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H. R. 2055

[Report No. 112-29]

IN THE SENATE OF THE UNITED STATES

JUNE 15, 2011

Received; read twice and referred to the Committee on Appropriations

JUNE 30, 2011

Reported by Mr. JOHNSON of South Dakota, with an amendment

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

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for
5 military construction, the Department of Veterans Affairs,
6 and related agencies for the fiscal year ending September
7 30, 2012, and for other purposes, namely:

1 TITLE I
2 DEPARTMENT OF DEFENSE
3 MILITARY CONSTRUCTION, ARMY
4 (INCLUDING RESCISSION OF FUNDS)

5 For acquisition, construction, installation, and equip-
6 ment of temporary or permanent public works, military
7 installations, facilities, and real property for the Army as
8 currently authorized by law, including personnel in the
9 Army Corps of Engineers and other personal services nec-
10 essary for the purposes of this appropriation, and for con-
11 struction and operation of facilities in support of the func-
12 tions of the Commander in Chief, \$3,141,491,000, to re-
13 main available until September 30, 2016: *Provided*, That
14 of this amount, not to exceed \$255,241,000 shall be avail-
15 able for study, planning, design, architect and engineer
16 services, and host nation support, as authorized by law,
17 unless the Secretary of Army determines that additional
18 obligations are necessary for such purposes and notifies
19 the Committees on Appropriations of both Houses of Con-
20 gress of the determination and the reasons therefor: *Pro-*
21 *vided further*, That of the unobligated balances available
22 for “Military Construction, Army” from prior appropria-
23 tions Acts (other than appropriations designated by law
24 as being for contingency operations directly related to the

1 global war on terrorism or as an emergency requirement);
2 \$100,000,000 are hereby rescinded.

3 ~~MILITARY CONSTRUCTION, NAVY AND MARINE CORPS~~
4 ~~(INCLUDING RESCISSION OF FUNDS)~~

5 For acquisition, construction, installation, and equip-
6 ment of temporary or permanent public works, naval in-
7 stallations, facilities, and real property for the Navy and
8 Marine Corps as currently authorized by law, including
9 personnel in the Naval Facilities Engineering Command
10 and other personal services necessary for the purposes of
11 this appropriation, \$2,461,547,000, to remain available
12 until September 30, 2016: *Provided*, That of this amount,
13 not to exceed \$84,362,000 shall be available for study,
14 planning, design, and architect and engineer services, as
15 authorized by law, unless the Secretary of the Navy deter-
16 mines that additional obligations are necessary for such
17 purposes and notifies the Committees on Appropriations
18 of both Houses of Congress of the determination and the
19 reasons therefor: *Provided further*, That of the unobligated
20 balances available for “Military Construction, Navy and
21 Marine Corps” from prior appropriations Acts (other than
22 appropriations designated by law as being for contingency
23 operations directly related to the global war on terrorism
24 or as an emergency requirement), \$25,000,000 are hereby
25 rescinded.

1 MILITARY CONSTRUCTION, AIR FORCE

2 (INCLUDING RESCISSION OF FUNDS)

3 For acquisition, construction, installation, and equip-
4 ment of temporary or permanent public works, military
5 installations, facilities, and real property for the Air Force
6 as currently authorized by law, \$1,279,358,000, to remain
7 available until September 30, 2016: *Provided*, That of this
8 amount, not to exceed \$81,913,000 shall be available for
9 study, planning, design, and architect and engineer serv-
10 ices, as authorized by law, unless the Secretary of the Air
11 Force determines that additional obligations are necessary
12 for such purposes and notifies the Committees on Appro-
13 priations of both Houses of Congress of the determination
14 and the reasons therefor: *Provided further*, That of the un-
15 obligated balances available for “Military Construction,
16 Air Force” from prior appropriations Acts (other than ap-
17 propriations designated by law as being for contingency
18 operations directly related to the global war on terrorism
19 or as an emergency requirement), \$32,000,000 are hereby
20 rescinded.

21 MILITARY CONSTRUCTION, DEFENSE-WIDE

22 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

23 For acquisition, construction, installation, and equip-
24 ment of temporary or permanent public works, installa-
25 tions, facilities, and real property for activities and agen-

1 cies of the Department of Defense (other than the military
2 departments); as currently authorized by law,
3 \$3,665,157,000, to remain available until September 30,
4 2016: *Provided*, That such amounts of this appropriation
5 as may be determined by the Secretary of Defense may
6 be transferred to such appropriations of the Department
7 of Defense available for military construction or family
8 housing as the Secretary may designate, to be merged with
9 and to be available for the same purposes, and for the
10 same time period, as the appropriation or fund to which
11 transferred: *Provided further*, That of the amount appro-
12 priated, not to exceed \$454,602,000 shall be available for
13 study, planning, design, and architect and engineer serv-
14 ices, as authorized by law, unless the Secretary of Defense
15 determines that additional obligations are necessary for
16 such purposes and notifies the Committees on Appropria-
17 tions of both Houses of Congress of the determination and
18 the reasons therefor: *Provided further*, That of the amount
19 appropriated, notwithstanding any other provision of law,
20 \$24,118,000 shall be available for payments to the North
21 Atlantic Treaty Organization for the planning, design, and
22 construction of a new North Atlantic Treaty Organization
23 headquarters: *Provided further*, That of the unobligated
24 balances available for “Military Construction, Defense-
25 Wide” in prior appropriations Acts (other than appropria-

1 tions designated by law as being for contingency oper-
 2 ations directly related to the global war on terrorism or
 3 as an emergency requirement), ~~\$131,400,000~~ are hereby
 4 rescinded.

5 ~~MILITARY CONSTRUCTION, ARMY NATIONAL GUARD~~

6 ~~For construction, acquisition, expansion, rehabilita-~~
 7 ~~tion, and conversion of facilities for the training and ad-~~
 8 ~~ministration of the Army National Guard, and contribu-~~
 9 ~~tions therefore, as authorized by chapter 1803 of title 10,~~
 10 ~~United States Code, and Military Construction Authoriza-~~
 11 ~~tion Acts, \$773,592,000 (increased by \$25,000,000), to~~
 12 ~~remain available until September 30, 2016: *Provided,*~~
 13 ~~That of the amount appropriated, not to exceed~~
 14 ~~\$20,671,000 shall be available for study, planning, design,~~
 15 ~~and architect and engineer services, as authorized by law,~~
 16 ~~unless the Secretary of Defense determines that additional~~
 17 ~~obligations are necessary for such purposes and notifies~~
 18 ~~the Committees on Appropriations of both Houses of Con-~~
 19 ~~gress of the determination and the reasons therefor.~~

20 ~~MILITARY CONSTRUCTION, AIR NATIONAL GUARD~~

21 ~~For construction, acquisition, expansion, rehabilita-~~
 22 ~~tion, and conversion of facilities for the training and ad-~~
 23 ~~ministration of the Air National Guard, and contributions~~
 24 ~~therefor, as authorized by chapter 1803 of title 10, United~~
 25 ~~States Code, and Military Construction Authorization~~

1 Acts, \$116,246,000, to remain available until September
 2 30, 2016: *Provided*, That of the amount appropriated, not
 3 to exceed \$9,000,000 shall be available for study, plan-
 4 ning, design, and architect and engineer services, as au-
 5 thorized by law, unless the Secretary of Defense deter-
 6 mines that additional obligations are necessary for such
 7 purposes and notifies the Committees on Appropriations
 8 of both Houses of Congress of the determination and the
 9 reasons therefor.

10 MILITARY CONSTRUCTION, ARMY RESERVE

11 For construction, acquisition, expansion, rehabilita-
 12 tion, and conversion of facilities for the training and ad-
 13 ministration of the Army Reserve as authorized by chapter
 14 1803 of title 10, United States Code, and Military Con-
 15 struction Authorization Acts, \$280,549,000, to remain
 16 available until September 30, 2016: *Provided*, That of the
 17 amount appropriated, not to exceed \$28,924,000 shall be
 18 available for study, planning, design, and architect and en-
 19 gineer services, as authorized by law, unless the Secretary
 20 of Defense determines that additional obligations are nec-
 21 essary for such purposes and notifies the Committees on
 22 Appropriations of both Houses of Congress of the deter-
 23 mination and the reasons therefor.

1 MILITARY CONSTRUCTION, NAVY RESERVE

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

16 MILITARY CONSTRUCTION, AIR FORCE RESERVE

17 For construction, acquisition, expansion, rehabilita-
18 tion, and conversion of facilities for the training and ad-
19 ministration of the reserve components of the Air Force
20 Reserve as authorized by chapter 1803 of title 10, United
21 States Code, and Military Construction Authorization
22 Acts, \$33,620,000, to remain available until September
23 30, 2016: *Provided*, That of the amount appropriated, not
24 to exceed \$2,200,000 shall be available for study, plan-
25 ning, design, and architect and engineer services, as au-

1 thorized by law, unless the Secretary of Defense deter-
2 mines that additional obligations are necessary for such
3 purposes and notifies the Committees on Appropriations
4 of both Houses of Congress of the determination and the
5 reasons therefor.

6 NORTH ATLANTIC TREATY ORGANIZATION

7 SECURITY INVESTMENT PROGRAM

8 For the United States share of the cost of the North
9 Atlantic Treaty Organization Security Investment Pro-
10 gram for the acquisition and construction of military fa-
11 cilities and installations (including international military
12 headquarters) and for related expenses for the collective
13 defense of the North Atlantic Treaty Area as authorized
14 by section 2806 of title 10, United States Code, and Mili-
15 tary Construction Authorization Acts, \$272,611,000 (re-
16 duced by \$25,000,000), to remain available until ex-
17 pended.

18 FAMILY HOUSING CONSTRUCTION, ARMY

19 For expenses of family housing for the Army for con-
20 struction, including acquisition, replacement, addition, ex-
21 pansion, extension, and alteration, as authorized by law,
22 \$186,897,000, to remain available until September 30,
23 2016.

7 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
8 CORPS

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

21 ~~FAMILY HOUSING CONSTRUCTION, AIR FORCE~~

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1 ~~\$84,804,000, to remain available until September 30,~~
2 ~~2016.~~

3 ~~FAMILY HOUSING OPERATION AND MAINTENANCE, AIR~~
4 ~~FORCE~~

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

10 ~~FAMILY HOUSING OPERATION AND MAINTENANCE,~~
11 ~~DEFENSE-WIDE~~

12 ~~For expenses of family housing for the activities and~~
13 ~~agencies of the Department of Defense (other than the~~
14 ~~military departments) for operation and maintenance,~~
15 ~~leasing, and minor construction, as authorized by law,~~
16 ~~\$50,723,000.~~

17 ~~DEPARTMENT OF DEFENSE FAMILY HOUSING~~
18 ~~IMPROVEMENT FUND~~

19 ~~For the Department of Defense Family Housing Im-~~
20 ~~provement Fund, \$2,184,000, to remain available until ex-~~
21 ~~pended, for family housing initiatives undertaken pursu-~~
22 ~~ant to section 2882 of title 10, United States Code, pro-~~
23 ~~viding alternative means of acquiring and improving mili-~~
24 ~~tary family housing and supporting facilities.~~

1 HOMEOWNERS ASSISTANCE FUND

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

6 CHEMICAL DEMILITARIZATION CONSTRUCTION,

7 DEFENSE-WIDE

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

18 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

19 1990

20 For deposit into the Department of Defense Base
21 Closure Account 1990, established by section ~~2906(a)(1)~~
22 of the Defense Base Closure and Realignment Act of 1990
23 (10 U.S.C. ~~2687~~ note), \$373,543,000, to remain available
24 until expended.

1 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT
2 2005

3 (INCLUDING RESCISSION OF FUNDS)

4 For deposit into the Department of Defense Base
5 Closure Account 2005, established by section 2906A(a)(1)
6 of the Defense Base Closure and Realignment Act of 1990
7 (10 U.S.C. 2687 note), \$258,776,000, to remain available
8 until expended: *Provided*, That the Department of Defense
9 shall notify the Committees on Appropriations of both
10 Houses of Congress 14 days prior to obligating an amount
11 for a construction project that exceeds or reduces the
12 amount identified for that project in the most recently
13 submitted budget request for this account by 20 percent
14 or \$2,000,000, whichever is less: *Provided further*, That
15 the previous proviso shall not apply to projects costing less
16 than \$5,000,000, except for those projects not previously
17 identified in any budget submission for this account and
18 exceeding the minor construction threshold under section
19 2805 of title 10, United States Code: *Provided further*,
20 That of the unobligated balances available under this
21 heading from prior appropriation Acts (other than appro-
22 priations designated by law as being for contingency oper-
23 ations directly related to the global war on terrorism or
24 as an emergency requirement), \$50,000,000 are hereby re-

1 scinded, which represent savings resulting from favorable
2 bids.

3 ADMINISTRATIVE PROVISIONS

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

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

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

21 SEC. 104. None of the funds made available in this
22 title may be used to begin construction of new bases in
23 the United States for which specific appropriations have
24 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 installation;
7 in 2005 under the Defense Base Closure and Realignment
8 Act of 1990 (part A of title XXIX of Public Law 101—
9 510; 10 U.S.C. 2687 note); unless such a project at a mili-
10 tary installation approved for realignment will support a
11 continuing mission or function at that installation or a
12 new mission or function that is planned for that installa-
13 tion; or unless the Secretary of Defense certifies that the
14 cost to the United States of carrying out such project
15 would be less than the cost to the United States of cancel-
16 ling such project; or if the project is at an active compo-
17 nent base that shall be established as an enclave or in the
18 case of projects having multi-agency use; that another
19 Government agency has indicated it will assume ownership
20 of the completed project. The Secretary of Defense may
21 not transfer funds made available as a result of this limi-
22 tation from any military construction project; land acquisi-
23 tion; or family housing project to another account or use
24 such funds for another purpose or project without the
25 prior approval of the Committees on Appropriations of

1 both Houses of Congress. This section shall not apply to
2 military construction projects, land acquisition, or family
3 housing projects for which the project is vital to the na-
4 tional security or the protection of health, safety, or envi-
5 ronmental quality: *Provided*, That the Secretary of De-
6 fense shall notify the congressional defense committees
7 within seven days of a decision to carry out such a military
8 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, as
 10 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 TITLE II

14 DEPARTMENT OF VETERANS AFFAIRS

15 VETERANS BENEFITS ADMINISTRATION

16 COMPENSATION AND PENSIONS

17 (INCLUDING TRANSFER OF FUNDS)

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

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

22 READJUSTMENT BENEFITS

23 For the payment of readjustment and rehabilitation
 24 benefits to or on behalf of veterans as authorized by chap-
 25 ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61

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

8 VETERANS INSURANCE AND INDEMNITIES

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

14 VETERANS HOUSING BENEFIT PROGRAM FUND

15 For the cost of direct and guaranteed loans, such
 16 sums as may be necessary to carry out the program, as
 17 authorized by subchapters I through III of chapter 37 of
 18 title 38, United States Code: *Provided*, That such costs,
 19 including the cost of modifying such loans, shall be as de-
 20 fined in section 502 of the Congressional Budget Act of
 21 1974: *Provided further*, That during fiscal year 2012,
 22 within the resources available, not to exceed \$500,000 in
 23 gross obligations for direct loans are authorized for spe-
 24 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 caregivers 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 lie 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 (re-
17 duced by \$20,000,000) (increased by \$20,000,000) shall
18 remain available until September 30, 2014: *Provided fur-*
19 *ther*, That, notwithstanding any other provision of law, the
20 Secretary of Veterans Affairs shall establish a priority for
21 the provision of medical treatment for veterans who have
22 service-connected disabilities, lower income, or have special
23 needs: *Provided further*, That, notwithstanding any other
24 provision of law, the Secretary of Veterans Affairs shall
25 give priority funding for the provision of basic medical

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

19 MEDICAL SUPPORT AND COMPLIANCE

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

1 partment as authorized under chapter 17 of title 38,
 2 United States Code, and the Federal Medical Care Recov-
 3 ery Act (42 U.S.C. 2651 et seq.); \$5,746,000,000 (re-
 4 duced by \$100,000) (increased by \$100,000), plus reim-
 5 bursements, shall become available on October 1, 2012,
 6 and shall remain available until September 30, 2013: *Pro-*
 7 *vided*, That, of the amount made available under this
 8 heading \$100,000,000 shall remain available until Sep-
 9 tember 30, 2014.

10 MEDICAL FACILITIES

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

1 able on October 1, 2012, and shall remain available until
 2 September 30, 2013: *Provided*, That, of the amount made
 3 available under this heading, \$100,000,000 shall remain
 4 available until September 30, 2014.

5 MEDICAL AND PROSTHETIC RESEARCH

6 For necessary expenses in carrying out programs of
 7 medical and prosthetic research and development as au-
 8 thorized by chapter 73 of title 38, United States Code,
 9 \$508,774,000 (increased by \$22,000,000), plus reim-
 10 bursements, shall remain available until September 30,
 11 2013.

12 NATIONAL CEMETERY ADMINISTRATION

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

1 gram until a strategy to serve rural veterans is finalized
 2 and operational.

3 DEPARTMENTAL ADMINISTRATION

4 GENERAL ADMINISTRATION

5 (INCLUDING TRANSFER OF FUNDS)

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

1 GENERAL OPERATING EXPENSES, VETERANS BENEFITS
2 ADMINISTRATION

3 For necessary operating expenses of the Veterans
4 Benefits Administration, not otherwise provided for, in-
5 cluding hire of passenger motor vehicles, reimbursement
6 of the General Services Administration for security guard
7 services, and reimbursement of the Department of De-
8 fense for the cost of overseas employee mail,
9 \$2,020,128,000 (reduced by \$100,000) (increased by
10 \$100,000): *Provided*, That expenses for services and as-
11 sistance authorized under paragraphs (1), (2), (5), and
12 (11) of section 3104(a) of title 38, United States Code,
13 that the Secretary of Veterans Affairs determines are nec-
14 essary to enable entitled veterans: (1) to the maximum ex-
15 tent feasible, to become employable and to obtain and
16 maintain suitable employment; or (2) to achieve maximum
17 independence in daily living, shall be charged to this ac-
18 count: *Provided further*, That of the funds made available
19 under this heading, not to exceed \$105,856,000 shall re-
20 main available until September 30, 2013: *Provided further*,
21 That from the funds made available under this heading,
22 the Veterans Benefits Administration may purchase (on
23 a one-for-one replacement basis only) up to two passenger
24 motor vehicles for use in operations of that Administration
25 in Manila, Philippines.

1 INFORMATION TECHNOLOGY SYSTEMS

2 For necessary expenses for information technology
3 systems and telecommunications support, including devel-
4 opmental information systems and operational information
5 systems; for pay and associated costs; and for the capital
6 asset acquisition of information technology systems, in-
7 cluding management and related contractual costs of said
8 acquisitions, including contractual costs associated with
9 operations authorized by section 3109 of title 5, United
10 States Code, \$3,025,000,000 (reduced by \$70,000,000)
11 (increased by \$70,000,000), plus reimbursements, shall
12 remain available until September 30, 2013: *Provided,*
13 That none of the funds made available under this heading
14 may be obligated until the Department of Veterans Affairs
15 submits to the Committees on Appropriations of both
16 Houses of Congress, and such Committees approve, a plan
17 for expenditure that: (1) meets the capital planning and
18 investment control review requirements established by the
19 Office of Management and Budget; (2) complies with the
20 Department of Veterans Affairs enterprise architecture;
21 (3) conforms with an established enterprise life cycle
22 methodology; and (4) complies with the acquisition rules,
23 requirements, guidelines, and systems acquisition manage-
24 ment practices of the Federal Government: *Provided fur-*
25 *ther,* That not later than 30 days after the date of the

1 enactment of this Act, the Secretary of Veterans Affairs
 2 shall submit to the Committees on Appropriations of both
 3 Houses of Congress a reprogramming base letter which
 4 sets forth, by project, the operations and maintenance
 5 costs, with salary expenses separately designated, and de-
 6 velopment costs to be carried out utilizing amounts made
 7 available under this heading.

8 OFFICE OF INSPECTOR GENERAL

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

14 CONSTRUCTION, MAJOR PROJECTS

15 For constructing, altering, extending, and improving
 16 any of the facilities, including parking projects, under the
 17 jurisdiction or for the use of the Department of Veterans
 18 Affairs, or for any of the purposes set forth in sections
 19 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
 20 and 8122 of title 38, United States Code, including plan-
 21 ning, architectural and engineering services, construction
 22 management services, maintenance or guarantee period
 23 services costs associated with equipment guarantees pro-
 24 vided under the project, services of claims analysts, offsite
 25 utility and storm drainage system construction costs, and

1 site acquisition, where the estimated cost of a project is
2 more than the amount set forth in section 8104(a)(3)(A)
3 of title 38, United States Code, or where funds for a
4 project were made available in a previous major project
5 appropriation, \$589,604,000, to remain available until
6 September 30, 2016, of which \$5,000,000 shall be to
7 make reimbursements as provided in section 13 of the
8 Contract Disputes Act of 1978 (41 U.S.C. 612) for claims
9 paid for contract disputes: *Provided*, That except for ad-
10 vance planning activities, including needs assessments
11 which may or may not lead to capital investments, and
12 other capital asset management related activities, includ-
13 ing portfolio development and management activities, and
14 investment strategy studies funded through the advance
15 planning fund and the planning and design activities fund-
16 ed through the design fund, including needs assessments
17 which may or may not lead to capital investments, and
18 salaries and associated costs of the resident engineers who
19 oversee those capital investments funded through this ac-
20 count, and funds provided for the purchase of land for
21 the National Cemetery Administration through the land
22 acquisition line item, none of the funds made available
23 under this heading shall be used for any project which has
24 not been approved by the Congress in the budgetary pro-
25 cess: *Provided further*, That funds made available under

1 this heading for fiscal year 2012, for each approved
 2 project shall be obligated: (1) by the awarding of a con-
 3 struction documents contract by September 30, 2012; and
 4 (2) by the awarding of a construction contract by Sep-
 5 tember 30, 2013: *Provided further*, That the Secretary of
 6 Veterans Affairs shall promptly submit to the Committees
 7 on Appropriations of both Houses of Congress a written
 8 report on any approved major construction project for
 9 which obligations are not incurred within the time limita-
 10 tions established above.

11 CONSTRUCTION, MINOR PROJECTS

12 For constructing, altering, extending, and improving
 13 any of the facilities, including parking projects, under the
 14 jurisdiction or for the use of the Department of Veterans
 15 Affairs, including planning and assessments of needs
 16 which may lead to capital investments, architectural and
 17 engineering services, maintenance or guarantee period
 18 services costs associated with equipment guarantees pro-
 19 vided under the project, services of claims analysts, offsite
 20 utility and storm drainage system construction costs, and
 21 site acquisition, or for any of the purposes set forth in
 22 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
 23 8110, 8122, and 8162 of title 38, United States Code,
 24 where the estimated cost of a project is equal to or less
 25 than the amount set forth in section 8104(a)(3)(A) of title

1 38, United States Code, \$475,091,000, to remain avail-
 2 able until September 30, 2016, along with unobligated bal-
 3 ances of previous “Construction, minor projects” appro-
 4 priations which are hereby made available for any project
 5 where the estimated cost is equal to or less than the
 6 amount set forth in such section: *Provided*, That funds
 7 made available under this heading shall be for: (1) repairs
 8 to any of the nonmedical facilities under the jurisdiction
 9 or for the use of the Department which are necessary be-
 10 cause of loss or damage caused by any natural disaster
 11 or catastrophe; and (2) temporary measures necessary to
 12 prevent or to minimize further loss by such causes.

13 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
 14 FACILITIES

15 For grants to assist States to acquire or construct
 16 State nursing home and domiciliary facilities and to re-
 17 model, modify, or alter existing hospital, nursing home,
 18 and domiciliary facilities in State homes, for furnishing
 19 care to veterans as authorized by sections 8131 through
 20 8137 of title 38, United States Code, \$85,000,000, to re-
 21 main available until expended.

22 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

23 For grants to assist States and tribal governments
 24 in establishing, expanding, or improving veterans ceme-
 25 teries as authorized by section 2408 of title 38, United

1 States Code, \$46,000,000, to remain available until ex-
2 pended.

3 ADMINISTRATIVE PROVISIONS

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 201. Any appropriation for fiscal year 2012 for
6 “Compensation and pensions”, “Readjustment benefits”,
7 and “Veterans insurance and indemnities” may be trans-
8 ferred as necessary to any other of the mentioned appro-
9 priations: *Provided*, That before such transfer may take
10 place, the Secretary of Veterans Affairs shall request from
11 the Committees on Appropriations of both Houses of Con-
12 gress the authority to make the transfer and such Com-
13 mittees issue an approval, or absent a response, a period
14 of 30 days has elapsed.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 202. Amounts made available for the Depart-
17 ment of Veterans Affairs for fiscal year 2012, in this Act
18 or any other Act, under the “Medical services”, “Medical
19 support and compliance”, and “Medical facilities” ac-
20 counts may be transferred among the accounts: *Provided*,
21 That any transfers between the “Medical services” and
22 “Medical support and compliance” accounts of 1 percent
23 or less of the total amount appropriated to the account
24 in this or any other Act may take place subject to notifica-
25 tion from the Secretary of Veterans Affairs to the Com-

1 mittees on Appropriations of both Houses of Congress of
 2 the amount and purpose of the transfer: *Provided further*,
 3 That any transfers between the “Medical services” and
 4 “Medical support and compliance” accounts in excess of
 5 1 percent, or exceeding the cumulative 1 percent for the
 6 fiscal year, may take place only after the Secretary re-
 7 quests from the Committees on Appropriations of both
 8 Houses of Congress the authority to make the transfer
 9 and an approval is issued: *Provided further*, That any
 10 transfers to or from the “Medical facilities” account may
 11 take place only after the Secretary requests from the Com-
 12 mittees on Appropriations of both Houses of Congress the
 13 authority to make the transfer and an approval is issued.

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

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

1 SEC. 205. No appropriations in this title shall be
2 available for hospitalization or examination of any persons
3 (except beneficiaries entitled to such hospitalization or ex-
4 amination under the laws providing such benefits to vet-
5 erans, and persons receiving such treatment under sec-
6 tions 7901 through 7904 of title 5, United States Code,
7 or the Robert T. Stafford Disaster Relief and Emergency
8 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-
9 bursement of the cost of such hospitalization or examina-
10 tion is made to the “Medical services” account at such
11 rates as may be fixed by the Secretary of Veterans Affairs.

12 SEC. 206. Appropriations available in this title for
13 “Compensation and pensions”, “Readjustment benefits”,
14 and “Veterans insurance and indemnities” shall be avail-
15 able for payment of prior year accrued obligations re-
16 quired to be recorded by law against the corresponding
17 prior year accounts within the last quarter of fiscal year
18 2011.

19 SEC. 207. Appropriations available in this title shall
20 be available to pay prior year obligations of corresponding
21 prior year appropriations accounts resulting from sections
22 3328(a), 3334, and 3712(a) of title 31, United States
23 Code, except that if such obligations are from trust fund
24 accounts they shall be payable only from “Compensation
25 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

1 disability income insurance included in that insurance pro-
 2 gram.

3 ~~SEC. 209. Amounts deducted from enhanced-use~~
 4 lease proceeds to reimburse an account for expenses in-
 5 curred by that account during a prior fiscal year for pro-
 6 viding enhanced-use lease services, may be obligated dur-
 7 ing the fiscal year in which the proceeds are received.

8 (INCLUDING TRANSFER OF FUNDS)

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

24 ~~SEC. 211. No appropriations in this title shall be~~
 25 available to enter into any new lease of real property if

1 the estimated annual rental cost is more than \$1,000,000;
2 unless the Secretary submits a report which the Commit-
3 tees on Appropriations of both Houses of Congress ap-
4 prove within 30 days following the date on which the re-
5 port is received.

6 SEC. 212. No funds of the Department of Veterans
7 Affairs shall be available for hospital care, nursing home
8 care, or medical services provided to any person under
9 chapter 17 of title 38, United States Code, for a non-serv-
10 ice-connected disability described in section 1729(a)(2) of
11 such title, unless that person has disclosed to the Sec-
12 retary of Veterans Affairs, in such form as the Secretary
13 may require, current, accurate third-party reimbursement
14 information for purposes of section 1729 of such title: *Pro-*
15 *vided*, That the Secretary may recover, in the same man-
16 ner as any other debt due the United States, the reason-
17 able charges for such care or services from any person who
18 does not make such disclosure as required: *Provided fur-*
19 *ther*, That any amounts so recovered for care or services
20 provided in a prior fiscal year may be obligated by the
21 Secretary during the fiscal year in which amounts are re-
22 ceived.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 213. Notwithstanding any other provision of
25 law, proceeds or revenues derived from enhanced-use leas-

ing activities (including disposal) may be deposited into the “Construction, major projects” and “Construction, minor projects” accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in “Construction, major projects” and “Construction, minor projects”.

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

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

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

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Com-

1 pact with the Indian Health Service, and Indian tribes and
 2 tribal organizations serving rural Alaska which have en-
 3 tered into contracts with the Indian Health Service under
 4 the Indian Self Determination and Educational Assistance
 5 Act, to provide healthcare, including behavioral health and
 6 dental care. The Secretary shall require participating vet-
 7 erans and facilities to comply with all appropriate rules
 8 and regulations, as established by the Secretary. The term
 9 “rural Alaska” shall mean those lands sited within the ex-
 10 ternal boundaries of the Alaska Native regions specified
 11 in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native
 12 Claims Settlement Act, as amended (43 U.S.C. 1606), and
 13 those lands within the Alaska Native regions specified in
 14 sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims
 15 Settlement Act, as amended (43 U.S.C. 1606), which are
 16 not within the boundaries of the Municipality of Anchor-
 17 age, the Fairbanks North Star Borough, the Kenai Penin-
 18 sula Borough or the Matanuska Susitna Borough.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 217. Such sums as may be deposited to the De-
 21 partment of Veterans Affairs Capital Asset Fund pursu-
 22 ant to section 8118 of title 38, United States Code, may
 23 be transferred to the “Construction, major projects” and
 24 “Construction, minor projects” accounts, to remain avail-

1 able until September 30, 2016, for the purposes of these
2 accounts.

3 ~~SEC. 218.~~ None of the funds made available in this
4 title may be used to implement any policy prohibiting the
5 Directors of the Veterans Integrated Services Networks
6 from conducting outreach or marketing to enroll new vet-
7 erans within their respective Networks.

8 ~~SEC. 219.~~ The Secretary of Veterans Affairs shall
9 submit to the Committees on Appropriations of both
10 Houses of Congress a quarterly report on the financial
11 status of the Veterans Health Administration.

12 ~~(INCLUDING TRANSFER OF FUNDS)~~

13 ~~SEC. 220.~~ Amounts made available under the “Med-
14 ical services”, “Medical support and compliance”, “Med-
15 ical facilities”, “General operating expenses, Veterans
16 Benefits Administration”, “General administration”, and
17 “National Cemetery Administration” accounts for fiscal
18 year 2012, may be transferred to or from the “Informa-
19 tion technology systems” account. *Provided*, That before
20 a transfer may take place, the Secretary of Veterans Af-
21 fairs shall request from the Committees on Appropriations
22 of both Houses of Congress the authority to make the
23 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 De-

1 partment of Defense-Department of Veterans Affairs
 2 Medical Facility Demonstration Fund, established by sec-
 3 tion 1704 of the National Defense Authorization Act for
 4 Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571)
 5 and may be used for operation of the facilities designated
 6 as combined Federal medical facilities as described by sec-
 7 tion 706 of the Duncan Hunter National Defense Author-
 8 ization Act for Fiscal Year 2009 (Public Law 110-417;
 9 122 Stat. 4500): *Provided*, That additional funds may be
 10 transferred from accounts designated in this section to the
 11 Joint Department of Defense-Department of Veterans Af-
 12 fairs Medical Facility Demonstration Fund upon written
 13 notification by the Secretary of Veterans Affairs to the
 14 Committees on Appropriations of both Houses of Con-
 15 gress.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 224. Such sums as may be deposited to the
 18 Medical Care Collections Fund pursuant to section 1729A
 19 of title 38, United States Code, for health care provided
 20 at facilities designated as combined Federal medical facili-
 21 ties as described by section 706 of the Duncan Hunter
 22 National Defense Authorization Act for Fiscal Year 2009
 23 (Public Law 110-417; 122 Stat. 4500) shall also be avail-
 24 able: (1) for transfer to the Joint Department of Defense-
 25 Department of Veterans Affairs Medical Facility Dem-

1 onstration Fund, established by section 1704 of the Na-
 2 tional Defense Authorization Act for Fiscal Year 2010
 3 (~~Public Law 111–84; 123 Stat. 3571~~); and (2) for oper-
 4 ations of the facilities designated as combined Federal
 5 medical facilities as described by section 706 of the Dun-
 6 can Hunter National Defense Authorization Act for Fiscal
 7 Year 2009 (~~Public Law 110–417; 122 Stat. 4500~~).

8 (INCLUDING TRANSFER OF FUNDS)

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

17 (INCLUDING RESCISSION OF FUNDS)

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

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

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

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

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

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

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

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

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

1 SEC. 228. The scope of work for a project included
 2 in “Construction, major projects” may not be increased
 3 above the scope specified for that project in the original
 4 justification data provided to the Congress as part of the
 5 request for appropriations.

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

9 “(1)(1) The Secretary shall disclose to a State con-
 10 trolled substance monitoring program, including a pro-
 11 gram under section 3990 of the Public Health Service Act
 12 (42 U.S.C. 280g-3), the name and address of a veteran
 13 or a dependent of a veteran to the extent necessary to
 14 prevent misuse and diversion of prescription medicines.

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

19 (b) Section 7332(b)(2) of title 38, United States Code
 20 is amended by adding at the end the following new sub-
 21 paragraph:

22 “(G)(i) To a State controlled substance moni-
 23 toring program, including a program under section
 24 3990 of the Public Health Service Act (42 U.S.C.

1 ~~280g-3~~), to the extent necessary to prevent misuse
 2 and diversion of prescription medicines.

3 “(ii) In this subparagraph, the terms ‘State’
 4 and ‘controlled substance’ have the meanings given
 5 such terms in section 399O(m) of the Public Health
 6 Service Act (42 U.S.C. ~~280g-3(m)~~).”.

7 ~~SEC. 230.~~ Not more than \$250,000 may be used by
 8 the Department of Veterans Affairs to conduct any single
 9 national outreach and awareness marketing campaign, in-
 10 cluding motorsports sponsorship, prior to submitting a re-
 11 quest to the Committees on Appropriations of both Houses
 12 of Congress and an approval is issued or absent a re-
 13 sponse, a period of 30 days has elapsed.

14 TITLE III

15 RELATED AGENCIES

16 AMERICAN BATTLE MONUMENTS COMMISSION

17 SALARIES AND EXPENSES

18 For necessary expenses, not otherwise provided for,
 19 of the American Battle Monuments Commission, including
 20 the acquisition of land or interest in land in foreign coun-
 21 tries; purchases and repair of uniforms for caretakers of
 22 national cemeteries and monuments outside of the United
 23 States and its territories and possessions; rent of office
 24 and garage space in foreign countries; purchase (one-for-
 25 one replacement basis only) and hire of passenger motor

1 vehicles; not to exceed \$7,500 for official reception and
2 representation expenses; and insurance of official motor
3 vehicles in foreign countries, when required by law of such
4 countries, \$61,100,000, to remain available until ex-
5 pended.

6 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

7 For necessary expenses, not otherwise provided for,
8 of the American Battle Monuments Commission, such
9 sums as may be necessary, to remain available until ex-
10 pended, for purposes authorized by section 2109 of title
11 36, United States Code.

12 UNITED STATES COURT OF APPEALS FOR VETERANS

13 CLAIMS

14 SALARIES AND EXPENSES

15 For necessary expenses for the operation of the
16 United States Court of Appeals for Veterans Claims as
17 authorized by sections 7251 through 7298 of title 38,
18 United States Code, \$30,770,000: *Provided*, That
19 \$2,726,363 shall be available for the purpose of providing
20 financial assistance as described, and in accordance with
21 the process and reporting procedures set forth, under this
22 heading in Public Law 102-229.

1 DEPARTMENT OF DEFENSE—CIVIL

2 CEMETERIAL EXPENSES, ARMY

3 SALARIES AND EXPENSES

4 For necessary expenses, as authorized by law, for
5 maintenance, operation, and improvement of Arlington
6 National Cemetery and Soldiers' and Airmen's Home Na-
7 tional Cemetery, including the purchase or lease of pas-
8 senger motor vehicles for replacement on a one-for-one
9 basis only, and not to exceed \$1,000 for official reception
10 and representation expenses, \$45,800,000, to remain
11 available until expended. In addition, such sums as may
12 be necessary for parking maintenance, repairs and re-
13 placement, to be derived from the "Lease of Department
14 of Defense Real Property for Defense Agencies" account.

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

19 ARMED FORCES RETIREMENT HOME

20 TRUST FUND

21 For expenses necessary for the Armed Forces Retire-
22 ment Home to operate and maintain the Armed Forces
23 Retirement Home—Washington, District of Columbia,
24 and the Armed Forces Retirement Home—Gulfport, Mis-
25 sissippi, to be paid from funds available in the Armed

1 Forces Retirement Home Trust Fund, \$67,700,000, of
2 which \$2,000,000 shall remain available until expended
3 for construction and renovation of the physical plants at
4 the Armed Forces Retirement Home—Washington, Dis-
5 trict of Columbia, and the Armed Forces Retirement
6 Home—Gulfport, Mississippi.

7 TITLE IV

8 GENERAL PROVISIONS

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

12 SEC. 402. None of the funds made available in this
13 Act may be used for any program, project, or activity,
14 when it is made known to the Federal entity or official
15 to which the funds are made available that the program,
16 project, or activity is not in compliance with any Federal
17 law relating to risk assessment, the protection of private
18 property rights, or unfunded mandates.

19 SEC. 403. No part of any funds appropriated in this
20 Act shall be used by an agency of the executive branch,
21 other than for normal and recognized executive-legislative
22 relationships, for publicity or propaganda purposes, or for
23 the preparation, distribution, or use of any kit, pamphlet,
24 booklet, publication, radio, television, or film presentation

1 designed to support or defeat legislation pending before
2 Congress, except in presentation to Congress itself.

3 ~~SEC. 404.~~ All departments and agencies funded under
4 this Act are encouraged, within the limits of the existing
5 statutory authorities and funding, to expand their use of
6 “E-Commerce” technologies and procedures in the con-
7 duct of their business practices and public service activi-
8 ties.

9 ~~SEC. 405.~~ Unless stated otherwise, all reports and no-
10 tifications required by this Act shall be submitted to the
11 Subcommittee on Military Construction and Veterans Af-
12 fairs, and Related Agencies of the Committee on Appro-
13 priations of the House of Representatives and the Sub-
14 committee on Military Construction and Veterans Affairs,
15 and Related Agencies of the Committee on Appropriations
16 of the Senate.

17 ~~SEC. 406.~~ None of the funds made available in this
18 Act may be used for a project or program named for an
19 individual serving as a Member, Delegate, or Resident
20 Commissioner of the United States House of Representa-
21 tives.

22 ~~SEC. 407.~~ (a) Any agency receiving funds made avail-
23 able in this Act, shall, subject to subsections (b) and (c),
24 post on the public website of that agency any report re-
25 quired to be submitted by the Congress in this or any

1 other Act, upon the determination by the head of the agen-
2 cy that it shall serve the national interest.

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

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

6 (2) the report contains confidential or propri-
7 etary information.

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

12 SEC. 408. None of the funds made available in this
13 Act may be distributed to the Association of Community
14 Organizations for Reform Now (ACORN) or its subsidi-
15 aries or successors.

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

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

24 SEC. 410. None of the funds appropriated or other-
25 wise made available in this Act may be used by an agency

1 of the executive branch to pay for first-class travel by an
2 employee of the agency in contravention of sections 301–
3 10.122 through 301–10.124 of title 41, Code of Federal
4 Regulations.

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

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

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

21 SEC. 414. None of the funds made available by this
22 Act may be used to enter into a contract, memorandum
23 of understanding, or cooperative agreement with, or to
24 make a grant to, any corporation that was convicted of

1 a felony criminal violation under any Federal or State law
2 within the preceding 24 months.

3 ~~SPENDING REDUCTION ACCOUNT~~

4 ~~SEC. 415.~~ The amount by which the applicable alloca-
5 tion of new budget authority made by the Committee on
6 Appropriations of the House of Representatives under sec-
7 tion 302(b) of the Congressional Budget Act of 1974 ex-
8 ceeds the amount of proposed new budget authority is \$0.

9 ~~SEC. 416.~~ None of the funds made available by this
10 Act may be used to declare as excess to the needs of the
11 Department of Veterans Affairs or otherwise take any ac-
12 tion to exchange, trade, auction, transfer, or otherwise dis-
13 pose of, or reduce the acreage of, Federal land and im-
14 provements at the St. Albans campus, consisting of ap-
15 proximately 55 acres of land, with borders near Linden
16 Boulevard on the northwest, 115th Avenue on the west,
17 the Long Island Railroad on the northeast, and Baisley
18 Boulevard on the southeast.

19 ~~SEC. 417.~~ None of the funds made available by this
20 Act shall be available to enforce section 526 of the Energy
21 Independence and Security Act of 2007 (Public Law 110–
22 140; 42 U.S.C. 17142).

23 ~~SEC. 418.~~ None of the funds made available in this
24 Act may be used to enter into a contract using procedures
25 that do not give to small business concerns owned and con-

1 trolled by veterans (as that term is defined in section
 2 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3))
 3 that are included in the database under section 8127(f)
 4 of title 38, United States Code, any preference available
 5 with respect to such contract, except for a preference given
 6 to small business concerns owned and controlled by serv-
 7 ice-disabled veterans (as that term defined in section
 8 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).

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

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

15 *That the following sums are appropriated, out of any*
 16 *money in the Treasury not otherwise appropriated, for*
 17 *military construction, the Department of Veterans Affairs,*
 18 *and related agencies for the fiscal year ending September*
 19 *30, 2012, and for other purposes, namely:*

20 TITLE I

21 DEPARTMENT OF DEFENSE

22 MILITARY CONSTRUCTION, ARMY

23 *For acquisition, construction, installation, and equip-*
 24 *ment of temporary or permanent public works, military in-*
 25 *stallations, facilities, and real property for the Army as*

1 *currently authorized by law, including personnel in the*
2 *Army Corps of Engineers and other personal services nec-*
3 *essary for the purposes of this appropriation, and for con-*
4 *struction and operation of facilities in support of the func-*
5 *tions of the Commander in Chief, \$3,066,891,000, to remain*
6 *available until September 30, 2016: Provided, That of this*
7 *amount, not to exceed \$255,241,000 shall be available for*
8 *study, planning, design, architect and engineer services,*
9 *and host nation support, as authorized by law, unless the*
10 *Secretary of Defense determines that additional obligations*
11 *are necessary for such purposes and notifies the Committees*
12 *on Appropriations of both Houses of Congress of the deter-*
13 *mination and the reasons therefor.*

14 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*

15 *For acquisition, construction, installation, and equip-*
16 *ment of temporary or permanent public works, naval in-*
17 *stallations, facilities, and real property for the Navy and*
18 *Marine Corps as currently authorized by law, including*
19 *personnel in the Naval Facilities Engineering Command*
20 *and other personal services necessary for the purposes of this*
21 *appropriation, \$2,187,622,000, to remain available until*
22 *September 30, 2016: Provided, That of this amount, not to*
23 *exceed \$84,362,000 shall be available for study, planning,*
24 *design, and architect and engineer services, as authorized*
25 *by law, unless the Secretary of Defense determines that ad-*

ditional 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

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, \$1,227,058,000, to remain available until September 30, 2016: Provided, That of this amount, not to exceed \$81,913,000 shall be available for study, planning, design, and architect and engineer 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, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$3,380,917,000, to remain available until September 30, 2016: Provided, That such amounts of this appropriation

1 *as may be determined by the Secretary of Defense may be*
2 *transferred to such appropriations of the Department of De-*
3 *fense available for military construction or family housing*
4 *as the Secretary may designate, to be merged with and to*
5 *be available for the same purposes, and for the same time*
6 *period, as the appropriation or fund to which transferred:*
7 *Provided further, That of the amount appropriated, not to*
8 *exceed \$439,602,000 shall be available for study, planning,*
9 *design, and architect and engineer services, as authorized*
10 *by law, unless the Secretary of Defense determines that ad-*
11 *ditional obligations are necessary for such purposes and no-*
12 *tifies the Committees on Appropriations of both Houses of*
13 *Congress of the determination and the reasons therefor: Pro-*
14 *vided further, That of the amount appropriated, notwith-*
15 *standing any other provision of law, \$24,118,000 shall be*
16 *available for payments to the North Atlantic Treaty Orga-*
17 *nization for the planning, design, and construction of a new*
18 *North Atlantic Treaty Organization headquarters.*

19 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

20 *For construction, acquisition, expansion, rehabilita-*
21 *tion, and conversion of facilities for the training and ad-*
22 *ministration of the Army National Guard, and contribu-*
23 *tions therefor, as authorized by chapter 1803 of title 10,*
24 *United States Code, and Military Construction Authoriza-*
25 *tion Acts, \$773,592,000, to remain available until Sep-*

1 *tember 30, 2016: Provided, That of the amount appro-*
2 *priated, not to exceed \$20,671,000 shall be available for*
3 *study, planning, design, and architect and engineer serv-*
4 *ices, as authorized by law, unless the Director of the Army*
5 *National Guard determines that additional obligations are*
6 *necessary for such purposes and notifies the Committees on*
7 *Appropriations of both Houses of Congress of the determina-*
8 *tion and the reasons therefor.*

9 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

10 *For construction, acquisition, expansion, rehabilita-*
11 *tion, and conversion of facilities for the training and ad-*
12 *ministration of the Air National Guard, and contributions*
13 *therefor, as authorized by chapter 1803 of title 10, United*
14 *States Code, and Military Construction Authorization Acts,*
15 *\$116,246,000, to remain available until September 30,*
16 *2016: Provided, That of the amount appropriated, not to*
17 *exceed \$9,000,000 shall be available for study, planning, de-*
18 *sign, and architect and engineer services, as authorized by*
19 *law, unless the Director of the Air National Guard deter-*
20 *mines that additional obligations are necessary for such*
21 *purposes and notifies the Committees on Appropriations of*
22 *both Houses of Congress of the determination and the rea-*
23 *sons therefor.*

1 *MILITARY CONSTRUCTION, ARMY RESERVE*

2 *For construction, acquisition, expansion, rehabilita-*
3 *tion, and conversion of facilities for the training and ad-*
4 *ministration of the Army Reserve as authorized by chapter*
5 *1803 of title 10, United States Code, and Military Con-*
6 *struction Authorization Acts, \$280,549,000, to remain*
7 *available until September 30, 2016: Provided, That of the*
8 *amount appropriated, not to exceed \$28,924,000 shall be*
9 *available for study, planning, design, and architect and en-*
10 *gineer services, as authorized by law, unless the Secretary*
11 *of the Army determines that additional obligations are nec-*
12 *essary for such purposes and notifies the Committees on Ap-*
13 *propriations of both Houses of Congress of the determina-*
14 *tion and the reasons therefor.*

15 *MILITARY CONSTRUCTION, NAVY RESERVE*

16 *For construction, acquisition, expansion, rehabilita-*
17 *tion, and conversion of facilities for the training and ad-*
18 *ministration of the reserve components of the Navy and Ma-*
19 *rine Corps as authorized by chapter 1803 of title 10, United*
20 *States Code, and Military Construction Authorization Acts,*
21 *\$26,299,000, to remain available until September 30, 2016:*
22 *Provided, That of the amount appropriated, not to exceed*
23 *\$2,591,000 shall be available for study, planning, design,*
24 *and architect and engineer services, as authorized by law,*
25 *unless the Secretary of the Navy determines that additional*

1 *obligations are necessary for such purposes and notifies the*
 2 *Committees on Appropriations of both Houses of Congress*
 3 *of the determination and the reasons therefor.*

4 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

5 *For construction, acquisition, expansion, rehabilita-*
 6 *tion, and conversion of facilities for the training and ad-*
 7 *ministration of the Air Force Reserve as authorized by*
 8 *chapter 1803 of title 10, United States Code, and Military*
 9 *Construction Authorization Acts, \$33,620,000, to remain*
 10 *available until September 30, 2016: Provided, That of the*
 11 *amount appropriated, not to exceed \$2,200,000 shall be*
 12 *available for study, planning, design, and architect and en-*
 13 *gineer services, as authorized by law, unless the Secretary*
 14 *of the Air Force determines that additional obligations are*
 15 *necessary for such purposes and notifies the Committees on*
 16 *Appropriations of both Houses of Congress of the determina-*
 17 *tion and the reasons therefor.*

18 *NORTH ATLANTIC TREATY ORGANIZATION*

19 *SECURITY INVESTMENT PROGRAM*

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

1 *section 2806 of title 10, United States Code, and Military*
 2 *Construction Authorization Acts, \$272,611,000, to remain*
 3 *available until expended.*

4 *FAMILY HOUSING CONSTRUCTION, ARMY*

5 *For expenses of family housing for the Army for con-*
 6 *struction, including acquisition, replacement, addition, ex-*
 7 *pansion, extension, and alteration, as authorized by law,*
 8 *\$186,897,000, to remain available until September 30,*
 9 *2016.*

10 *FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY*

11 *For expenses of family housing for the Army for oper-*
 12 *ation and maintenance, including debt payment, leasing,*
 13 *minor construction, principal and interest charges, and in-*
 14 *surance premiums, as authorized by law, \$494,858,000.*

15 *FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE*

16 *CORPS*

17 *For expenses of family housing for the Navy and Ma-*
 18 *rine Corps for construction, including acquisition, replace-*
 19 *ment, addition, expansion, extension, and alteration, as au-*
 20 *thorized by law, \$100,972,000, to remain available until*
 21 *September 30, 2016.*

22 *FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY*

23 *AND MARINE CORPS*

24 *For expenses of family housing for the Navy and Ma-*
 25 *rine Corps for operation and maintenance, including debt*

1 *payment, leasing, minor construction, principal and inter-*
 2 *est charges, and insurance premiums, as authorized by law,*
 3 *\$367,863,000.*

4 *FAMILY HOUSING CONSTRUCTION, AIR FORCE*

5 *For expenses of family housing for the Air Force for*
 6 *construction, including acquisition, replacement, addition,*
 7 *expansion, extension, and alteration, as authorized by law,*
 8 *\$84,804,000, to remain available until September 30, 2016.*

9 *FAMILY HOUSING OPERATION AND MAINTENANCE, AIR*

10 *FORCE*

11 *For expenses of family housing for the Air Force for*
 12 *operation and maintenance, including debt payment, leas-*
 13 *ing, minor construction, principal and interest charges,*
 14 *and insurance premiums, as authorized by law,*
 15 *\$404,761,000.*

16 *FAMILY HOUSING OPERATION AND MAINTENANCE,*

17 *DEFENSE-WIDE*

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

22 *DEPARTMENT OF DEFENSE FAMILY HOUSING*

23 *IMPROVEMENT FUND*

24 *For the Department of Defense Family Housing Im-*
 25 *provement Fund, \$2,184,000, to remain available until ex-*

1 *pended, for family housing initiatives undertaken pursuant*
 2 *to section 2883 of title 10, United States Code, providing*
 3 *alternative means of acquiring and improving military*
 4 *family housing and supporting facilities.*

5 *HOMEOWNERS ASSISTANCE FUND*

6 *For the Homeowners Assistance Fund established by*
 7 *section 1013 of the Demonstration Cities and Metropolitan*
 8 *Development Act of 1966, (42 U.S.C. 3374), as amended*
 9 *by section 1001 of division A of the American Recovery and*
 10 *Reinvestment Act of 2009 (Public Law 111–5; 123 Stat.*
 11 *194), \$1,284,000, to remain available until expended.*

12 *CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-*
 13 *WIDE*

14 *For expenses of construction, not otherwise provided*
 15 *for, necessary for the destruction of the United States stock-*
 16 *pile of lethal chemical agents and munitions in accordance*
 17 *with section 1412 of the Department of Defense Authoriza-*
 18 *tion Act, 1986 (50 U.S.C. 1521), and for the destruction*
 19 *of other chemical warfare materials that are not in the*
 20 *chemical weapon stockpile, as currently authorized by law,*
 21 *\$75,312,000, to remain available until September 30, 2016,*
 22 *which shall be only for the Assembled Chemical Weapons*
 23 *Alternatives program.*

1 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990*

2 *For deposit into the Department of Defense Base Clo-*
3 *sure Account 1990, established by section 2906(a)(1) of the*
4 *Defense Base Closure and Realignment Act of 1990 (10*
5 *U.S.C. 2687 note), \$323,543,000, to remain available until*
6 *expended.*

7 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005*

8 *For deposit into the Department of Defense Base Clo-*
9 *sure Account 2005, established by section 2906A(a)(1) of the*
10 *Defense Base Closure and Realignment Act of 1990 (10*
11 *U.S.C. 2687 note), \$258,776,000, to remain available until*
12 *expended: Provided, That the Department of Defense shall*
13 *notify the Committees on Appropriations of both Houses of*
14 *Congress 14 days prior to obligating an amount for a con-*
15 *struction project that exceeds or reduces the amount identi-*
16 *fied for that project in the most recently submitted budget*
17 *request for this account by 20 percent or \$2,000,000, which-*
18 *ever is less: Provided further, That the previous proviso*
19 *shall not apply to projects costing less than \$5,000,000, ex-*
20 *cept for those projects not previously identified in any budg-*
21 *et submission for this account and exceeding the minor con-*
22 *struction threshold under section 2805 of title 10, United*
23 *States Code.*

1 ADMINISTRATIVE PROVISIONS

2 SEC. 101. *None of the funds made available in this*
3 *title shall be expended for payments under a cost-plus-a-*
4 *fixed-fee contract for construction, where cost estimates ex-*
5 *ceed \$25,000, to be performed within the United States, ex-*
6 *cept Alaska, without the specific approval in writing of the*
7 *Secretary of Defense setting forth the reasons therefor.*

8 SEC. 102. *Funds made available in this title for con-*
9 *struction shall be available for hire of passenger motor vehi-*
10 *cles.*

11 SEC. 103. *Funds made available in this title for con-*
12 *struction may be used for advances to the Federal Highway*
13 *Administration, Department of Transportation, for the con-*
14 *struction of access roads as authorized by section 210 of*
15 *title 23, United States Code, when projects authorized there-*
16 *in are certified as important to the national defense by the*
17 *Secretary of Defense.*

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

22 SEC. 105. *None of the funds made available in this*
23 *title shall be used for purchase of land or land easements*
24 *in excess of 100 percent of the value as determined by the*

1 *Army Corps of Engineers or the Naval Facilities Engineer-*
2 *ing Command, except:*

3 (1) *where there is a determination of value by a*
4 *Federal court;*

5 (2) *purchases negotiated by the Attorney General*
6 *or the designee of the Attorney General;*

7 (3) *where the estimated value is less than*
8 *\$25,000; or*

9 (4) *as otherwise determined by the Secretary of*
10 *Defense to be in the public interest.*

11 *SEC. 106. None of the funds made available in this*
12 *title shall be used to:*

13 (1) *acquire land;*

14 (2) *provide for site preparation; or*

15 (3) *install utilities for any family housing, ex-*
16 *cept housing for which funds have been made avail-*
17 *able in annual Acts making appropriations for mili-*
18 *tary construction.*

19 *SEC. 107. None of the funds made available in this*
20 *title for minor construction may be used to transfer or relo-*
21 *cate any activity from one base or installation to another,*
22 *without prior notification to the Committees on Appropria-*
23 *tions of both Houses of Congress.*

24 *SEC. 108. None of the funds made available in this*
25 *title may be used for the procurement of steel for any con-*

1 *struction project or activity for which American steel pro-*
2 *ducers, fabricators, and manufacturers have been denied the*
3 *opportunity to compete for such steel procurement.*

4 *SEC. 109. None of the funds available to the Depart-*
5 *ment of Defense for military construction or family housing*
6 *during the current fiscal year may be used to pay real prop-*
7 *erty taxes in any foreign nation.*

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

12 *SEC. 111. None of the funds made available in this*
13 *title may be obligated for architect and engineer contracts*
14 *estimated by the Government to exceed \$500,000 for projects*
15 *to be accomplished in Japan, in any North Atlantic Treaty*
16 *Organization member country, or in countries bordering the*
17 *Arabian Sea, 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 *ories and possessions in the Pacific and on Kwajalein*
23 *Atoll, or in countries bordering the Arabian Sea, may be*
24 *used to award any contract estimated by the Government*
25 *to exceed \$1,000,000 to a foreign contractor: Provided, That*

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

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

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

20 *SEC. 115. Funds appropriated to the Department of*
21 *Defense for construction in prior years shall be available*
22 *for construction authorized for each such military depart-*
23 *ment by the authorizations enacted into law during the cur-*
24 *rent 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, inspection,*
5 *overhead, engineering and design on those projects and on*
6 *subsequent claims, if any.*

7 *SEC. 117. Notwithstanding any other provision of law,*
8 *any funds made available to a military department or de-*
9 *fense agency for the construction of military projects may*
10 *be obligated for a military construction project or contract,*
11 *or for any portion of such a project or contract, at any*
12 *time before the end of the fourth fiscal year after the fiscal*
13 *year for which funds for such project were made available,*
14 *if the funds obligated for such project:*

15 *(1) are obligated from funds available for mili-*
16 *tary construction projects; and*

17 *(2) do not exceed the amount appropriated for*
18 *such project, plus any amount by which the cost of*
19 *such project is increased pursuant to law.*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *SEC. 118. In addition to any other transfer authority*
22 *available to the Department of Defense, proceeds deposited*
23 *to the Department of Defense Base Closure Account estab-*
24 *lished by section 207(a)(1) of the Defense Authorization*
25 *Amendments and Base Closure and Realignment Act (10*

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

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *SEC. 119. Subject to 30 days prior notification, or 14*
 9 *days for a notification provided in an electronic medium*
 10 *pursuant to sections 480 and 2883, of title 10, United*
 11 *States Code, to the Committees on Appropriations of both*
 12 *Houses of Congress, such additional amounts as may be de-*
 13 *termined by the Secretary of Defense may be transferred*
 14 *to:*

15 *(1) the Department of Defense Family Housing*
 16 *Improvement Fund from amounts appropriated for*
 17 *construction in “Family Housing” accounts, to be*
 18 *merged with and to be available for the same purposes*
 19 *and for the same period of time as amounts appro-*
 20 *priated directly to the Fund; or*

21 *(2) the Department of Defense Military Unac-*
 22 *companied Housing Improvement Fund from*
 23 *amounts appropriated for construction of military*
 24 *unaccompanied housing in “Military Construction”*
 25 *accounts, to be merged with and to be available for*

1 *the same purposes and for the same period of time as*
2 *amounts appropriated directly to the Fund: Provided,*
3 *That appropriations made available to the Funds*
4 *shall be available to cover the costs, as defined in sec-*
5 *tion 502(5) of the Congressional Budget Act of 1974,*
6 *of direct loans or loan guarantees issued by the De-*
7 *partment of Defense pursuant to the provisions of*
8 *subchapter IV of chapter 169 of title 10, United*
9 *States Code, pertaining to alternative means of ac-*
10 *quiring and improving military family housing,*
11 *military unaccompanied housing, and supporting fa-*
12 *cilities.*

13 *SEC. 120. (a) Not later than 60 days before issuing*
14 *any solicitation for a contract with the private sector for*
15 *military family housing the Secretary of the military de-*
16 *partment concerned shall submit to the Committees on Ap-*
17 *propriations of both Houses of Congress the notice described*
18 *in subsection (b).*

19 *(b)(1) A notice referred to in subsection (a) is a notice*
20 *of any guarantee (including the making of mortgage or*
21 *rental payments) proposed to be made by the Secretary to*
22 *the private party under the contract involved in the event*
23 *of—*

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

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

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

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

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 121. In addition to any other transfer authority
11 available to the Department of Defense, amounts may be
12 transferred from the accounts established by sections
13 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure
14 and Realignment Act of 1990 (10 U.S.C. 2687 note), to the
15 fund established by section 1013(d) of the Demonstration
16 Cities and Metropolitan Development Act of 1966 (42
17 U.S.C. 3374) to pay for expenses associated with the Home-
18 owners Assistance Program incurred under 42 U.S.C.
19 3374(a)(1)(A). Any amounts transferred shall be merged
20 with and be available for the same purposes and for the
21 same time period as the fund to which transferred.

22 SEC. 122. Notwithstanding any other provision of law,
23 funds made available in this title for operation and mainte-
24 nance of family housing shall be the exclusive source of
25 funds for repair and maintenance of all family housing

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

17 *SEC. 123. Amounts contained in the Ford Island Im-*
18 *provement Account established by subsection (h) of section*
19 *2814 of title 10, United States Code, are appropriated and*
20 *shall be available until expended for the purposes specified*
21 *in subsection (i)(1) of such section or until transferred pur-*
22 *suant to subsection (i)(3) of such section.*

23 *SEC. 124. None of the funds made available in this*
24 *title, or in any Act making appropriations for military*
25 *construction which remain available for obligation, may be*

1 *obligated or expended to carry out a military construction,*
2 *land acquisition, or family housing project at or for a mili-*
3 *tary installation approved for closure, or at a military in-*
4 *stallation for the purposes of supporting a function that has*
5 *been approved for realignment to another installation, in*
6 *2005 under the Defense Base Closure and Realignment Act*
7 *of 1990 (part A of title XXIX of Public Law 101–510; 10*
8 *U.S.C. 2687 note), unless such a project at a military in-*
9 *stallation approved for realignment will support a con-*
10 *tinuing mission or function at that installation or a new*
11 *mission or function that is planned for that installation,*
12 *or unless the Secretary of Defense certifies that the cost to*
13 *the United States of carrying out such project would be less*
14 *than the cost to the United States of cancelling such project,*
15 *or if the project is at an active component base that shall*
16 *be established as an enclave or in the case of projects having*
17 *multi-agency use, that another Government agency has in-*
18 *dicated it will assume ownership of the completed project.*
19 *The Secretary of Defense may not transfer funds made*
20 *available as a result of this limitation from any military*
21 *construction project, land acquisition, or family housing*
22 *project to another account or use such funds for another*
23 *purpose or project without the prior approval of the Com-*
24 *mittees on Appropriations of both Houses of Congress. This*
25 *section shall not apply to military construction projects,*

1 *land acquisition, or family housing projects for which the*
2 *project is vital to the national security or the protection*
3 *of health, safety, or environmental quality: Provided, That*
4 *the Secretary of Defense shall notify the congressional de-*
5 *fense committees within seven days of a decision to carry*
6 *out such a military construction project.*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *SEC. 125. During the 5-year period after appropria-*
9 *tions available in this Act to the Department of Defense*
10 *for military construction and family housing operation and*
11 *maintenance and construction have expired for obligation,*
12 *upon a determination that such appropriations will not be*
13 *necessary for the liquidation of obligations or for making*
14 *authorized adjustments to such appropriations for obliga-*
15 *tions incurred during the period of availability of such ap-*
16 *propriations, unobligated balances of such appropriations*
17 *may be transferred into the appropriation “Foreign Cur-*
18 *rency Fluctuations, Construction, Defense”, to be merged*
19 *with and to be available for the same time period and for*
20 *the same purposes as the appropriation to which trans-*
21 *ferred.*

22 *SEC. 126. Amounts appropriated or otherwise made*
23 *available in an account funded under the headings in this*
24 *title may be transferred among projects and activities with-*
25 *in the account in accordance with the reprogramming*

1 *guidelines for military construction and family housing*
 2 *construction contained in Department of Defense Financial*
 3 *Management Regulation 7000.14–R, Volume 3, Chapter 7,*
 4 *of February 2009, as in effect on the date of enactment of*
 5 *this Act.*

6 *TITLE II*

7 *DEPARTMENT OF VETERANS AFFAIRS*

8 *VETERANS BENEFITS ADMINISTRATION*

9 *COMPENSATION AND PENSIONS*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For the payment of compensation benefits to or on be-*
 12 *half of veterans and a pilot program for disability examina-*
 13 *tions as authorized by section 107 and chapters 11, 13, 18,*
 14 *51, 53, 55, and 61 of title 38, United States Code; pension*
 15 *benefits to or on behalf of veterans as authorized by chapters*
 16 *15, 51, 53, 55, and 61 of title 38, United States Code; and*
 17 *burial benefits, the Reinstated Entitlement Program for*
 18 *Survivors, emergency and other officers' retirement pay, ad-*
 19 *justed-service credits and certificates, payment of premiums*
 20 *due on commercial life insurance policies guaranteed under*
 21 *the provisions of title IV of the Servicemembers Civil Relief*
 22 *Act (50 U.S.C. App. 541 et seq.) and for other benefits as*
 23 *authorized by sections 107, 1312, 1977, and 2106, and*
 24 *chapters 23, 51, 53, 55, and 61 of title 38, United States*
 25 *Code, \$58,067,319,000, to remain available until expended:*

1 *Provided, That not to exceed \$32,187,000 of the amount ap-*
 2 *propriated under this heading shall be reimbursed to “Gen-*
 3 *eral operating expenses, Veterans Benefits Administration”,*
 4 *“Medical support and compliance”, and “Information tech-*
 5 *nology systems” for necessary expenses in implementing the*
 6 *provisions of chapters 51, 53, and 55 of title 38, United*
 7 *States Code, the funding source for which is specifically*
 8 *provided as the “Compensation and pensions” appropria-*
 9 *tion: Provided further, That such sums as may be earned*
 10 *on an actual qualifying patient basis, shall be reimbursed*
 11 *to “Medical care collections fund” to augment the funding*
 12 *of individual medical facilities for nursing home care pro-*
 13 *vided to pensioners as authorized.*

14 *READJUSTMENT BENEFITS*

15 *For the payment of readjustment and rehabilitation*
 16 *benefits to or on behalf of veterans as authorized by chapters*
 17 *21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title*
 18 *38, United States Code, \$11,011,086,000, to remain avail-*
 19 *able until expended: Provided, That expenses for rehabilita-*
 20 *tion program services and assistance which the Secretary*
 21 *is authorized to provide under subsection (a) of section 3104*
 22 *of title 38, United States Code, other than under para-*
 23 *graphs (1), (2), (5), and (11) of that subsection, shall be*
 24 *charged to this account.*

1 *VETERANS INSURANCE AND INDEMNITIES*

2 *For military and naval insurance, national service life*
 3 *insurance, servicemen's indemnities, service-disabled vet-*
 4 *erans insurance, and veterans mortgage life insurance as*
 5 *authorized by title 38, United States Code, chapters 19 and*
 6 *21, \$100,252,000, to remain available until expended.*

7 *VETERANS HOUSING BENEFIT PROGRAM FUND*

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

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

20 *VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT*

21 *For the cost of direct loans, \$19,000, as authorized by*
 22 *chapter 31 of title 38, United States Code: Provided, That*
 23 *such costs, including the cost of modifying such loans, shall*
 24 *be as defined in section 502 of the Congressional Budget*
 25 *Act of 1974: Provided further, That funds made available*

1 *under this heading are available to subsidize gross obliga-*
 2 *tions for the principal amount of direct loans not to exceed*
 3 *\$3,019,000.*

4 *In addition, for administrative expenses necessary to*
 5 *carry out the direct loan program, \$343,000, which may*
 6 *be paid to the appropriation for “General operating ex-*
 7 *penses, Veterans Benefits Administration”.*

8 *NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM*
 9 *ACCOUNT*

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

13 *VETERANS HEALTH ADMINISTRATION*
 14 *MEDICAL SERVICES*
 15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For necessary expenses for furnishing, as authorized*
 17 *by law, inpatient and outpatient care and treatment to*
 18 *beneficiaries of the Department of Veterans Affairs and vet-*
 19 *erans described in section 1705(a) of title 38, United States*
 20 *Code, including care and treatment in facilities not under*
 21 *the jurisdiction of the Department, and including medical*
 22 *supplies and equipment, food services, and salaries and ex-*
 23 *penses of health care employees hired under title 38, United*
 24 *States Code, aid to State homes as authorized by section*
 25 *1741 of title 38, United States Code, assistance and support*

1 *services for caregivers as authorized by section 1720G of*
2 *title 38, United States Code, and loan repayments author-*
3 *ized by section 604 of Public Law 111-163;*
4 *\$41,354,000,000, plus reimbursements, shall become avail-*
5 *able on October 1, 2012, and shall remain available until*
6 *September 30, 2013: Provided, That notwithstanding any*
7 *other provision of law, the Secretary of Veterans Affairs*
8 *shall establish a priority for the provision of medical treat-*
9 *ment for veterans who have service-connected disabilities,*
10 *lower income, or have special needs: Provided further, That,*
11 *notwithstanding any other provision of law, the Secretary*
12 *of Veterans Affairs shall give priority funding for the provi-*
13 *sion of basic medical benefits to veterans in enrollment pri-*
14 *ority groups 1 through 6: Provided further, That, notwith-*
15 *standing any other provision of law, the Secretary of Vet-*
16 *erans Affairs may authorize the dispensing of prescription*
17 *drugs from Veterans Health Administration facilities to en-*
18 *rolled veterans with privately written prescriptions based*
19 *on requirements established by the Secretary: Provided fur-*
20 *ther, That the implementation of the program described in*
21 *the previous proviso shall incur no additional cost to the*
22 *Department of Veterans Affairs.*

23 *MEDICAL SUPPORT AND COMPLIANCE*

24 *For necessary expenses in the administration of the*
25 *medical, hospital, nursing home, domiciliary, construction,*

1 *supply, and research activities, as authorized by law; ad-*
2 *ministrative expenses in support of capital policy activities;*
3 *and administrative and legal expenses of the Department*
4 *for collecting and recovering amounts owed the Department*
5 *as authorized under chapter 17 of title 38, United States*
6 *Code, and the Federal Medical Care Recovery Act (42*
7 *U.S.C. 2651 et seq.); \$5,746,000,000, plus reimbursements,*
8 *shall become available on October 1, 2012, and shall remain*
9 *available until September 30, 2013.*

10 *MEDICAL FACILITIES*

11 *For necessary expenses for the maintenance and oper-*
12 *ation of hospitals, nursing homes, and domiciliary facilities*
13 *and other necessary facilities of the Veterans Health Admin-*
14 *istration; for administrative expenses in support of plan-*
15 *ning, design, project management, real property acquisition*
16 *and disposition, construction, and renovation of any facil-*
17 *ity under the jurisdiction or for the use of the Department;*
18 *for oversight, engineering, and architectural activities not*
19 *charged to project costs; for repairing, altering, improving,*
20 *or providing facilities in the several hospitals and homes*
21 *under the jurisdiction of the Department, not otherwise pro-*
22 *vided for, either by contract or by the hire of temporary*
23 *employees and purchase of materials; for leases of facilities;*
24 *and for laundry services, \$5,441,000,000, plus reimburse-*

1 *ments, shall become available on October 1, 2012, and shall*
 2 *remain available until September 30, 2013.*

3 *MEDICAL AND PROSTHETIC RESEARCH*

4 *For necessary expenses in carrying out programs of*
 5 *medical and prosthetic research and development as author-*
 6 *ized by chapter 73 of title 38, United States Code,*
 7 *\$581,000,000, plus reimbursements, shall remain available*
 8 *until September 30, 2013.*

9 *NATIONAL CEMETERY ADMINISTRATION*

10 *For necessary expenses of the National Cemetery Ad-*
 11 *ministration for operations and maintenance, not otherwise*
 12 *provided for, including uniforms or allowances therefor;*
 13 *cemeterial expenses as authorized by law; purchase of one*
 14 *passenger motor vehicle for use in cemeterial operations;*
 15 *hire of passenger motor vehicles; and repair, alteration or*
 16 *improvement of facilities under the jurisdiction of the Na-*
 17 *tional Cemetery Administration, \$250,934,000, of which*
 18 *not to exceed \$25,100,000 shall remain available until Sep-*
 19 *tember 30, 2013.*

20 *DEPARTMENTAL ADMINISTRATION*

21 *GENERAL ADMINISTRATION*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For necessary operating expenses of the Department of*
 24 *Veterans Affairs, not otherwise provided for, including ad-*
 25 *ministrative expenses in support of Department-Wide cap-*

1 *ital planning, management and policy activities, uniforms,*
 2 *or allowances therefor; not to exceed \$25,000 for official re-*
 3 *ception and representation expenses; hire of passenger*
 4 *motor vehicles; and reimbursement of the General Services*
 5 *Administration for security guard services, \$431,257,000,*
 6 *of which not to exceed \$21,562,000 shall remain available*
 7 *until September 30, 2013: Provided, That \$15,000,000 shall*
 8 *be to increase the Department's acquisition workforce ca-*
 9 *capacity and capabilities and may be transferred by the Sec-*
 10 *retary to any other account in the Department to carry out*
 11 *the purposes provided therein: Provided further, That funds*
 12 *provided under this heading may be transferred to "General*
 13 *operating expenses, Veterans Benefits Administration".*

14 *GENERAL OPERATING EXPENSES, VETERANS BENEFITS*
 15 *ADMINISTRATION*

16 *For necessary operating expenses of the Veterans Bene-*
 17 *fits Administration, not otherwise provided for, including*
 18 *hire of passenger motor vehicles, and reimbursement of the*
 19 *Department of Defense for the cost of overseas employee*
 20 *mail, \$2,018,764,000: Provided, That expenses for services*
 21 *and assistance authorized under paragraphs (1), (2), (5),*
 22 *and (11) of section 3104(a) of title 38, United States Code,*
 23 *that the Secretary of Veterans Affairs determines are nec-*
 24 *essary to enable entitled veterans: (1) to the maximum ex-*
 25 *tent feasible, to become employable and to obtain and main-*

tain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available under this heading, not to exceed \$105,000,000 shall remain available until September 20, 2013: Provided further, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, \$3,161,376,000, plus reimbursements: Provided, That \$915,000,000 shall be for pay and associated costs, of which not to exceed \$25,000,000 shall remain available until September 30, 2013: Provided further, That \$1,709,953,000 shall be for operations and maintenance as designated in the President's 2012 budget justification, of which not to

1 *exceed \$110,000,000 shall remain available until September*
2 *30, 2013: Provided further, That \$536,423,000 shall be for*
3 *information technology systems development, moderniza-*
4 *tion, and enhancement as designated in the President's*
5 *2012 budget justification, and shall remain available until*
6 *September 30, 2013: Provided further, That none of the*
7 *funds made available under this heading may be obligated*
8 *until the Department of Veterans Affairs submits to the*
9 *Committees on Appropriations of both Houses of Congress,*
10 *and such Committees approve, a plan for expenditure that:*
11 *(1) meets the capital planning and investment*
12 *control review requirements established by the Office*
13 *of Management and Budget;*
14 *(2) complies with the Department of Veterans Af-*
15 *airs enterprise architecture;*
16 *(3) conforms with an established enterprise life*
17 *cycle methodology; and*
18 *(4) complies with the acquisition rules, require-*
19 *ments, guidelines, and systems acquisition manage-*
20 *ment practices of the Federal Government: Provided*
21 *further, That amounts made available for information*
22 *technology systems development, modernization, and*
23 *enhancement may not be obligated or expended until*
24 *the Secretary of Veterans Affairs or the Chief Infor-*
25 *mation Officer of the Department of Veterans Affairs*

1 *submits to the Committees on Appropriations of both*
2 *Houses of Congress a certification of the amounts, in*
3 *parts or in full, to be obligated and expended for each*
4 *development project: Provided further, That amounts*
5 *made available for salaries and expenses, operations*
6 *and maintenance, and information technology sys-*
7 *tems development, modernization, and enhancement*
8 *may be transferred among the three subaccounts after*
9 *the Secretary of Veterans Affairs requests from the*
10 *Committees on Appropriations of both Houses of Con-*
11 *gress the authority to make the transfer and an ap-*
12 *proval is issued: Provided further, That the funds*
13 *made available under this heading for information*
14 *technology systems development, modernization, and*
15 *enhancement, shall be for the projects and in the*
16 *amounts, specified under this heading in the report*
17 *accompanying this Act.*

18 *OFFICE OF INSPECTOR GENERAL*

19 *For necessary expenses of the Office of Inspector Gen-*
20 *eral, to include information technology, in carrying out the*
21 *provisions of the Inspector General Act of 1978 (5 U.S.C.*
22 *App.), \$112,391,000, of which \$6,600,000 shall remain*
23 *available until September 30, 2013.*

CONSTRUCTION, MAJOR PROJECTS

1 *For constructing, altering, extending, and improving*
2
3 *any of the facilities, including parking projects, under the*
4 *jurisdiction or for the use of the Department of Veterans*
5 *Affairs, or for any of the purposes set forth in sections 316,*
6 *2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122*
7 *of title 38, United States Code, including planning, archi-*
8 *tectural and engineering services, construction management*
9 *services, maintenance or guarantee period services costs as-*
10 *sociated with equipment guarantees provided under the*
11 *project, services of claims analysts, offsite utility and storm*
12 *drainage system construction costs, and site acquisition,*
13 *where the estimated cost of a project is more than the*
14 *amount set forth in section 8104(a)(3)(A) of title 38, United*
15 *States Code, or where funds for a project were made avail-*
16 *able in a previous major project appropriation,*
17 *\$589,604,000, to remain available until expended, of which*
18 *\$5,000,000 shall be to make reimbursements as provided in*
19 *section 13 of the Contract Disputes Act of 1978 (41 U.S.C.*
20 *612) for claims paid for contract disputes: Provided, That*
21 *except for advance planning activities, including needs as-*
22 *sessments which may or may not lead to capital invest-*
23 *ments, and other capital asset management related activi-*
24 *ties, including portfolio development and management ac-*
25 *tivities, and investment strategy studies funded through the*

1 *advance planning fund and the planning and design activi-*
 2 *ties funded through the design fund, including needs assess-*
 3 *ments which may or may not lead to capital investments,*
 4 *and salaries and associated costs of the resident engineers*
 5 *who oversee those capital investments funded through this*
 6 *account, and funds provided for the purchase of land for*
 7 *the National Cemetery Administration through the land ac-*
 8 *quisition line item, none of the funds made available under*
 9 *this heading shall be used for any project which has not*
 10 *been approved by the Congress in the budgetary process:*
 11 *Provided further, That funds made available under this*
 12 *heading for fiscal year 2012, for each approved project shall*
 13 *be obligated:*

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

16 (2) *by the awarding of a construction contract*
 17 *by September 30, 2013: Provided further, That the*
 18 *Secretary of Veterans Affairs shall promptly submit*
 19 *to the Committees on Appropriations of both Houses*
 20 *of Congress a written report on any approved major*
 21 *construction project for which obligations are not in-*
 22 *curring within the time limitations established above.*

23 CONSTRUCTION, MINOR PROJECTS

24 *For constructing, altering, extending, and improving*
 25 *any of the facilities, including parking projects, under the*

1 *jurisdiction or for the use of the Department of Veterans*
2 *Affairs, including planning and assessments of needs which*
3 *may lead to capital investments, architectural and engi-*
4 *neering services, maintenance or guarantee period services*
5 *costs associated with equipment guarantees provided under*
6 *the project, services of claims analysts, offsite utility and*
7 *storm drainage system construction costs, and site acquisi-*
8 *tion, or for any of the purposes set forth in sections 316,*
9 *2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and*
10 *8162 of title 38, United States Code, where the estimated*
11 *cost of a project is equal to or less than the amount set*
12 *forth in section 8104(a)(3)(A) of title 38, United States*
13 *Code, \$550,091,000, to remain available until expended,*
14 *along with unobligated balances of previous “Construction,*
15 *minor projects” appropriations which are hereby made*
16 *available for any project where the estimated cost is equal*
17 *to or less than the amount set forth in such section: Pro-*
18 *vided, That funds made available under this heading shall*
19 *be for:*

- 20 (1) *repairs to any of the nonmedical facilities*
21 *under the jurisdiction or for the use of the Depart-*
22 *ment which are necessary because of loss or damage*
23 *caused by any natural disaster or catastrophe; and*
24 (2) *temporary measures necessary to prevent or*
25 *to minimize further loss by such causes.*

1 *GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE*
2 *FACILITIES*

3 *For grants to assist States to acquire or construct*
4 *State nursing home and domiciliary facilities and to re-*
5 *model, modify, or alter existing hospital, nursing home, and*
6 *domiciliary facilities in State homes, for furnishing care*
7 *to veterans as authorized by sections 8131 through 8137 of*
8 *title 38, United States Code, \$85,000,000, to remain avail-*
9 *able until expended.*

10 *GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES*

11 *For grants to assist States and tribal governments in*
12 *establishing, expanding, or improving veterans cemeteries*
13 *as authorized by section 2408 of title 38, United States*
14 *Code, \$46,000,000, to remain available until expended.*

15 *ADMINISTRATIVE PROVISIONS*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *SEC. 201. Any appropriation for fiscal year 2012 for*
18 *“Compensation and pensions”, “Readjustment benefits”,*
19 *and “Veterans insurance and indemnities” may be trans-*
20 *ferred as necessary to any other of the mentioned appro-*
21 *priations: Provided, That before a transfer may take place,*
22 *the Secretary of Veterans Affairs shall request from the*
23 *Committees on Appropriations of both Houses of Congress*
24 *the authority to make the transfer and such Committees*

1 *issue an approval, or absent a response, a period of 30 days*
2 *has elapsed.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 202. Amounts made available for the Department*
5 *of Veterans Affairs for fiscal year 2012, in this Act or any*
6 *other Act, under the “Medical services”, “Medical support*
7 *and compliance”, and “Medical facilities” accounts may be*
8 *transferred among the accounts: Provided, That any trans-*
9 *fers between the “Medical services” and “Medical support*
10 *and compliance” accounts of 1 percent or less of the total*
11 *amount appropriated to the account in this or any other*
12 *Act may take place subject to notification from the Sec-*
13 *retary of Veterans Affairs to the Committees on Appropria-*
14 *tions of both Houses of Congress of the amount and purpose*
15 *of the transfer: Provided further, That any transfers be-*
16 *tween the “Medical services” and “Medical support and*
17 *compliance” accounts in excess of 1 percent, or exceeding*
18 *the cumulative 1 percent for the fiscal year, may take place*
19 *only after the Secretary requests from the Committees on*
20 *Appropriations of both Houses of Congress the authority to*
21 *make the transfer and an approval is issued: Provided fur-*
22 *ther, That any transfers to or from the “Medical facilities”*
23 *account may take place only after the Secretary requests*
24 *from the Committees on Appropriations of both Houses of*

1 Congress the authority to make the transfer and an ap-
2 proval is issued.

3 *SEC. 203. Appropriations available in this title for sal-*
4 *aries and expenses shall be available for services authorized*
5 *by section 3109 of title 5, United States Code, hire of pas-*
6 *senger motor vehicles; lease of a facility or land or both;*
7 *and uniforms or allowances therefore, as authorized by sec-*
8 *tions 5901 through 5902 of title 5, United States Code.*

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

14 *SEC. 205. No appropriations in this title shall be*
15 *available for hospitalization or examination of any persons*
16 *(except beneficiaries entitled to such hospitalization or ex-*
17 *amination under the laws providing such benefits to vet-*
18 *erans, and persons receiving such treatment under sections*
19 *7901 through 7904 of title 5, United States Code, or the*
20 *Robert T. Stafford Disaster Relief and Emergency Assist-*
21 *ance Act (42 U.S.C. 5121 et seq.)), unless reimbursement*
22 *of the cost of such hospitalization or examination is made*
23 *to the “Medical services” account at such rates as may be*
24 *fixed by the Secretary of Veterans Affairs.*

1 *SEC. 206. Appropriations available in this title for*
2 *“Compensation and pensions”, “Readjustment benefits”,*
3 *and “Veterans insurance and indemnities” shall be avail-*
4 *able for payment of prior year accrued obligations required*
5 *to be recorded by law against the corresponding prior year*
6 *accounts within the last quarter of fiscal year 2011.*

7 *SEC. 207. Appropriations available in this title shall*
8 *be available to pay prior year obligations of corresponding*
9 *prior year appropriations accounts resulting from sections*
10 *3328(a), 3334, and 3712(a) of title 31, United States Code,*
11 *except that if such obligations are from trust fund accounts*
12 *they shall be payable only from “Compensation and pen-*
13 *sions”.*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *SEC. 208. Notwithstanding any other provision of law,*
16 *during fiscal year 2012, the Secretary of Veterans Affairs*
17 *shall, from the National Service Life Insurance Fund under*
18 *section 1920 of title 38, United States Code, the Veterans’*
19 *Special Life Insurance Fund under section 1923 of title 38,*
20 *United States Code, and the United States Government Life*
21 *Insurance Fund under section 1955 of title 38, United*
22 *States Code, reimburse the “General operating expenses,*
23 *Veterans Benefits Administration” and “Information tech-*
24 *nology systems” accounts for the cost of administration of*
25 *the insurance programs financed through those accounts:*

1 *Provided, That reimbursement shall be made only from the*
 2 *surplus earnings accumulated in such an insurance pro-*
 3 *gram during fiscal year 2012 that are available for divi-*
 4 *dends in that program after claims have been paid and ac-*
 5 *tuarily determined reserves have been set aside: Provided*
 6 *further, That if the cost of administration of such an insur-*
 7 *ance program exceeds the amount of surplus earnings accu-*
 8 *mulated in that program, reimbursement shall be made*
 9 *only to the extent of such surplus earnings: Provided fur-*
 10 *ther, That the Secretary shall determine the cost of adminis-*
 11 *tration for fiscal year 2012 which is properly allocable to*
 12 *the provision of each such insurance program and to the*
 13 *provision of any total disability income insurance included*
 14 *in that insurance program.*

15 *SEC. 209. Amounts deducted from enhanced-use lease*
 16 *proceeds to reimburse an account for expenses incurred by*
 17 *that account during a prior fiscal year for providing en-*
 18 *hanced-use lease services, may be obligated during the fiscal*
 19 *year in which the proceeds are received.*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *SEC. 210. Funds available in this title or funds for*
 22 *salaries and other administrative expenses shall also be*
 23 *available to reimburse the Office of Resolution Management*
 24 *of the Department of Veterans Affairs and the Office of Em-*
 25 *ployment Discrimination Complaint Adjudication under*

1 *section 319 of title 38, United States Code, for all services*
2 *provided at rates which will recover actual costs but not*
3 *exceed \$42,904,000 for the Office of Resolution Management*
4 *and \$3,360,000 for the Office of Employment and Discrimi-*
5 *nation Complaint Adjudication: Provided, That payments*
6 *may be made in advance for services to be furnished based*
7 *on estimated costs: Provided further, That amounts received*
8 *shall be credited to the “General administration” and “In-*
9 *formation technology systems” accounts for use by the office*
10 *that provided the service.*

11 *SEC. 211. No appropriations in this title shall be*
12 *available to enter into any new lease of real property if*
13 *the estimated annual rental cost is more than \$1,000,000,*
14 *unless the Secretary submits a report which the Committees*
15 *on Appropriations of both Houses of Congress approve with-*
16 *in 30 days following the date on which the report is re-*
17 *ceived.*

18 *SEC. 212. No funds of the Department of Veterans Af-*
19 *airs shall be available for hospital care, nursing home care,*
20 *or medical services provided to any person under chapter*
21 *17 of title 38, United States Code, for a non-service-con-*
22 *nected disability described in section 1729(a)(2) of such*
23 *title, unless that person has disclosed to the Secretary of*
24 *Veterans Affairs, in such form as the Secretary may require,*
25 *current, accurate third-party reimbursement information*

1 *for purposes of section 1729 of such title: Provided, That*
 2 *the Secretary may recover, in the same manner as any other*
 3 *debt due the United States, the reasonable charges for such*
 4 *care or services from any person who does not make such*
 5 *disclosure as required: Provided further, That any amounts*
 6 *so recovered for care or services provided in a prior fiscal*
 7 *year may be obligated by the Secretary during the fiscal*
 8 *year in which amounts are received.*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *SEC. 213. Notwithstanding any other provision of law,*
 11 *proceeds or revenues derived from enhanced-use leasing ac-*
 12 *tivities (including disposal) may be deposited into the*
 13 *“Construction, major projects” and “Construction, minor*
 14 *projects” accounts and be used for construction (including*
 15 *site acquisition and disposition), alterations, and improve-*
 16 *ments of any medical facility under the jurisdiction or for*
 17 *the use of the Department of Veterans Affairs. Such sums*
 18 *as realized are in addition to the amount provided for in*
 19 *“Construction, major projects” and “Construction, minor*
 20 *projects”.*

21 *SEC. 214. Amounts made available under “Medical*
 22 *services” are available—*

23 *(1) for furnishing recreational facilities, sup-*
 24 *plies, and equipment; and*

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

4 (INCLUDING TRANSFER OF FUNDS)

5 *SEC. 215. Such sums as may be deposited to the Med-*
6 *ical Care Collections Fund pursuant to section 1729A of*
7 *title 38, United States Code, may be transferred to “Medical*
8 *services”, to remain available until expended for the pur-*
9 *poses of that account.*

10 *SEC. 216. The Secretary of Veterans Affairs may enter*
11 *into agreements with Indian tribes and tribal organizations*
12 *which are party to the Alaska Native Health Compact with*
13 *the Indian Health Service, and Indian tribes and tribal*
14 *organizations serving rural Alaska which have entered into*
15 *contracts with the Indian Health Service under the Indian*
16 *Self Determination and Educational Assistance Act, to pro-*
17 *vide healthcare, including behavioral health and dental*
18 *care. The Secretary shall require participating veterans and*
19 *facilities to comply with all appropriate rules and regula-*
20 *tions, as established by the Secretary. The term “rural Alas-*
21 *ka” shall mean those lands sited within the external bound-*
22 *aries of the Alaska Native regions specified in sections*
23 *7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Set-*
24 *tlement Act, as amended (43 U.S.C. 1606), and those lands*
25 *within the Alaska Native regions specified in sections*

1 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement
 2 Act, as amended (43 U.S.C. 1606), which are not within
 3 the boundaries of the Municipality of Anchorage, the Fair-
 4 banks North Star Borough, the Kenai Peninsula Borough
 5 or the Matanuska Susitna Borough.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 217. Such sums as may be deposited to the De-
 8 partment of Veterans Affairs Capital Asset Fund pursuant
 9 to section 8118 of title 38, United States Code, may be
 10 transferred to the “Construction, major projects” and “Con-
 11 struction, minor projects” accounts, to remain available
 12 until expended for the purposes of these accounts.

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

18 SEC. 219. The Secretary of Veterans Affairs shall sub-
 19 mit to the Committees on Appropriations of both Houses
 20 of Congress a quarterly report on the financial status of
 21 the Veterans Health Administration.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 220. Amounts made available under the “Medical
 24 services”, “Medical support and compliance”, “Medical fa-
 25 cilities”, “General operating expenses, Veterans Benefits

1 *Administration*”, “*General administration*”, and “*National cemetery administration*” accounts for fiscal year
 2 2012, may be transferred to or from the “*Information technology systems*” account: *Provided, That before a transfer*
 3 *may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both*
 4 *Houses of Congress the authority to make the transfer and an approval is issued.*

9 (INCLUDING TRANSFER OF FUNDS)

10 *SEC. 221. Amounts made available for the “Information technology systems” account for development, modernization, and enhancement may be transferred between*
 11 *projects or to newly defined projects: Provided, That no project may be increased or decreased by more than*
 12 *\$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to*
 13 *make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.*

19 *SEC. 222. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that*
 20 *is inconsistent with—*

23 (1) *section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Ap-*
 24
 25

1 *appropriations Act, 2006 (Public Law 109–115; 119*
2 *Stat. 2506); or*

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

5 *SEC. 223. Of the amounts made available to the De-*
6 *partment of Veterans Affairs for fiscal year 2012, in this*
7 *Act or any other Act, under the “Medical facilities” account*
8 *for nonrecurring maintenance, not more than 20 percent*
9 *of the funds made available shall be obligated during the*
10 *last 2 months of that fiscal year: Provided, That the Sec-*
11 *retary may waive this requirement after providing written*
12 *notice to the Committees on Appropriations of both Houses*
13 *of Congress.*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *SEC. 224. Of the amounts appropriated to the Depart-*
16 *ment of Veterans Affairs for fiscal year 2011 for “Medical*
17 *services”, “Medical support and compliance”, “Medical fa-*
18 *cilities”, “Construction, minor projects”, and “Information*
19 *technology systems”, up to \$241,666,000, plus reimburse-*
20 *ments, may be transferred to the Joint Department of De-*
21 *fense-Department of Veterans Affairs Medical Facility*
22 *Demonstration Fund, established by section 1704 of title*
23 *XVII of the National Defense Authorization Act for Fiscal*
24 *Year 2010 (Public Law 111–84; 123 Stat. 3571) and may*
25 *be used for operation of the facilities designated as combined*

1 *Federal medical facilities as described by section 706 of the*
 2 *Duncan Hunter National Defense Authorization Act for*
 3 *Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500):*
 4 *Provided, That additional funds may be transferred from*
 5 *accounts designated in this section to the Joint Department*
 6 *of Defense-Department of Veterans Affairs Medical Facility*
 7 *Demonstration Fund upon written notification by the Sec-*
 8 *retary of Veterans Affairs to the Committees on Appropria-*
 9 *tions of both Houses of Congress.*

10 (INCLUDING TRANSFER OF FUNDS)

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

18 (1) *for transfer to the Joint Department of De-*
 19 *fense-Department of Veterans Affairs Medical Facility*
 20 *Demonstration Fund, established by section 1704 of*
 21 *title XVII of the National Defense Authorization Act*
 22 *for Fiscal Year 2010 (Public Law 111–84; 123 Stat.*
 23 *3571); and*

24 (2) *for operations of the facilities designated as*
 25 *combined Federal medical facilities as described by*

1 *section 706 of the Duncan Hunter National Defense*
 2 *Authorization Act for Fiscal Year 2009 (Public Law*
 3 *110–417; 122 Stat. 4500).*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *SEC. 226. Of the amounts available in this title for*
 6 *“Medical services”, “Medical support and compliance”, and*
 7 *“Medical facilities”, a minimum of \$15,000,000, shall be*
 8 *transferred to the Department of Defense/Department of*
 9 *Veterans Affairs Health Care Sharing Incentive Fund, as*
 10 *authorized by section 8111(d) of title 38, United States*
 11 *Code, to remain available until expended, for any purpose*
 12 *authorized by section 8111 of title 38, United States Code.*

13 *(INCLUDING RESCISSION OF FUNDS)*

14 *SEC. 227. (a) Of the funds appropriated in title X of*
 15 *division B of Public Law 112–10, the following amounts*
 16 *which will become available on October 1, 2011, are hereby*
 17 *rescinded from the following accounts in the amounts speci-*
 18 *fied:*

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

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

23 *(3) “Department of Veterans Affairs, Medical fa-*
 24 *cilities”, \$250,000,000.*

1 (b) *In addition to amounts provided elsewhere in this*
2 *Act, an additional amount is appropriated to the following*
3 *accounts in the amounts specified, to become available on*
4 *October 1, 2011, and to remain available until September*
5 *30, 2013:*

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

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

10 (3) *“Department of Veterans Affairs, Medical fa-*
11 *cilities”, \$250,000,000.*

12 *SEC. 228. The Secretary of the Department of Veterans*
13 *Affairs shall notify the Committees on Appropriations of*
14 *both Houses of Congress of all bid savings in major con-*
15 *struction projects that total at least \$5,000,000, or 5 percent*
16 *of the programmed amount of the project, whichever is less:*
17 *Provided, That such notification shall occur within 14 days*
18 *of a contract identifying the programmed amount: Provided*
19 *further, That the Secretary shall notify the committees 14*
20 *days prior to the obligation of such bid savings and shall*
21 *describe the anticipated use of such savings.*

22 *SEC. 229. The scope of work for a project included in*
23 *“Construction, major projects” may not be increased above*
24 *the scope specified for that project in the original justifica-*

1 tion data provided to the Congress as part of the request
2 for appropriations.

3 *TITLE III*

4 *RELATED AGENCIES*

5 *AMERICAN BATTLE MONUMENTS COMMISSION*

6 *SALARIES AND EXPENSES*

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

19 *FOREIGN CURRENCY FLUCTUATIONS ACCOUNT*

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

1 *UNITED STATES COURT OF APPEALS FOR VETERANS*2 *CLAIMS*3 *SALARIES AND EXPENSES*

4 *For necessary expenses for the operation of the United*
5 *States Court of Appeals for Veterans Claims as authorized*
6 *by sections 7251 through 7298 of title 38, United States*
7 *Code, \$30,770,000: Provided, That \$2,726,323 shall be*
8 *available for the purpose of providing financial assistance*
9 *as described, and in accordance with the process and report-*
10 *ing procedures set forth, under this heading in Public Law*
11 *102-229.*

12 *DEPARTMENT OF DEFENSE—CIVIL*13 *CEMETERIAL EXPENSES, ARMY*14 *SALARIES AND EXPENSES*

15 *For necessary expenses, as authorized by law, for*
16 *maintenance, operation, and improvement of Arlington Na-*
17 *tional Cemetery and Soldiers' and Airmen's Home Na-*
18 *tional Cemetery, including the purchase of two passenger*
19 *motor vehicles for replacement only, and not to exceed*
20 *\$1,000 for official reception and representation expenses,*
21 *\$45,800,000, to remain available until expended: Provided,*
22 *That none of the funds available under this heading shall*
23 *be for construction of a perimeter wall at Arlington Na-*
24 *tional Cemetery. In addition, such sums as may be nec-*
25 *essary for parking maintenance, repairs and replacement,*

1 *to be derived from the Lease of Department of Defense Real*
 2 *Property for Defense Agencies account.*

3 *Funds appropriated under this Act may be provided*
 4 *to Arlington County, Virginia, for the relocation of the fed-*
 5 *erally owned water main at Arlington National Cemetery*
 6 *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 Re-*
 11 *tirement Home—Washington, District of Columbia, and the*
 12 *Armed Forces Retirement Home—Gulfport, Mississippi, to*
 13 *be paid from funds available in the Armed Forces Retire-*
 14 *ment Home Trust Fund, \$67,700,000, of which \$2,000,000*
 15 *shall remain available until expended for construction and*
 16 *renovation of the physical plants at the Armed Forces Re-*
 17 *tirement Home—Washington, District of Columbia, and the*
 18 *Armed Forces Retirement Home—Gulfport, Mississippi.*

19 *TITLE IV*

20 *GENERAL PROVISIONS*

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

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

4 *SEC. 403. None of the funds made available in this*
5 *Act may be used for any program, project, or activity, when*
6 *it is made known to the Federal entity or official to which*
7 *the funds are made available that the program, project, or*
8 *activity is not in compliance with any Federal law relating*
9 *to risk assessment, the protection of private property rights,*
10 *or unfunded mandates.*

11 *SEC. 404. No part of any funds appropriated in this*
12 *Act shall be used by an agency of the executive branch, other*
13 *than for normal and recognized executive-legislative rela-*
14 *tionships, for publicity or propaganda purposes, and for*
15 *the preparation, distribution, or use of any kit, pamphlet,*
16 *booklet, publication, radio, television, or film presentation*
17 *designed to support or defeat legislation pending before*
18 *Congress, except in presentation to Congress itself.*

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

24 *SEC. 406. None of the funds made available in this*
25 *Act may be transferred to any department, agency, or in-*

1 *strumentality of the United States Government except pur-*
2 *suant to a transfer made by, or transfer authority provided*
3 *in, this or any other appropriations Act.*

4 *SEC. 407. Unless stated otherwise, all reports and noti-*
5 *fications required by this Act shall be submitted to the Sub-*
6 *committee on Military Construction and Veterans Affairs,*
7 *and Related Agencies of the Committee on Appropriations*
8 *of the House of Representatives and the Subcommittee on*
9 *Military Construction and Veterans Affairs, and Related*
10 *Agencies of the Committee on Appropriations of the Senate.*

11 *SEC. 408. (a) Any agency receiving funds made avail-*
12 *able in this Act, shall, subject to subsections (b) and (c),*
13 *post on the public website of that agency any report re-*
14 *quired to be submitted by the Congress in this or any other*
15 *Act, upon the determination by the head of the agency that*
16 *it shall serve the national interest.*

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

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

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

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

1 *SEC. 409. (a) IN GENERAL.—None of the funds appro-*
2 *priated or otherwise made available to the Department of*
3 *Defense in this Act may be used to construct, renovate, or*
4 *expand any facility in the United States, its territories, or*
5 *possessions to house any individual detained at United*
6 *States Naval Station, Guantanamo Bay, Cuba, for the pur-*
7 *poses of detention or imprisonment in the custody or under*
8 *the control of the Department of Defense unless authorized*
9 *by Congress.*

10 *(b) EXCEPTION.—The prohibition in subsection (a)*
11 *shall not apply to any modification of facilities at United*
12 *States Naval Station, Guantanamo Bay, Cuba.*

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

Calendar No. 91

112TH CONGRESS
1ST Session

H. R. 2055

[Report No. 112-29]

AN ACT

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

JUNE 15, 2011

Received; read twice and referred to the Committee on
Appropriations

JUNE 30, 2011

Reported with an amendment