

Union Calendar No. 52

112TH CONGRESS
1ST SESSION

H. R. 2055

[Report No. 112-94]

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.

1 the Committees on Appropriations of both Houses of Con-
2 gress of the determination and the reasons therefor: *Pro-*
3 *vided further*, That of the unobligated balances available
4 for “Military Construction, Army” from prior appropria-
5 tions Acts (other than appropriations designated by law
6 as being for contingency operations directly related to the
7 global war on terrorism or as an emergency requirement),
8 \$100,000,000 are hereby rescinded.

9 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

10 (INCLUDING RESCISSION OF FUNDS)

11 For acquisition, construction, installation, and equip-
12 ment of temporary or permanent public works, naval in-
13 stallations, facilities, and real property for the Navy and
14 Marine Corps as currently authorized by law, including
15 personnel in the Naval Facilities Engineering Command
16 and other personal services necessary for the purposes of
17 this appropriation, \$2,461,547,000, to remain available
18 until September 30, 2016: *Provided*, That of this amount,
19 not to exceed \$84,362,000 shall be available for study,
20 planning, design, and architect and engineer services, as
21 authorized by law, unless the Secretary of the Navy deter-
22 mines that additional obligations are necessary for such
23 purposes and notifies the Committees on Appropriations
24 of both Houses of Congress of the determination and the
25 reasons therefor: *Provided further*, That of the unobligated

1 balances available for “Military Construction, Navy and
2 Marine Corps” from prior appropriations Acts (other than
3 appropriations designated by law as being for contingency
4 operations directly related to the global war on terrorism
5 or as an emergency requirement), \$25,000,000 are hereby
6 rescinded.

7 MILITARY CONSTRUCTION, AIR FORCE

8 (INCLUDING RESCISSION OF FUNDS)

9 For acquisition, construction, installation, and equip-
10 ment of temporary or permanent public works, military
11 installations, facilities, and real property for the Air Force
12 as currently authorized by law, \$1,279,358,000, to remain
13 available until September 30, 2016: *Provided*, That of this
14 amount, not to exceed \$81,913,000 shall be available for
15 study, planning, design, and architect and engineer serv-
16 ices, as authorized by law, unless the Secretary of the Air
17 Force determines that additional obligations are necessary
18 for such purposes and notifies the Committees on Appro-
19 priations of both Houses of Congress of the determination
20 and the reasons therefor: *Provided further*, That of the un-
21 obligated balances available for “Military Construction,
22 Air Force” from prior appropriations Acts (other than ap-
23 propriations designated by law as being for contingency op-
24 erations directly related to the global war on terrorism or

1 as an emergency requirement), \$32,000,000 are hereby re-
2 scinded.

3 MILITARY CONSTRUCTION, DEFENSE-WIDE
4 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

5 For acquisition, construction, installation, and equip-
6 ment of temporary or permanent public works, installa-
7 tions, facilities, and real property for activities and agen-
8 cies of the Department of Defense (other than the military
9 departments), as currently authorized by law,
10 \$3,665,157,000, to remain available until September 30,
11 2016: *Provided*, That such amounts of this appropriation
12 as may be determined by the Secretary of Defense may
13 be transferred to such appropriations of the Department
14 of Defense available for military construction or family
15 housing as the Secretary may designate, to be merged with
16 and to be available for the same purposes, and for the
17 same time period, as the appropriation or fund to which
18 transferred: *Provided further*, That of the amount appro-
19 priated, not to exceed \$454,602,000 shall be available for
20 study, planning, design, and architect and engineer serv-
21 ices, as authorized by law, unless the Secretary of Defense
22 determines that additional obligations are necessary for
23 such purposes and notifies the Committees on Appropria-
24 tions of both Houses of Congress of the determination and
25 the reasons therefor: *Provided further*, That of the amount

1 appropriated, notwithstanding any other provision of law,
2 \$24,118,000 shall be available for payments to the North
3 Atlantic Treaty Organization for the planning, design, and
4 construction of a new North Atlantic Treaty Organization
5 headquarters: *Provided further*, That of the unobligated
6 balances available for “Military Construction, Defense-
7 Wide” in prior appropriations Acts (other than appropria-
8 tions designated by law as being for contingency oper-
9 ations directly related to the global war on terrorism or
10 as an emergency requirement), \$131,400,000 are hereby
11 rescinded.

12 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

13 For construction, acquisition, expansion, rehabilita-
14 tion, and conversion of facilities for the training and ad-
15 ministration of the Army National Guard, and contribu-
16 tions therefore, as authorized by chapter 1803 of title 10,
17 United States Code, and Military Construction Authoriza-
18 tion Acts, \$773,592,000, to remain available until Sep-
19 tember 30, 2016: *Provided*, That of the amount appro-
20 priated, not to exceed \$20,671,000 shall be available for
21 study, planning, design, and architect and engineer serv-
22 ices, as authorized by law, unless the Secretary of Defense
23 determines that additional obligations are necessary for
24 such purposes and notifies the Committees on Appropria-

1 tions of both Houses of Congress of the determination and
2 the reasons therefor.

3 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

4 For construction, acquisition, expansion, rehabilita-
5 tion, and conversion of facilities for the training and ad-
6 ministration of the Air National Guard, and contributions
7 therefor, as authorized by chapter 1803 of title 10, United
8 States Code, and Military Construction Authorization
9 Acts, \$116,246,000, to remain available until September
10 30, 2016: *Provided*, That of the amount appropriated, not
11 to exceed \$9,000,000 shall be available for study, plan-
12 ning, design, and architect and engineer services, as au-
13 thorized by law, unless the Secretary of Defense deter-
14 mines that additional obligations are necessary for such
15 purposes and notifies the Committees on Appropriations
16 of both Houses of Congress of the determination and the
17 reasons therefor.

18 MILITARY CONSTRUCTION, ARMY RESERVE

19 For construction, acquisition, expansion, rehabilita-
20 tion, and conversion of facilities for the training and ad-
21 ministration of the Army Reserve as authorized by chapter
22 1803 of title 10, United States Code, and Military Con-
23 struction Authorization Acts, \$280,549,000, to remain
24 available until September 30, 2016: *Provided*, That of the
25 amount appropriated, not to exceed \$28,924,000 shall be

1 available for study, planning, design, and architect and en-
2 gineer services, as authorized by law, unless the Secretary
3 of Defense determines that additional obligations are nec-
4 essary for such purposes and notifies the Committees on
5 Appropriations of both Houses of Congress of the deter-
6 mination and the reasons therefor.

7 MILITARY CONSTRUCTION, NAVY RESERVE

8 For construction, acquisition, expansion, rehabilita-
9 tion, and conversion of facilities for the training and ad-
10 ministration of the reserve components of the Navy and
11 Marine Corps as authorized by chapter 1803 of title 10,
12 United States Code, and Military Construction Authoriza-
13 tion Acts, \$26,299,000, to remain available until Sep-
14 tember 30, 2016: *Provided*, That of the amount appro-
15 priated, not to exceed \$2,591,000 shall be available for
16 study, planning, design, and architect and engineer serv-
17 ices, as authorized by law, unless the Secretary of Defense
18 determines that additional obligations are necessary for
19 such purposes and notifies the Committees on Appropria-
20 tions of both Houses of Congress of the determination and
21 the reasons therefor.

22 MILITARY CONSTRUCTION, AIR FORCE RESERVE

23 For construction, acquisition, expansion, rehabilita-
24 tion, and conversion of facilities for the training and ad-
25 ministration of the reserve components of the Air Force

1 Reserve as authorized by chapter 1803 of title 10, United
2 States Code, and Military Construction Authorization
3 Acts, \$33,620,000, to remain available until September
4 30, 2016: *Provided*, That of the amount appropriated, not
5 to exceed \$2,200,000 shall be available for study, plan-
6 ning, design, and architect and engineer services, as au-
7 thorized by law, unless the Secretary of Defense deter-
8 mines that additional obligations are necessary for such
9 purposes and notifies the Committees on Appropriations
10 of both Houses of Congress of the determination and the
11 reasons therefor.

12 NORTH ATLANTIC TREATY ORGANIZATION

13 SECURITY INVESTMENT PROGRAM

14 For the United States share of the cost of the North
15 Atlantic Treaty Organization Security Investment Pro-
16 gram for the acquisition and construction of military fa-
17 cilities and installations (including international military
18 headquarters) and for related expenses for the collective
19 defense of the North Atlantic Treaty Area as authorized
20 by section 2806 of title 10, United States Code, and Mili-
21 tary Construction Authorization Acts, \$272,611,000, to
22 remain available until expended.

23 FAMILY HOUSING CONSTRUCTION, ARMY

24 For expenses of family housing for the Army for con-
25 struction, including acquisition, replacement, addition, ex-

1 pansion, extension, and alteration, as authorized by law,
2 \$186,897,000, to remain available until September 30,
3 2016.

4 FAMILY HOUSING OPERATION AND MAINTENANCE,
5 ARMY

6 For expenses of family housing for the Army for op-
7 eration and maintenance, including debt payment, leasing,
8 minor construction, principal and interest charges, and in-
9 surance premiums, as authorized by law, \$494,858,000.

10 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
11 CORPS

12 For expenses of family housing for the Navy and Ma-
13 rine Corps for construction, including acquisition, replace-
14 ment, addition, expansion, extension, and alteration, as
15 authorized by law, \$100,972,000, to remain available until
16 September 30, 2016.

17 FAMILY HOUSING OPERATION AND MAINTENANCE,
18 NAVY AND MARINE CORPS

19 For expenses of family housing for the Navy and Ma-
20 rine Corps for operation and maintenance, including debt
21 payment, leasing, minor construction, principal and inter-
22 est charges, and insurance premiums, as authorized by
23 law, \$367,863,000.

1 FAMILY HOUSING CONSTRUCTION, AIR FORCE

2 For expenses of family housing for the Air Force for
3 construction, including acquisition, replacement, addition,
4 expansion, extension, and alteration, as authorized by law,
5 \$84,804,000, to remain available until September 30,
6 2016.

7 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
8 FORCE

9 For expenses of family housing for the Air Force for
10 operation and maintenance, including debt payment, leas-
11 ing, minor construction, principal and interest charges,
12 and insurance premiums, as authorized by law,
13 \$404,761,000.

14 FAMILY HOUSING OPERATION AND MAINTENANCE,
15 DEFENSE-WIDE

16 For expenses of family housing for the activities and
17 agencies of the Department of Defense (other than the
18 military departments) for operation and maintenance,
19 leasing, and minor construction, as authorized by law,
20 \$50,723,000.

21 DEPARTMENT OF DEFENSE FAMILY HOUSING
22 IMPROVEMENT FUND

23 For the Department of Defense Family Housing Im-
24 provement Fund, \$2,184,000, to remain available until ex-
25 pended, for family housing initiatives undertaken pursu-

1 ant to section 2883 of title 10, United States Code, pro-
2 viding alternative means of acquiring and improving mili-
3 tary family housing and supporting facilities.

4 HOMEOWNERS ASSISTANCE FUND

5 For the Homeowners Assistance Fund established by
6 section 1013 of the Demonstration Cities and Metropoli-
7 tan Development Act of 1966, (42 U.S.C. 3374), as
8 amended, \$1,284,000, to remain available until expended.

9 CHEMICAL DEMILITARIZATION CONSTRUCTION,

10 DEFENSE-WIDE

11 For expenses of construction, not otherwise provided
12 for, necessary for the destruction of the United States
13 stockpile of lethal chemical agents and munitions in ac-
14 cordance with section 1412 of the Department of Defense
15 Authorization Act, 1986 (50 U.S.C. 1521), and for the
16 destruction of other chemical warfare materials that are
17 not in the chemical weapon stockpile, as currently author-
18 ized by law, \$75,312,000, to remain available until Sep-
19 tember 30, 2016, which shall be only for the Assembled
20 Chemical Weapons Alternatives Program.

21 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

22 1990

23 For deposit into the Department of Defense Base
24 Closure Account 1990, established by section 2906(a)(1)
25 of the Defense Base Closure and Realignment Act of 1990

1 (10 U.S.C. 2687 note), \$373,543,000, to remain available
2 until expended.

3 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

4 2005

5 (INCLUDING RESCISSION OF FUNDS)

6 For deposit into the Department of Defense Base
7 Closure Account 2005, established by section 2906A(a)(1)
8 of the Defense Base Closure and Realignment Act of 1990
9 (10 U.S.C. 2687 note), \$258,776,000, to remain available
10 until expended: *Provided*, That the Department of Defense
11 shall notify the Committees on Appropriations of both
12 Houses of Congress 14 days prior to obligating an amount
13 for a construction project that exceeds or reduces the
14 amount identified for that project in the most recently
15 submitted budget request for this account by 20 percent
16 or \$2,000,000, whichever is less: *Provided further*, That
17 the previous proviso shall not apply to projects costing less
18 than \$5,000,000, except for those projects not previously
19 identified in any budget submission for this account and
20 exceeding the minor construction threshold under section
21 2805 of title 10, United States Code: *Provided further*,
22 That of the unobligated balances available under this
23 heading from prior appropriation Acts (other than appro-
24 priations designated by law as being for contingency oper-
25 ations directly related to the global war on terrorism or

1 as an emergency requirement), \$50,000,000 are hereby re-
2 scinded, which represent savings resulting from favorable
3 bids.

4 ADMINISTRATIVE PROVISIONS

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

12 SEC. 102. Funds made available in this title for con-
13 struction shall be available for hire of passenger motor ve-
14 hicles.

15 SEC. 103. Funds made available in this title for con-
16 struction may be used for advances to the Federal High-
17 way Administration, Department of Transportation, for
18 the construction of access roads as authorized by section
19 210 of title 23, United States Code, when projects author-
20 ized therein are certified as important to the national de-
21 fense by the Secretary of Defense.

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

1 SEC. 105. None of the funds made available in this
2 title shall be used for purchase of land or land easements
3 in excess of 100 percent of the value as determined by
4 the Army Corps of Engineers or the Naval Facilities Engi-
5 neering Command, except: (1) where there is a determina-
6 tion of value by a Federal court; (2) purchases negotiated
7 by the Attorney General or the designee of the Attorney
8 General; (3) where the estimated value is less than
9 \$25,000; or (4) as otherwise determined by the Secretary
10 of Defense to be in the public interest.

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

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

22 SEC. 108. None of the funds made available in this
23 title may be used for the procurement of steel for any con-
24 struction project or activity for which American steel pro-

1 ducers, fabricators, and manufacturers have been denied
2 the opportunity to compete for such steel procurement.

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

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

11 SEC. 111. None of the funds made available in this
12 title may be obligated for architect and engineer contracts
13 estimated by the Government to exceed \$500,000 for
14 projects to be accomplished in Japan, in any North Atlan-
15 tic Treaty Organization member country, or in countries
16 within the United States Central Command Area of Re-
17 sponsibility, unless such contracts are awarded to United
18 States firms or United States firms in joint venture with
19 host nation firms.

20 SEC. 112. None of the funds made available in this
21 title for military construction in the United States terri-
22 tories and possessions in the Pacific and on Kwajalein
23 Atoll, or in countries within the United States Central
24 Command Area of Responsibility, may be used to award
25 any contract estimated by the Government to exceed

1 \$1,000,000 to a foreign contractor: *Provided*, That this
2 section shall not be applicable to contract awards for
3 which the lowest responsive and responsible bid of a
4 United States contractor exceeds the lowest responsive
5 and responsible bid of a foreign contractor by greater than
6 20 percent: *Provided further*, That this section shall not
7 apply to contract awards for military construction on
8 Kwajalein Atoll for which the lowest responsive and re-
9 sponsible bid is submitted by a Marshallese contractor.

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

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

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

1 SEC. 116. For military construction or family housing
2 projects that are being completed with funds otherwise ex-
3 pired or lapsed for obligation, expired or lapsed funds may
4 be used to pay the cost of associated supervision, inspec-
5 tion, overhead, engineering and design on those projects
6 and on subsequent claims, if any.

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

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 118. In addition to any other transfer authority
21 available to the Department of Defense, proceeds depos-
22 ited to the Department of Defense Base Closure Account
23 established by section 207(a)(1) of the Defense Authoriza-
24 tion Amendments and Base Closure and Realignment Act
25 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)

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

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 119. Subject to 30 days prior notification, or
8 14 days for a notification provided in an electronic me-
9 dium pursuant to sections 480 and 2883 of title 10,
10 United States Code, to the Committees on Appropriations
11 of both Houses of Congress, such additional amounts as
12 may be determined by the Secretary of Defense may be
13 transferred to: (1) the Department of Defense Family
14 Housing Improvement Fund from amounts appropriated
15 for construction in “Family Housing” accounts, to be
16 merged with and to be available for the same purposes
17 and for the same period of time as amounts appropriated
18 directly to the Fund; or (2) the Department of Defense
19 Military Unaccompanied Housing Improvement Fund
20 from amounts appropriated for construction of military
21 unaccompanied housing in “Military Construction” ac-
22 counts, to be merged with and to be available for the same
23 purposes and for the same period of time as amounts ap-
24 propriated directly to the Fund: *Provided*, That appropria-
25 tions made available to the Funds shall be available to

1 cover the costs, as defined in section 502(5) of the Con-
2 gressional Budget Act of 1974, of direct loans or loan
3 guarantees issued by the Department of Defense pursuant
4 to the provisions of subchapter IV of chapter 169 of title
5 10, United States Code, pertaining to alternative means
6 of acquiring and improving military family housing, mili-
7 tary unaccompanied housing, and supporting facilities.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 120. In addition to any other transfer authority
10 available to the Department of Defense, amounts may be
11 transferred from the accounts established by sections
12 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure
13 and Realignment Act of 1990 (10 U.S.C. 2687 note), to
14 the fund established by subsection (d) of section 1013 of
15 the Demonstration Cities and Metropolitan Development
16 Act of 1966 (42 U.S.C. 3374) to pay for expenses associ-
17 ated with the Homeowners Assistance Program incurred
18 under subsection (a)(1)(A) of such section 1013. Any
19 amounts transferred shall be merged with and be available
20 for the same purposes and for the same time period as
21 the fund to which transferred.

22 SEC. 121. Notwithstanding any other provision of
23 law, funds made available in this title for operation and
24 maintenance of family housing shall be the exclusive
25 source of funds for repair and maintenance of all family

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

18 SEC. 122. Amounts contained in the Ford Island Im-
19 provement Account established by subsection (h) of sec-
20 tion 2814 of title 10, United States Code, are appro-
21 priated and shall be available until expended for the pur-
22 poses specified in subsection (i)(1) of such section or until
23 transferred pursuant to subsection (i)(3) of such section.

24 SEC. 123. None of the funds made available in this
25 title, or in any Act making appropriations for military con-

1 construction which remain available for obligation, may be ob-
2 ligated or expended to carry out a military construction,
3 land acquisition, or family housing project at or for a mili-
4 tary installation approved for closure, or at a military in-
5 stallation for the purposes of supporting a function that
6 has been approved for realignment to another installa-
7 tion, in 2005 under the Defense Base Closure and Re-
8 alignment Act of 1990 (part A of title XXIX of Public
9 Law 101–510: 10 U.S.C. 2687 note), unless such a project
10 at a military installation approved for realignment will
11 support a continuing mission or function at that installa-
12 tion or a new mission or function that is planned for that
13 installation, or unless the Secretary of Defense certifies
14 that the cost to the United States of carrying out such
15 project would be less than the cost to the United States
16 of cancelling such project, or if the project is at an active
17 component base that shall be established as an enclave or
18 in the case of projects having multi-agency use, that an-
19 other Government agency has indicated it will assume
20 ownership of the completed project. The Secretary of De-
21 fense may not transfer funds made available as a result
22 of this limitation from any military construction project,
23 land acquisition, or family housing project to another ac-
24 count or use such funds for another purpose or project
25 without the prior approval of the Committees on Appro-

1 priations of both Houses of Congress. This section shall
2 not apply to military construction projects, land acquisi-
3 tion, or family housing projects for which the project is
4 vital to the national security or the protection of health,
5 safety, or environmental quality: *Provided*, That the Sec-
6 retary of Defense shall notify the congressional defense
7 committees within seven days of a decision to carry out
8 such a military construction project.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 124. During the 5-year period after appropria-
11 tions available in this Act to the Department of Defense
12 for military construction and family housing operation and
13 maintenance and construction have expired for obligation,
14 upon a determination that such appropriations will not be
15 necessary for the liquidation of obligations or for making
16 authorized adjustments to such appropriations for obliga-
17 tions incurred during the period of availability of such ap-
18 propriations, unobligated balances of such appropriations
19 may be transferred into the appropriation “Foreign Cur-
20 rency Fluctuations, Construction, Defense”, to be merged
21 with and to be available for the same time period and for
22 the same purposes as the appropriation to which trans-
23 ferred.

24 SEC. 125. Amounts appropriated or otherwise made
25 available in an account funded under the headings in this

1 title may be transferred among projects and activities
2 within the account in accordance with the reprogramming
3 guidelines for military construction and family housing
4 construction contained in the report of the Committee on
5 Appropriations of the House of Representatives to accom-
6 pany this bill and in the guidance for military construction
7 reprogrammings and notifications contained in Depart-
8 ment of Defense Financial Management Regulation
9 7000.14 — R, Volume 3, Chapter 7, of February 2009,
10 as in effect on the date of enactment of this Act.

11 (RESCISSION OF FUNDS)

12 SEC. 126. Of the unobligated balances available for
13 “Base Realignment and Closure Account, 1990” from
14 prior appropriations Acts (other than appropriations des-
15 ignated by law as being for contingency operations directly
16 related to the global war on terrorism or as an emergency
17 requirement), \$100,000,000 are hereby rescinded.

18 SEC. 127. None of the funds made available by this
19 Act may be used by the Secretary of Defense to take bene-
20 ficial occupancy of more than 1,000 parking spaces pro-
21 vided by the combination spaces provided by the BRAC
22 133 project and the lease of spaces in the immediate vicin-
23 ity of the BRAC 133 project.

24 SEC. 128. None of the funds made available by this
25 Act may be used for any action that relates to or promotes

1 the expansion of the boundaries or size of the Pinon Can-
2 yon Maneuver Site, Colorado.

3 SEC. 129. None of the funds made available by this
4 Act may be used by the Secretary of the Army to relocate
5 a unit of the Army that would impact more than 200 per-
6 sonnel, calculated as the sum of impacted members of the
7 regular or reserve components of the Army, civilian em-
8 ployees of the Department of the Army, and Army con-
9 tractor personnel, unless the Secretary certifies to the con-
10 gressional defense committees that the Secretary complied
11 with Army Regulation 5–10 relating to the policy, proce-
12 dures, and responsibilities for Army stationing actions.

13

14

TITLE II

15

DEPARTMENT OF VETERANS AFFAIRS

16

VETERANS BENEFITS ADMINISTRATION

17

COMPENSATION AND PENSIONS

18

(INCLUDING TRANSFER OF FUNDS)

19 For the payment of compensation benefits to or on
20 behalf of veterans and a pilot program for disability ex-
21 aminations as authorized by section 107 and chapters 11,
22 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
23 pension benefits to or on behalf of veterans as authorized
24 by chapters 15, 51, 53, 55, and 61 of title 38, United
25 States Code; and burial benefits, the Reinstated Entitle-

1 ment Program for Survivors, emergency and other offi-
2 cers' retirement pay, adjusted-service credits and certifi-
3 cates, payment of premiums due on commercial life insur-
4 ance policies guaranteed under the provisions of title IV
5 of the Servicemembers Civil Relief Act (50 U.S.C. App.
6 541 et seq.) and for other benefits as authorized by sec-
7 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
8 53, 55, and 61 of title 38, United States Code,
9 \$58,067,319,000, to remain available until expended: *Pro-*
10 *vided*, That not to exceed \$32,187,000 of the amount ap-
11 propriated under this heading shall be reimbursed to
12 "General operating expenses, Veterans Benefits Adminis-
13 tration", "Medical support and compliance", and "Infor-
14 mation technology systems" for necessary expenses in im-
15 plementing the provisions of chapters 51, 53, and 55 of
16 title 38, United States Code, the funding source for which
17 is specifically provided as the "Compensation and pen-
18 sions" appropriation: *Provided further*, That such sums as
19 may be earned on an actual qualifying patient basis, shall
20 be reimbursed to "Medical care collections fund" to aug-
21 ment the funding of individual medical facilities for nurs-
22 ing home care provided to pensioners as authorized.

23 READJUSTMENT BENEFITS

24 For the payment of readjustment and rehabilitation
25 benefits to or on behalf of veterans as authorized by chap-

1 ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61
2 of title 38, United States Code, \$11,011,086,000, to re-
3 main available until expended: *Provided*, That expenses for
4 rehabilitation program services and assistance which the
5 Secretary is authorized to provide under subsection (a) of
6 section 3104 of title 38, United States Code, other than
7 under paragraphs (1), (2), (5), and (11) of that sub-
8 section, shall be charged to this account.

9 VETERANS INSURANCE AND INDEMNITIES

10 For military and naval insurance, national service life
11 insurance, servicemen's indemnities, service-disabled vet-
12 erans insurance, and veterans mortgage life insurance as
13 authorized by chapters 19 and 21, title 38, United States
14 Code, \$100,252,000, to remain available until expended.

15 VETERANS HOUSING BENEFIT PROGRAM FUND

16 For the cost of direct and guaranteed loans, such
17 sums as may be necessary to carry out the program, as
18 authorized by subchapters I through III of chapter 37 of
19 title 38, United States Code: *Provided*, That such costs,
20 including the cost of modifying such loans, shall be as de-
21 fined in section 502 of the Congressional Budget Act of
22 1974: *Provided further*, That during fiscal year 2012,
23 within the resources available, not to exceed \$500,000 in
24 gross obligations for direct loans are authorized for spe-
25 cially adapted housing loans.

1 In addition, for administrative expenses to carry out
2 the direct and guaranteed loan programs, \$154,698,000.

3 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

4 For the cost of direct loans, \$19,000, as authorized
5 by chapter 31 of title 38, United States Code: *Provided*,
6 That such costs, including the cost of modifying such
7 loans, shall be as defined in section 502 of the Congres-
8 sional Budget Act of 1974: *Provided further*, That funds
9 made available under this heading are available to sub-
10 sidize gross obligations for the principal amount of direct
11 loans not to exceed \$3,019,000.

12 In addition, for administrative expenses necessary to
13 carry out the direct loan program, \$343,000, which may
14 be paid to the appropriation for “General operating ex-
15 penses, Veterans Benefits Administration”.

16 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM
17 ACCOUNT

18 For administrative expenses to carry out the direct
19 loan program authorized by subchapter V of chapter 37
20 of title 38, United States Code, \$1,116,000.

21 VETERANS HEALTH ADMINISTRATION

22 MEDICAL SERVICES

23 For necessary expenses for furnishing, as authorized
24 by law, inpatient and outpatient care and treatment to
25 beneficiaries of the Department of Veterans Affairs and

1 veterans described in section 1705(a) of title 38, United
2 States Code, including care and treatment in facilities not
3 under the jurisdiction of the Department, and including
4 medical supplies and equipment, food services, and sala-
5 ries and expenses of health care employees hired under
6 title 38, United States Code, aid to State homes as author-
7 ized by section 1741 of title 38, United States Code, as-
8 sistance and support services for careigvers as authorized
9 by section 1720G of title 38, United States Code, and loan
10 repayments authorized by section 604 of the Caregivers
11 and Veterans Omnibus Health Services Act of 2010 (Pub-
12 lic Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note)
13 \$41,354,000,000, plus reimbursements, shall become
14 available on October 1, 2012, and shall remain available
15 until September 30, 2013: *Provided*, That, of the amount
16 made available under this heading \$1,000,000,000 shall
17 remain available until September 30, 2014: *Provided fur-*
18 *ther*, That, notwithstanding any other provision of law, the
19 Secretary of Veterans Affairs shall establish a priority for
20 the provision of medical treatment for veterans who have
21 service-connected disabilities, lower income, or have special
22 needs: *Provided further*, That, notwithstanding any other
23 provision of law, the Secretary of Veterans Affairs shall
24 give priority funding for the provision of basic medical
25 benefits to veterans in enrollment priority groups 1

1 through 6: *Provided further*, That, notwithstanding any
2 other provision of law, the Secretary of Veterans Affairs
3 may authorize the dispensing of prescription drugs from
4 Veterans Health Administration facilities to enrolled vet-
5 erans with privately written prescriptions based on re-
6 quirements established by the Secretary: *Provided further*,
7 That the implementation of the program described in the
8 previous proviso shall incur no additional cost to the De-
9 partment of Veterans Affairs: *Provided further*, That of
10 the funds provided in Public Law 112–10 for “Depart-
11 ment of Veterans Affairs, Medical services” for fiscal year
12 2012, \$664,000,000 shall be available only in the fourth
13 quarter of the fiscal year upon approval of the Committees
14 on Appropriations of both Houses of Congress of a request
15 from the Secretary of Veterans Affairs to release such
16 funding due to unanticipated needs related to economic
17 conditions.

18 MEDICAL SUPPORT AND COMPLIANCE

19 For necessary expenses in the administration of the
20 medical, hospital, nursing home, domiciliary, construction,
21 supply, and research activities, as authorized by law; ad-
22 ministrative expenses in support of capital policy activi-
23 ties; and administrative and legal expenses of the Depart-
24 ment for collecting and recovering amounts owed the De-
25 partment as authorized under chapter 17 of title 38,

1 United States Code, and the Federal Medical Care Recov-
2 ery Act (42 U.S.C. 2651 et seq.); \$5,746,000,000, plus
3 reimbursements, shall become available on October 1,
4 2012, and shall remain available until September 30,
5 2013: *Provided*, That, of the amount made available under
6 this heading \$100,000,000 shall remain available until
7 September 30, 2014.

8 MEDICAL FACILITIES

9 For necessary expenses for the maintenance and op-
10 eration of hospitals, nursing homes, domiciliary facilities,
11 and other necessary facilities of the Veterans Health Ad-
12 ministration; for administrative expenses in support of
13 planning, design, project management, real property ac-
14 quisition and disposition, construction, and renovation of
15 any facility under the jurisdiction or for the use of the
16 Department; for oversight, engineering, and architectural
17 activities not charged to project costs; for repairing, alter-
18 ing, improving, or providing facilities in the several hos-
19 pitals and homes under the jurisdiction of the Depart-
20 ment, not otherwise provided for, either by contract or by
21 the hire of temporary employees and purchase of mate-
22 rials; for leases of facilities; and for laundry services,
23 \$5,441,000,000, plus reimbursements, shall become avail-
24 able on October 1, 2012, and shall remain available until
25 September 30, 2013: *Provided*, That, of the amount made

1 available under this heading, \$100,000,000 shall remain
2 available until September 30, 2014.

3 MEDICAL AND PROSTHETIC RESEARCH

4 For necessary expenses in carrying out programs of
5 medical and prosthetic research and development as au-
6 thorized by chapter 73 of title 38, United States Code,
7 \$508,774,000, plus reimbursements, shall remain avail-
8 able until September 30, 2013.

9 NATIONAL CEMETERY ADMINISTRATION

10 For necessary expenses of the National Cemetery Ad-
11 ministration for operations and maintenance, not other-
12 wise provided for, including uniforms or allowances there-
13 for; cemeterial expenses as authorized by law; purchase
14 of one passenger motor vehicle for use in cemeterial oper-
15 ations; hire of passenger motor vehicles; and repair, alter-
16 ation or improvement of facilities under the jurisdiction
17 of the National Cemetery Administration, \$250,934,000,
18 of which not to exceed \$25,100,000 shall remain available
19 until September 30, 2013: *Provided*, That no funds shall
20 be made available to any project associated with the Na-
21 tional Cemetery Administration's Urban Initiative pro-
22 gram until a strategy to serve rural veterans is finalized
23 and operational.

1 DEPARTMENTAL ADMINISTRATION
2 GENERAL ADMINISTRATION
3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary operating expenses of the Department
5 of Veterans Affairs, not otherwise provided for, including
6 administrative expenses in support of Department-Wide
7 capital planning, management and policy activities, uni-
8 forms, or allowances therefor; not to exceed \$25,000 for
9 official reception and representation expenses; hire of pas-
10 senger motor vehicles; and reimbursement of the General
11 Services Administration for security guard services,
12 \$422,500,000, of which not to exceed \$22,144,000 shall
13 remain available until September 30, 2013: *Provided*,
14 That \$20,000,000 shall be used to increase the Depart-
15 ment's acquisition workforce capacity and capabilities and
16 may be transferred by the Secretary to any other account
17 in the Department to carry out the purposes provided
18 therein: *Provided further*, That funds provided under this
19 heading may be transferred to "General operating ex-
20 penses, Veterans Benefits Administration".

21 GENERAL OPERATING EXPENSES, VETERANS BENEFITS
22 ADMINISTRATION

23 For necessary operating expenses of the Veterans
24 Benefits Administration, not otherwise provided for, in-
25 cluding hire of passenger motor vehicles, reimbursement

1 of the General Services Administration for security guard
2 services, and reimbursement of the Department of De-
3 fense for the cost of overseas employee mail,
4 \$2,020,128,000: *Provided*, That expenses for services and
5 assistance authorized under paragraphs (1), (2), (5), and
6 (11) of section 3104(a) of title 38, United States Code,
7 that the Secretary of Veterans Affairs determines are nec-
8 essary to enable entitled veterans: (1) to the maximum ex-
9 tent feasible, to become employable and to obtain and
10 maintain suitable employment; or (2) to achieve maximum
11 independence in daily living, shall be charged to this ac-
12 count: *Provided further*, That of the funds made available
13 under this heading, not to exceed \$105,856,000 shall re-
14 main available until September 30, 2013: *Provided further*,
15 That from the funds made available under this heading,
16 the Veterans Benefits Administration may purchase (on
17 a one-for-one replacement basis only) up to two passenger
18 motor vehicles for use in operations of that Administration
19 in Manila, Philippines.

20 INFORMATION TECHNOLOGY SYSTEMS

21 For necessary expenses for information technology
22 systems and telecommunications support, including devel-
23 opmental information systems and operational information
24 systems; for pay and associated costs; and for the capital
25 asset acquisition of information technology systems, in-

1 cluding management and related contractual costs of said
2 acquisitions, including contractual costs associated with
3 operations authorized by section 3109 of title 5, United
4 States Code, \$3,025,000,000, plus reimbursements, shall
5 remain available until September 30, 2013: *Provided*,
6 That none of the funds made available under this heading
7 may be obligated until the Department of Veterans Affairs
8 submits to the Committees on Appropriations of both
9 Houses of Congress, and such Committees approve, a plan
10 for expenditure that: (1) meets the capital planning and
11 investment control review requirements established by the
12 Office of Management and Budget; (2) complies with the
13 Department of Veterans Affairs enterprise architecture;
14 (3) conforms with an established enterprise life cycle
15 methodology; and (4) complies with the acquisition rules,
16 requirements, guidelines, and systems acquisition manage-
17 ment practices of the Federal Government: *Provided fur-*
18 *ther*, That not later than 30 days after the date of the
19 enactment of this Act, the Secretary of Veterans Affairs
20 shall submit to the Committees on Appropriations of both
21 Houses of Congress a reprogramming base letter which
22 sets forth, by project, the operations and maintenance
23 costs, with salary expenses separately designated, and de-
24 velopment costs to be carried out utilizing amounts made
25 available under this heading.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General, to include information technology, in carrying out
4 the provisions of the Inspector General Act of 1978 (5
5 U.S.C. App.), \$109,391,000, of which \$6,000,000 shall re-
6 main available until September 30, 2013.

7 CONSTRUCTION, MAJOR PROJECTS

8 For constructing, altering, extending, and improving
9 any of the facilities, including parking projects, under the
10 jurisdiction or for the use of the Department of Veterans
11 Affairs, or for any of the purposes set forth in sections
12 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
13 and 8122 of title 38, United States Code, including plan-
14 ning, architectural and engineering services, construction
15 management services, maintenance or guarantee period
16 services costs associated with equipment guarantees pro-
17 vided under the project, services of claims analysts, offsite
18 utility and storm drainage system construction costs, and
19 site acquisition, where the estimated cost of a project is
20 more than the amount set forth in section 8104(a)(3)(A)
21 of title 38, United States Code, or where funds for a
22 project were made available in a previous major project
23 appropriation, \$589,604,000, to remain available until
24 September 30, 2016, of which \$5,000,000 shall be to
25 make reimbursements as provided in section 13 of the

1 Contract Disputes Act of 1978 (41 U.S.C. 612) for claims
2 paid for contract disputes: *Provided*, That except for ad-
3 vance planning activities, including needs assessments
4 which may or may not lead to capital investments, and
5 other capital asset management related activities, includ-
6 ing portfolio development and management activities, and
7 investment strategy studies funded through the advance
8 planning fund and the planning and design activities fund-
9 ed through the design fund, including needs assessments
10 which may or may not lead to capital investments, and
11 salaries and associated costs of the resident engineers who
12 oversee those capital investments funded through this ac-
13 count, and funds provided for the purchase of land for
14 the National Cemetery Administration through the land
15 acquisition line item, none of the funds made available
16 under this heading shall be used for any project which has
17 not been approved by the Congress in the budgetary proc-
18 ess: *Provided further*, That funds made available under
19 this heading for fiscal year 2012, for each approved
20 project shall be obligated: (1) by the awarding of a con-
21 struction documents contract by September 30, 2012; and
22 (2) by the awarding of a construction contract by Sep-
23 tember 30, 2013: *Provided further*, That the Secretary of
24 Veterans Affairs shall promptly submit to the Committees
25 on Appropriations of both Houses of Congress a written

1 report on any approved major construction project for
2 which obligations are not incurred within the time limita-
3 tions established above.

4 CONSTRUCTION, MINOR PROJECTS

5 For constructing, altering, extending, and improving
6 any of the facilities, including parking projects, under the
7 jurisdiction or for the use of the Department of Veterans
8 Affairs, including planning and assessments of needs
9 which may lead to capital investments, architectural and
10 engineering services, maintenance or guarantee period
11 services costs associated with equipment guarantees pro-
12 vided under the project, services of claims analysts, offsite
13 utility and storm drainage system construction costs, and
14 site acquisition, or for any of the purposes set forth in
15 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
16 8110, 8122, and 8162 of title 38, United States Code,
17 where the estimated cost of a project is equal to or less
18 than the amount set forth in section 8104(a)(3)(A) of title
19 38, United States Code, \$475,091,000, to remain avail-
20 able until September 30, 2016, along with unobligated bal-
21 ances of previous “Construction, minor projects” appro-
22 priations which are hereby made available for any project
23 where the estimated cost is equal to or less than the
24 amount set forth in such section: *Provided*, That funds
25 made available under this heading shall be for: (1) repairs

1 to any of the nonmedical facilities under the jurisdiction
2 or for the use of the Department which are necessary be-
3 cause of loss or damage caused by any natural disaster
4 or catastrophe; and (2) temporary measures necessary to
5 prevent or to minimize further loss by such causes.

6 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
7 FACILITIES

8 For grants to assist States to acquire or construct
9 State nursing home and domiciliary facilities and to re-
10 model, modify, or alter existing hospital, nursing home,
11 and domiciliary facilities in State homes, for furnishing
12 care to veterans as authorized by sections 8131 through
13 8137 of title 38, United States Code, \$85,000,000, to re-
14 main available until expended.

15 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

16 For grants to assist States and tribal governments
17 in establishing, expanding, or improving veterans ceme-
18 teries as authorized by section 2408 of title 38, United
19 States Code, \$46,000,000, to remain available until ex-
20 pended.

21 ADMINISTRATIVE PROVISIONS

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 201. Any appropriation for fiscal year 2012 for
24 “Compensation and pensions”, “Readjustment benefits”,
25 and “Veterans insurance and indemnities” may be trans-

1 ferred as necessary to any other of the mentioned appro-
2 priations: *Provided*, That before such transfer may take
3 place, the Secretary of Veterans Affairs shall request from
4 the Committees on Appropriations of both Houses of Con-
5 gress the authority to make the transfer and such Com-
6 mittees issue an approval, or absent a response, a period
7 of 30 days has elapsed.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 202. Amounts made available for the Depart-
10 ment of Veterans Affairs for fiscal year 2012, in this Act
11 or any other Act, under the “Medical services”, “Medical
12 support and compliance”, and “Medical facilities” ac-
13 counts may be transferred among the accounts: *Provided*,
14 That any transfers between the “Medical services” and
15 “Medical support and compliance” accounts of 1 percent
16 or less of the total amount appropriated to the account
17 in this or any other Act may take place subject to notifica-
18 tion from the Secretary of Veterans Affairs to the Com-
19 mittees on Appropriations of both Houses of Congress of
20 the amount and purpose of the transfer: *Provided further*,
21 That any transfers between the “Medical services” and
22 “Medical support and compliance” accounts in excess of
23 1 percent, or exceeding the cumulative 1 percent for the
24 fiscal year, may take place only after the Secretary re-
25 quests from the Committees on Appropriations of both

1 Houses of Congress the authority to make the transfer
2 and an approval is issued: *Provided further*, That any
3 transfers to or from the “Medical facilities” account may
4 take place only after the Secretary requests from the Com-
5 mittees on Appropriations of both Houses of Congress the
6 authority to make the transfer and an approval is issued.

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

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

19 SEC. 205. No appropriations in this title shall be
20 available for hospitalization or examination of any persons
21 (except beneficiaries entitled to such hospitalization or ex-
22 amination under the laws providing such benefits to vet-
23 erans, and persons receiving such treatment under sec-
24 tions 7901 through 7904 of title 5, United States Code,
25 or the Robert T. Stafford Disaster Relief and Emergency

1 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-
2 bursement of the cost of such hospitalization or examina-
3 tion is made to the “Medical services” account at such
4 rates as may be fixed by the Secretary of Veterans Affairs.

5 SEC. 206. Appropriations available in this title for
6 “Compensation and pensions”, “Readjustment benefits”,
7 and “Veterans insurance and indemnities” shall be avail-
8 able for payment of prior year accrued obligations re-
9 quired to be recorded by law against the corresponding
10 prior year accounts within the last quarter of fiscal year
11 2011.

12 SEC. 207. Appropriations available in this title shall
13 be available to pay prior year obligations of corresponding
14 prior year appropriations accounts resulting from sections
15 3328(a), 3334, and 3712(a) of title 31, United States
16 Code, except that if such obligations are from trust fund
17 accounts they shall be payable only from “Compensation
18 and pensions”.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 208. Notwithstanding any other provision of
21 law, during fiscal year 2012, the Secretary of Veterans
22 Affairs shall, from the National Service Life Insurance
23 Fund under section 1920 of title 38, United States Code,
24 the Veterans’ Special Life Insurance Fund under section
25 1923 of title 38, United States Code, and the United

1 States Government Life Insurance Fund under section
2 1955 of title 38, United States Code, reimburse the “Gen-
3 eral operating expenses, Veterans Benefits Administra-
4 tion” and “Information technology systems” accounts for
5 the cost of administration of the insurance programs fi-
6 nanced through those accounts: *Provided*, That reimburse-
7 ment shall be made only from the surplus earnings accu-
8 mulated in such an insurance program during fiscal year
9 2012 that are available for dividends in that program after
10 claims have been paid and actuarially determined reserves
11 have been set aside: *Provided further*, That if the cost of
12 administration of such an insurance program exceeds the
13 amount of surplus earnings accumulated in that program,
14 reimbursement shall be made only to the extent of such
15 surplus earnings: *Provided further*, That the Secretary
16 shall determine the cost of administration for fiscal year
17 2012 which is properly allocable to the provision of each
18 such insurance program and to the provision of any total
19 disability income insurance included in that insurance pro-
20 gram.

21 SEC. 209. Amounts deducted from enhanced-use
22 lease proceeds to reimburse an account for expenses in-
23 curred by that account during a prior fiscal year for pro-
24 viding enhanced-use lease services, may be obligated dur-
25 ing the fiscal year in which the proceeds are received.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 210. Funds available in this title for salaries
3 and other administrative expenses shall also be available
4 to reimburse the Office of Resolution Management of the
5 Department of Veterans Affairs and the Office of Employ-
6 ment Discrimination Complaint Adjudication under sec-
7 tion 319 of title 38, United States Code, for all services
8 provided at rates which will recover actual costs but not
9 exceed \$42,904,000 for the Office of Resolution Manage-
10 ment and \$3,360,000 for the Office of Employment and
11 Discrimination Complaint Adjudication: *Provided*, That
12 payments may be made in advance for services to be fur-
13 nished based on estimated costs: *Provided further*, That
14 amounts received shall be credited to the “General admin-
15 istration” and “Information technology systems” accounts
16 for use by the office that provided the service.

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

24 SEC. 212. No funds of the Department of Veterans
25 Affairs shall be available for hospital care, nursing home

1 care, or medical services provided to any person under
2 chapter 17 of title 38, United States Code, for a non-serv-
3 ice-connected disability described in section 1729(a)(2) of
4 such title, unless that person has disclosed to the Sec-
5 retary of Veterans Affairs, in such form as the Secretary
6 may require, current, accurate third-party reimbursement
7 information for purposes of section 1729 of such title: *Pro-*
8 *vided*, That the Secretary may recover, in the same man-
9 ner as any other debt due the United States, the reason-
10 able charges for such care or services from any person who
11 does not make such disclosure as required: *Provided fur-*
12 *ther*, That any amounts so recovered for care or services
13 provided in a prior fiscal year may be obligated by the
14 Secretary during the fiscal year in which amounts are re-
15 ceived.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 213. Notwithstanding any other provision of
18 law, proceeds or revenues derived from enhanced-use leas-
19 ing activities (including disposal) may be deposited into
20 the “Construction, major projects” and “Construction,
21 minor projects” accounts and be used for construction (in-
22 cluding site acquisition and disposition), alterations, and
23 improvements of any medical facility under the jurisdic-
24 tion or for the use of the Department of Veterans Affairs.
25 Such sums as realized are in addition to the amount pro-

1 vided for in “Construction, major projects” and “Con-
2 struction, minor projects”.

3 SEC. 214. Amounts made available under “Medical
4 services” are available—

5 (1) for furnishing recreational facilities, sup-
6 plies, and equipment; and

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

10 (INCLUDING TRANSFER OF FUNDS)

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

16 SEC. 216. The Secretary of Veterans Affairs may
17 enter into agreements with Indian tribes and tribal organi-
18 zations which are party to the Alaska Native Health Com-
19 pact with the Indian Health Service, and Indian tribes and
20 tribal organizations serving rural Alaska which have en-
21 tered into contracts with the Indian Health Service under
22 the Indian Self Determination and Educational Assistance
23 Act, to provide healthcare, including behavioral health and
24 dental care. The Secretary shall require participating vet-
25 erans and facilities to comply with all appropriate rules

1 and regulations, as established by the Secretary. The term
2 “rural Alaska” shall mean those lands sited within the ex-
3 ternal boundaries of the Alaska Native regions specified
4 in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native
5 Claims Settlement Act, as amended (43 U.S.C. 1606), and
6 those lands within the Alaska Native regions specified in
7 sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims
8 Settlement Act, as amended (43 U.S.C. 1606), which are
9 not within the boundaries of the Municipality of Anchor-
10 age, the Fairbanks North Star Borough, the Kenai Penin-
11 sula Borough or the Matanuska Susitna Borough.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 217. Such sums as may be deposited to the De-
14 partment of Veterans Affairs Capital Asset Fund pursu-
15 ant to section 8118 of title 38, United States Code, may
16 be transferred to the “Construction, major projects” and
17 “Construction, minor projects” accounts, to remain avail-
18 able until September 30, 2016 for the purposes of these
19 accounts.

20 SEC. 218. None of the funds made available in this
21 title may be used to implement any policy prohibiting the
22 Directors of the Veterans Integrated Services Networks
23 from conducting outreach or marketing to enroll new vet-
24 erans within their respective Networks.

1 SEC. 219. The Secretary of Veterans Affairs shall
2 submit to the Committees on Appropriations of both
3 Houses of Congress a quarterly report on the financial
4 status of the Veterans Health Administration.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 220. Amounts made available under the “Med-
7 ical services”, “Medical support and compliance”, “Med-
8 ical facilities”, “General operating expenses, Veterans
9 Benefits Administration”, “General administration”, and
10 “National Cemetery Administration” accounts for fiscal
11 year 2012, may be transferred to or from the “Informa-
12 tion technology systems” account: *Provided*, That before
13 a transfer may take place, the Secretary of Veterans Af-
14 fairs shall request from the Committees on Appropriations
15 of both Houses of Congress the authority to make the
16 transfer and an approval is issued.

17 (INCLUDING TRANSFER OF FUNDS)

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

1 SEC. 222. Of the amounts made available to the De-
2 partment of Veterans Affairs for fiscal year 2012, in this
3 Act or any other Act, under the “Medical facilities” ac-
4 count for nonrecurring maintenance, not more than 20
5 percent of the funds made available shall be obligated dur-
6 ing the last 2 months of that fiscal year: *Provided*, That
7 the Secretary may waive this requirement after providing
8 written notice to the Committees on Appropriations of
9 both Houses of Congress.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 223. Of the amounts appropriated to the De-
12 partment of Veterans Affairs for fiscal year 2012 for
13 “Medical services”, “Medical support and compliance”,
14 “Medical facilities”, “Construction, minor projects”, and
15 “Information technology systems”, up to \$241,666,000,
16 plus reimbursements, may be transferred to the Joint De-
17 partment of Defense-Department of Veterans Affairs
18 Medical Facility Demonstration Fund, established by sec-
19 tion 1704 of the National Defense Authorization Act for
20 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571)
21 and may be used for operation of the facilities designated
22 as combined Federal medical facilities as described by sec-
23 tion 706 of the Duncan Hunter National Defense Author-
24 ization Act for Fiscal Year 2009 (Public Law 110–417;
25 122 Stat. 4500): *Provided*, That additional funds may be

1 transferred from accounts designated in this section to the
2 Joint Department of Defense-Department of Veterans Af-
3 fairs Medical Facility Demonstration Fund upon written
4 notification by the Secretary of Veterans Affairs to the
5 Committees on Appropriations of both Houses of Con-
6 gress.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 224. Such sums as may be deposited to the
9 Medical Care Collections Fund pursuant to section 1729A
10 of title 38, United States Code, for health care provided
11 at facilities designated as combined Federal medical facili-
12 ties as described by section 706 of the Duncan Hunter
13 National Defense Authorization Act for Fiscal Year 2009
14 (Public Law 110–417; 122 Stat. 4500) shall also be avail-
15 able: (1) for transfer to the Joint Department of Defense-
16 Department of Veterans Affairs Medical Facility Dem-
17 onstration Fund, established by section 1704 of the Na-
18 tional Defense Authorization Act for Fiscal Year 2010
19 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-
20 ations of the facilities designated as combined Federal
21 medical facilities as described by section 706 of the Dun-
22 can Hunter National Defense Authorization Act for Fiscal
23 Year 2009 (Public Law 110–417; 122 Stat. 4500).

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 225. Of the amounts available in this title for
3 “Medical services”, “Medical support and compliance”,
4 and “Medical facilities”, a minimum of \$15,000,000, shall
5 be transferred to the DOD-VA Health Care Sharing In-
6 centive Fund, as authorized by section 8111(d) of title 38,
7 United States Code, to remain until expended, for any
8 purpose authorized by section 8111 of title 38, United
9 States Code.

10 (INCLUDING RESCISSION OF FUNDS)

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

16 (1) “Department of Veterans Affairs, Medical serv-
17 ices”, \$1,000,000,000.

18 (2) “Department of Veterans Affairs, Medical sup-
19 port and compliance”, \$100,000,000.

20 (3) “Department of Veterans Affairs, Medical facili-
21 ties”, \$100,000,000.

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

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

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

5 (3) “Department of Veterans Affairs, Medical
6 facilities”, \$100,000,000.

7 SEC. 227. The Secretary of the Department of Vet-
8 erans Affairs shall notify the Committees on Appropria-
9 tions of both Houses of Congress of all bid savings in
10 major construction projects that total at least \$5,000,000,
11 or 5 percent of the programmed amount of the project,
12 whichever is less: *Provided*, That such notification shall
13 occur within 14 days of entering into a contract: *Provided*
14 *further*, That the Secretary shall notify the committees 14
15 days prior to the obligation of such bid savings and shall
16 describe the anticipated use of such savings.

17 SEC. 228. The scope of work for a project included
18 in “Construction, major projects” may not be increased
19 above the scope specified for that project in the original
20 justification data provided to the Congress as part of the
21 request for appropriations.

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

1 “(1)(1) The Secretary shall disclose to a State con-
2 trolled substance monitoring program, including a pro-
3 gram under section 3990 of the Public Health Service Act
4 (42 U.S.C. 280g-3), the name and address of a veteran
5 or a dependent of a veteran to the extent necessary to
6 prevent misuse and diversion of prescription medicines.

7 “(2) In this subsection, the terms ‘State’ and ‘con-
8 trolled substance’ have the meaning given such terms in
9 section 3990(m) of the Public Health Service Act (42
10 U.S.C. 280g-3(m)).”.

11 (b) Section 7332(b)(2) of title 38, Unites States Code
12 is amended by adding at the end the following new sub-
13 paragraph:

14 “(G)(i) To a State controlled substance moni-
15 toring program, including a program under section
16 3990 of the Public Health Service Act (42 U.S.C.
17 280g-3), to the extent necessary to prevent misuse
18 and diversion of prescription medicines.

19 “(ii) In this subparagraph, the terms ‘State’
20 and ‘controlled substance’ have the meanings given
21 such terms in section 3990(m) of the Public Health
22 Service Act (42 U.S.C. 280g-3(m)).”.

23 SEC. 230. Not more than \$250,000 may be used by
24 the Department of Veterans Affairs to conduct any single
25 national outreach and awareness marketing campaign, in-

1 cluding motorsports sponsorship, prior to submitting a re-
2 quest to the Committees on Appropriations of both Houses
3 of Congress and an approval is issued or absent a re-
4 sponse, a period of 30 days has elapsed.

5 TITLE III

6 RELATED AGENCIES

7 AMERICAN BATTLE MONUMENTS COMMISSION

8 SALARIES AND EXPENSES

9 For necessary expenses, not otherwise provided for,
10 of the American Battle Monuments Commission, including
11 the acquisition of land or interest in land in foreign coun-
12 tries; purchases and repair of uniforms for caretakers of
13 national cemeteries and monuments outside of the United
14 States and its territories and possessions; rent of office
15 and garage space in foreign countries; purchase (one-for-
16 one replacement basis only) and hire of passenger motor
17 vehicles; not to exceed \$7,500 for official reception and
18 representation expenses; and insurance of official motor
19 vehicles in foreign countries, when required by law of such
20 countries, \$61,100,000, to remain available until ex-
21 pended.

22 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

23 For necessary expenses, not otherwise provided for,
24 of the American Battle Monuments Commission, such
25 sums as may be necessary, to remain available until ex-

1 pending, for purposes authorized by section 2109 of title
2 36, United States Code.

3 UNITED STATES COURT OF APPEALS FOR VETERANS

4 CLAIMS

5 SALARIES AND EXPENSES

6 For necessary expenses for the operation of the
7 United States Court of Appeals for Veterans Claims as
8 authorized by sections 7251 through 7298 of title 38,
9 United States Code, \$30,770,000: *Provided*, That
10 \$2,726,363 shall be available for the purpose of providing
11 financial assistance as described, and in accordance with
12 the process and reporting procedures set forth, under this
13 heading in Public Law 102–229.

14 DEPARTMENT OF DEFENSE—CIVIL

15 CEMETERIAL EXPENSES, ARMY

16 SALARIES AND EXPENSES

17 For necessary expenses, as authorized by law, for
18 maintenance, operation, and improvement of Arlington
19 National Cemetery and Soldiers' and Airmen's Home Na-
20 tional Cemetery, including the purchase or lease of pas-
21 senger motor vehicles for replacement on a one-for-one
22 basis only, and not to exceed \$1,000 for official reception
23 and representation expenses, \$45,800,000, to remain
24 available until expended. In addition, such sums as may
25 be necessary for parking maintenance, repairs and re-

1 placement, to be derived from the “Lease of Department
2 of Defense Real Property for Defense Agencies” account.

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

7 ARMED FORCES RETIREMENT HOME

8 TRUST FUND

9 For expenses necessary for the Armed Forces Retire-
10 ment Home to operate and maintain the Armed Forces
11 Retirement Home—Washington, District of Columbia,
12 and the Armed Forces Retirement Home—Gulfport, Mis-
13 sissippi, to be paid from funds available in the Armed
14 Forces Retirement Home Trust Fund, \$67,700,000, of
15 which \$2,000,000 shall remain available until expended
16 for construction and renovation of the physical plants at
17 the Armed Forces Retirement Home—Washington, Dis-
18 trict of Columbia, and the Armed Forces Retirement
19 Home—Gulfport, Mississippi.

20 TITLE IV

21 GENERAL PROVISIONS

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

1 SEC. 402. None of the funds made available in this
2 Act may be used for any program, project, or activity,
3 when it is made known to the Federal entity or official
4 to which the funds are made available that the program,
5 project, or activity is not in compliance with any Federal
6 law relating to risk assessment, the protection of private
7 property rights, or unfunded mandates.

8 SEC. 403. No part of any funds appropriated in this
9 Act shall be used by an agency of the executive branch,
10 other than for normal and recognized executive-legislative
11 relationships, for publicity or propaganda purposes, or for
12 the preparation, distribution, or use of any kit, pamphlet,
13 booklet, publication, radio, television, or film presentation
14 designed to support or defeat legislation pending before
15 Congress, except in presentation to Congress itself.

16 SEC. 404. All departments and agencies funded under
17 this Act are encouraged, within the limits of the existing
18 statutory authorities and funding, to expand their use of
19 “E-Commerce” technologies and procedures in the con-
20 duct of their business practices and public service activi-
21 ties.

22 SEC. 405. Unless stated otherwise, all reports and no-
23 tifications required by this Act shall be submitted to the
24 Subcommittee on Military Construction and Veterans Af-
25 fairs, and Related Agencies of the Committee on Appro-

1 priations of the House of Representatives and the Sub-
2 committee on Military Construction and Veterans Affairs,
3 and Related Agencies of the Committee on Appropriations
4 of the Senate.

5 SEC. 406. None of the funds made available in this
6 Act may be used for a project or program named for an
7 individual serving as a Member, Delegate, or Resident
8 Commissioner of the United States House of Representa-
9 tives.

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

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

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

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

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

1 SEC. 408. None of the funds made available in this
2 Act may be distributed to the Association of Community
3 Organizations for Reform Now (ACORN) or its subsidi-
4 aries or successors.

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

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

13 SEC. 410. None of the funds appropriated or other-
14 wise made available in this Act may be used by an agency
15 of the executive branch to pay for first-class travel by an
16 employee of the agency in contravention of sections 301–
17 10.122 through 301–10.124 of title 41, Code of Federal
18 Regulations.

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

24 SEC. 412. None of the funds appropriated or other-
25 wise made available to the Department of Defense in this

1 Act may be used to renovate, expand, or construct any
2 facility in the continental United States for the purpose
3 of housing any individual who has been detained, at any
4 time after September 11, 2001, at United States Naval
5 Station, Guantanamo Bay, Cuba.

6 SEC. 413. None of the funds provided in this Act may
7 be used to execute a contract for goods or services, includ-
8 ing construction services, where the contractor has not
9 complied with Executive Order 12989.

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

16 SEC. 415. None of the funds made available by this
17 Act may be used to enforce Executive Order 13502 (41
18 U.S.C. 251 note), FAR Rule 2009-005, or any agency
19 memorandum, bulletin, or contracting policy that derives
20 its authority from Executive Order 13502 or FAR Rule
21 2009-005.

22 SPENDING REDUCTION ACCOUNT

23 SEC. 416. The amount by which the applicable alloca-
24 tion of new budget authority made by the Committee on
25 Appropriations of the House of Representatives under sec-

1 tion 302(b) of the Congressional Budget Act of 1974 ex-
2 ceeds the amount of proposed new budget authority is \$0.

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

Union Calendar No. 52

112TH CONGRESS
1ST Session

H. R. 2055

[Report No. 112-94]

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