relating to the policy, procedures, 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 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 Entitle-
ment Program for Survivors, emergency and other officers’ retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $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 chap-
ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $11,011,086,000, to re-
main 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 sub-
section, 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 de-

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 spe-
cially 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 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 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: 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 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 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, 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: Provided, That no funds shall be made available to any project associated with the National Cemetery Administration’s Urban Initiative program 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, 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 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, 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: 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, in-
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, 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 development costs to be carried out utilizing amounts made available under this heading.
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 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 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 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 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 avail-
able until September 30, 2016, along with unobligated bal-
ances of previous “Construction, minor projects” appro-
priations 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 be-
cause 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 re-
model, 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 re-
main available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal governments
in establishing, expanding, or improving veterans cem-
teries as authorized by section 2408 of title 38, United
States Code, $46,000,000, to remain available until ex-
pired.

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 appro-

priations: Provided, That before such transfer may take

place, the Secretary of Veterans Affairs shall request from

the Committees on Appropriations of both Houses of Con-

gress the authority to make the transfer and such Com-

mittees 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 Depart-

ment 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” ac-

counts 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 notifica-

tion 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 Committees 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 authorized 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 authorized 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 reim-
bursement of the cost of such hospitalization or examina-
tion is made to the “Medical services” account at such 
rates as may be fixed by the Secretary of Veterans Affairs.

Sec. 206. Appropriations available in this title for 
“Compensation and pensions”, “Readjustment benefits”, 
and “Veterans insurance and indemnities” shall be avail-
able for payment of prior year accrued obligations re-
quired 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 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 pro-
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 Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

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

(INCLUDING TRANSFER OF FUNDS)

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.

(INCLUDING TRANSFER OF FUNDS)

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 Department 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 Af-
fairs Medical Facility Demonstration Fund upon written
notification by the Secretary of Veterans Affairs to the
Committees on Appropriations of both Houses of Con-
gress.

(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 facili-
ties as described by section 706 of the Duncan Hunter
(Public Law 110–417; 122 Stat. 4500) shall also be avail-
able: (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
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 Incentive 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.

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 rescinded 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)(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 ex-
pended.
FOREIGN CURRENCY FLUCTUATIONS ACCOUNT
For necessary expenses, not otherwise provided for,
of the American Battle Monuments Commission, such
sums as may be necessary, to remain available until ex-
H.R. 2055

PENDED, for purposes authorized by section 2109 of title
36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS
CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the
United States Court of Appeals for Veterans Claims as
authorized by sections 7251 through 7298 of title 38,
United States Code, $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 Na-
tional Cemetery, including the purchase or lease of pas-
senger 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 re-
placement, 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 Ceme-
tery 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
Retirement Home—Washington, District of Columbia,
and the Armed Forces Retirement Home—Gulfport, Mis-
sissippi, 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, Dis-
trict 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 Appro-
 appropriations of the House of Representatives and the Sub-
committee 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 Representa-
tives.

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

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

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

(2) the report contains confidential or propri-
etary 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 otherwise 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 otherwise 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, including construction services, where the contractor has not complied with Executive Order 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.

Sec. 415. None of the funds made available by this Act may be used to enforce Executive Order 13502 (41 U.S.C. 251 note), FAR Rule 2009-005, or any agency memorandum, bulletin, or contracting policy that derives its authority from Executive Order 13502 or FAR Rule 2009-005.

SPENDING REDUCTION ACCOUNT

Sec. 416. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under sec-
tion 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0. This Act may be cited as the “Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2012”.

•HR 2055 RH
A BILL

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.

MAY 31, 2011
Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.