

In the Senate of the United States,

July 20 (legislative day, July 19), 2011.

Resolved, That the bill from the House of Representatives (H.R. 2055) entitled “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.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*
2 *money in the Treasury not otherwise appropriated, for*
3 *military construction, the Department of Veterans Affairs,*
4 *and related agencies for the fiscal year ending September*
5 *30, 2012, and for other purposes, namely:*

6

TITLE I

7

DEPARTMENT OF DEFENSE

8

MILITARY CONSTRUCTION, ARMY

9

For acquisition, construction, installation, and equip-

10 *ment of temporary or permanent public works, military in-*

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

15 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*

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

1 *by law, unless the Secretary of Defense determines that ad-*
2 *ditional obligations are necessary for such purposes and no-*
3 *tifies the Committees on Appropriations of both Houses of*
4 *Congress of the determination and the reasons therefor.*

5 *MILITARY CONSTRUCTION, AIR FORCE*

6 *For acquisition, construction, installation, and equip-*
7 *ment of temporary or permanent public works, military in-*
8 *stallations, facilities, and real property for the Air Force*
9 *as currently authorized by law, \$1,227,058,000, to remain*
10 *available until September 30, 2016: Provided, That of this*
11 *amount, not to exceed \$81,913,000 shall be available for*
12 *study, planning, design, and architect and engineer serv-*
13 *ices, as authorized by law, unless the Secretary of Defense*
14 *determines that additional obligations are necessary for*
15 *such purposes and notifies the Committees on Appropria-*
16 *tions of both Houses of Congress of the determination and*
17 *the reasons therefor.*

18 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For acquisition, construction, installation, and equip-*
21 *ment of temporary or permanent public works, installa-*
22 *tions, facilities, and real property for activities and agen-*
23 *cies of the Department of Defense (other than the military*
24 *departments), as currently authorized by law,*
25 *\$3,380,917,000, to remain available until September 30,*

1 2016: *Provided, That such amounts of this appropriation*
2 *as may be determined by the Secretary of Defense may be*
3 *transferred to such appropriations of the Department of De-*
4 *fense available for military construction or family housing*
5 *as the Secretary may designate, to be merged with and to*
6 *be available for the same purposes, and for the same time*
7 *period, as the appropriation or fund to which transferred:*
8 *Provided further, That of the amount appropriated, not to*
9 *exceed \$439,602,000 shall be available for study, planning,*
10 *design, and architect and engineer services, as authorized*
11 *by law, unless the Secretary of Defense determines that ad-*
12 *ditional obligations are necessary for such purposes and no-*
13 *tifies the Committees on Appropriations of both Houses of*
14 *Congress of the determination and the reasons therefor: Pro-*
15 *vided further, That of the amount appropriated, notwith-*
16 *standing any other provision of law, \$24,118,000 shall be*
17 *available for payments to the North Atlantic Treaty Orga-*
18 *nization for the planning, design, and construction of a new*
19 *North Atlantic Treaty Organization headquarters.*

20 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

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

1 *tion Acts, \$773,592,000, to remain available until Sep-*
2 *tember 30, 2016: Provided, That of the amount appro-*
3 *priated, not to exceed \$20,671,000 shall be available for*
4 *study, planning, design, and architect and engineer serv-*
5 *ices, as authorized by law, unless the Director of the Army*
6 *National Guard determines that additional obligations are*
7 *necessary for such purposes and notifies the Committees on*
8 *Appropriations of both Houses of Congress of the determina-*
9 *tion and the reasons therefor.*

10 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

11 *For construction, acquisition, expansion, rehabilita-*
12 *tion, and conversion of facilities for the training and ad-*
13 *ministration of the Air National Guard, and contributions*
14 *therefor, as authorized by chapter 1803 of title 10, United*
15 *States Code, and Military Construction Authorization Acts,*
16 *\$116,246,000, to remain available until September 30,*
17 *2016: Provided, That of the amount appropriated, not to*
18 *exceed \$9,000,000 shall be available for study, planning, de-*
19 *sign, and architect and engineer services, as authorized by*
20 *law, unless the Director of the Air National Guard deter-*
21 *mines that additional obligations are necessary for such*
22 *purposes and notifies the Committees on Appropriations of*
23 *both Houses of Congress of the determination and the rea-*
24 *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 title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

8

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

11

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

18

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

22

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

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 appropri-*
9 *ations 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 *SEC. 127. (a) CLOSURE OF UMATILLA ARMY CHEM-*
7 *ICAL DEPOT, OREGON.—The closure of the Umatilla Army*
8 *Chemical Depot, Oregon, and subsequent management and*
9 *property disposal, may be carried out in accordance with*
10 *procedures and authorities contained in the Defense Base*
11 *Closure and Realignment Act of 1990 (part A of title XXIX*
12 *of Public Law 101–510; 10 U.S.C. 2687 note).*

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

20 *(c) OFFICE OF ECONOMIC ADJUSTMENT ACTIVITIES.—*
21 *Notwithstanding any other provision of law, the Office of*
22 *Economic Adjustment Activities of the Department of De-*
23 *fense may make grants and supplement other Federal funds,*
24 *using funds made available by title, in connection with the*
25 *closure and management and disposal provided for in this*

1 *section, and the projects so supported shall be considered*
2 *to be authorized by law.*

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

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

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

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

24 *(3) an estimate of costs (including operation and*
25 *maintenance costs and military construction costs) to*

1 *justed-service credits and certificates, payment of premiums*
2 *due on commercial life insurance policies guaranteed under*
3 *the provisions of title IV of the Servicemembers Civil Relief*
4 *Act (50 U.S.C. App. 541 et seq.) and for other benefits as*
5 *authorized by sections 107, 1312, 1977, and 2106, and*
6 *chapters 23, 51, 53, 55, and 61 of title 38, United States*
7 *Code, \$58,067,319,000, to remain available until expended:*
8 *Provided, That not to exceed \$32,187,000 of the amount ap-*
9 *propriated under this heading shall be reimbursed to “Gen-*
10 *eral operating expenses, Veterans Benefits Administration”,*
11 *“Medical support and compliance”, and “Information tech-*
12 *nology systems” for necessary expenses in implementing the*
13 *provisions of chapters 51, 53, and 55 of title 38, United*
14 *States Code, the funding source for which is specifically*
15 *provided as the “Compensation and pensions” appropria-*
16 *tion: Provided further, That such sums as may be earned*
17 *on an actual qualifying patient basis, shall be reimbursed*
18 *to “Medical care collections fund” to augment the funding*
19 *of individual medical facilities for nursing home care pro-*
20 *vided to pensioners as authorized.*

21 *READJUSTMENT BENEFITS*

22 *For the payment of readjustment and rehabilitation*
23 *benefits to or on behalf of veterans as authorized by chapters*
24 *21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title*
25 *38, United States Code, \$11,011,086,000, to remain avail-*

1 *able until expended: Provided, That expenses for rehabilita-*
2 *tion program services and assistance which the Secretary*
3 *is authorized to provide under subsection (a) of section 3104*
4 *of title 38, United States Code, other than under para-*
5 *graphs (1), (2), (5), and (11) of that subsection, shall be*
6 *charged to this account.*

7 *VETERANS INSURANCE AND INDEMNITIES*

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

13 *VETERANS HOUSING BENEFIT PROGRAM FUND*

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

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

1 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

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

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

14 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

15 ACCOUNT

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

19 VETERANS HEALTH ADMINISTRATION

20 MEDICAL SERVICES

21 (INCLUDING TRANSFER OF FUNDS)

22 *For necessary expenses for furnishing, as authorized*
23 *by law, inpatient and outpatient care and treatment to*
24 *beneficiaries of the Department of Veterans Affairs and vet-*
25 *erans described in section 1705(a) of title 38, United States*

1 *Code, including care and treatment in facilities not under*
2 *the jurisdiction of the Department, and including medical*
3 *supplies and equipment, food services, and salaries and ex-*
4 *penses of health care employees hired under title 38, United*
5 *States Code, aid to State homes as authorized by section*
6 *1741 of title 38, United States Code, assistance and support*
7 *services for caregivers as authorized by section 1720G of*
8 *title 38, United States Code, and loan repayments author-*
9 *ized by section 604 of Public Law 111–163;*
10 *\$41,354,000,000, plus reimbursements, shall become avail-*
11 *able on October 1, 2012, and shall remain available until*
12 *September 30, 2013: Provided, That notwithstanding any*
13 *other provision of law, the Secretary of Veterans Affairs*
14 *shall establish a priority for the provision of medical treat-*
15 *ment for veterans who have service-connected disabilities,*
16 *lower income, or have special needs: Provided further, That,*
17 *notwithstanding any other provision of law, the Secretary*
18 *of Veterans Affairs shall give priority funding for the provi-*
19 *sion of basic medical benefits to veterans in enrollment pri-*
20 *ority groups 1 through 6: Provided further, That, notwith-*
21 *standing any other provision of law, the Secretary of Vet-*
22 *erans Affairs may authorize the dispensing of prescription*
23 *drugs from Veterans Health Administration facilities to en-*
24 *rolled veterans with privately written prescriptions based*
25 *on requirements established by the Secretary: Provided fur-*

1 *ther, That the implementation of the program described in*
2 *the previous proviso shall incur no additional cost to the*
3 *Department of Veterans Affairs.*

4 *MEDICAL SUPPORT AND COMPLIANCE*

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

16 *MEDICAL FACILITIES*

17 *For necessary expenses for the maintenance and oper-*
18 *ation of hospitals, nursing homes, and domiciliary facilities*
19 *and other necessary facilities of the Veterans Health Admin-*
20 *istration; for administrative expenses in support of plan-*
21 *ning, design, project management, real property acquisition*
22 *and disposition, construction, and renovation of any facil-*
23 *ity under the jurisdiction or for the use of the Department;*
24 *for oversight, engineering, and architectural activities not*
25 *charged to project costs; for repairing, altering, improving,*

1 *or providing facilities in the several hospitals and homes*
2 *under the jurisdiction of the Department, not otherwise pro-*
3 *vided for, either by contract or by the hire of temporary*
4 *employees and purchase of materials; for leases of facilities;*
5 *and for laundry services, \$5,441,000,000, plus reimburse-*
6 *ments, shall become available on October 1, 2012, and shall*
7 *remain available until September 30, 2013.*

8 *MEDICAL AND PROSTHETIC RESEARCH*

9 *For necessary expenses in carrying out programs of*
10 *medical and prosthetic research and development as author-*
11 *ized by chapter 73 of title 38, United States Code,*
12 *\$581,000,000, plus reimbursements, shall remain available*
13 *until September 30, 2013.*

14 *NATIONAL CEMETERY ADMINISTRATION*

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

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

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

20 *GENERAL OPERATING EXPENSES, VETERANS BENEFITS*21 *ADMINISTRATION*

22 *For necessary operating expenses of the Veterans Bene-*
23 *fits Administration, not otherwise provided for, including*
24 *hire of passenger motor vehicles, and reimbursement of the*
25 *Department of Defense for the cost of overseas employee*

1 mail, \$2,018,764,000: *Provided, That expenses for services*
2 *and assistance authorized under paragraphs (1), (2), (5),*
3 *and (11) of section 3104(a) of title 38, United States Code,*
4 *that the Secretary of Veterans Affairs determines are nec-*
5 *essary to enable entitled veterans: (1) to the maximum ex-*
6 *tent feasible, to become employable and to obtain and main-*
7 *tain suitable employment; or (2) to achieve maximum inde-*
8 *pendence in daily living, shall be charged to this account:*
9 *Provided further, That of the funds made available under*
10 *this heading, not to exceed \$105,000,000 shall remain avail-*
11 *able until September 20, 2013: Provided further, That from*
12 *the funds made available under this heading, the Veterans*
13 *Benefits Administration may purchase (on a one-for-one re-*
14 *placement basis only) up to two passenger motor vehicles*
15 *for use in operations of that Administration in Manila,*
16 *Philippines.*

17 *INFORMATION TECHNOLOGY SYSTEMS*

18 *For necessary expenses for information technology sys-*
19 *tems and telecommunications support, including develop-*
20 *mental information systems and operational information*
21 *systems; for pay and associated costs; and for the capital*
22 *asset acquisition of information technology systems, includ-*
23 *ing management and related contractual costs of said ac-*
24 *quisitions, including contractual costs associated with oper-*
25 *ations authorized by section 3109 of title 5, United States*

1 Code, \$3,161,376,000, plus reimbursements: Provided, That
2 \$915,000,000 shall be for pay and associated costs, of which
3 not to exceed \$25,000,000 shall remain available until Sep-
4 tember 30, 2013: Provided further, That \$1,709,953,000
5 shall be for operations and maintenance as designated in
6 the President's 2012 budget justification, of which not to
7 exceed \$110,000,000 shall remain available until September
8 30, 2013: Provided further, That \$536,423,000 shall be for
9 information technology systems development, moderniza-
10 tion, and enhancement as designated in the President's
11 2012 budget justification, and shall remain available until
12 September 30, 2013: Provided further, That none of the
13 funds made available under this heading may be obligated
14 until the Department of Veterans Affairs submits to the
15 Committees on Appropriations of both Houses of Congress,
16 and such Committees approve, a plan for expenditure that:
17 (1) meets the capital planning and investment
18 control review requirements established by the Office
19 of Management and Budget;
20 (2) complies with the Department of Veterans Af-
21 fairs enterprise architecture;
22 (3) conforms with an established enterprise life
23 cycle methodology; and
24 (4) complies with the acquisition rules, require-
25 ments, guidelines, and systems acquisition manage-

1 *ment practices of the Federal Government: Provided*
2 *further, That amounts made available for information*
3 *technology systems development, modernization, and*
4 *enhancement may not be obligated or expended until*
5 *the Secretary of Veterans Affairs or the Chief Infor-*
6 *mation Officer of the Department of Veterans Affairs*
7 *submits to the Committees on Appropriations of both*
8 *Houses of Congress a certification of the amounts, in*
9 *parts or in full, to be obligated and expended for each*
10 *development project: Provided further, That amounts*
11 *made available for salaries and expenses, operations*
12 *and maintenance, and information technology sys-*
13 *tems development, modernization, and enhancement*
14 *may be transferred among the three subaccounts after*
15 *the Secretary of Veterans Affairs requests from the*
16 *Committees on Appropriations of both Houses of Con-*
17 *gress the authority to make the transfer and an ap-*
18 *proval is issued: Provided further, That the funds*
19 *made available under this heading for information*
20 *technology systems development, modernization, and*
21 *enhancement, shall be for the projects and in the*
22 *amounts, specified under this heading in the report*
23 *accompanying this Act.*

1 612) for claims paid for contract disputes: Provided, That
2 except for advance planning activities, including needs as-
3 sessments which may or may not lead to capital invest-
4 ments, and other capital asset management related activi-
5 ties, including portfolio development and management ac-
6 tivities, and investment strategy studies funded through the
7 advance planning fund and the planning and design activi-
8 ties funded through the design fund, including needs assess-
9 ments which may or may not lead to capital investments,
10 and salaries and associated costs of the resident engineers
11 who oversee those capital investments funded through this
12 account, and funds provided for the purchase of land for
13 the National Cemetery Administration through the land ac-
14 quisition line item, none of the funds made available under
15 this heading shall be used for any project which has not
16 been approved by the Congress in the budgetary process:
17 Provided further, That funds made available under this
18 heading for fiscal year 2012, for each approved project shall
19 be obligated:

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

22 (2) by the awarding of a construction contract
23 by September 30, 2013: Provided further, That the
24 Secretary of Veterans Affairs shall promptly submit
25 to the Committees on Appropriations of both Houses

1 of Congress a written report on any approved major
2 construction project for which obligations are not in-
3 curred within the time limitations established above.

4 CONSTRUCTION, MINOR PROJECTS

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

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

8 *(INCLUDING TRANSFER OF FUNDS)*

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

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

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

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

18 *SEC. 205. No appropriations in this title shall be*
19 *available for hospitalization or examination of any persons*
20 *(except beneficiaries entitled to such hospitalization or ex-*
21 *amination under the laws providing such benefits to vet-*
22 *erans, and persons receiving such treatment under sections*
23 *7901 through 7904 of title 5, United States Code, or the*
24 *Robert T. Stafford Disaster Relief and Emergency Assist-*
25 *ance Act (42 U.S.C. 5121 et seq.)), unless reimbursement*

1 *of the cost of such hospitalization or examination is made*
2 *to the “Medical services” account at such rates as may be*
3 *fixed by the Secretary of Veterans Affairs.*

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

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

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *SEC. 208. Notwithstanding any other provision of law,*
19 *during fiscal year 2012, the Secretary of Veterans Affairs*
20 *shall, from the National Service Life Insurance Fund under*
21 *section 1920 of title 38, United States Code, the Veterans’*
22 *Special Life Insurance Fund under section 1923 of title 38,*
23 *United States Code, and the United States Government Life*
24 *Insurance Fund under section 1955 of title 38, United*
25 *States Code, reimburse the “General operating expenses,*

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

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

23 *(INCLUDING TRANSFER OF FUNDS)*

24 *SEC. 210. Funds available in this title or funds for*
25 *salaries and other administrative expenses shall also be*

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

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

21 *SEC. 212. No funds of the Department of Veterans Af-*
22 *fairs shall be available for hospital care, nursing home care,*
23 *or medical services provided to any person under chapter*
24 *17 of title 38, United States Code, for a non-service-con-*
25 *nected disability described in section 1729(a)(2) of such*

1 *title, unless that person has disclosed to the Secretary of*
2 *Veterans Affairs, in such form as the Secretary may require,*
3 *current, accurate third-party reimbursement information*
4 *for purposes of section 1729 of such title: Provided, That*
5 *the Secretary may recover, in the same manner as any other*
6 *debt due the United States, the reasonable charges for such*
7 *care or services from any person who does not make such*
8 *disclosure as required: Provided further, That any amounts*
9 *so recovered for care or services provided in a prior fiscal*
10 *year may be obligated by the Secretary during the fiscal*
11 *year in which amounts are received.*

12 *(INCLUDING TRANSFER OF FUNDS)*

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

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

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

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

6 (INCLUDING TRANSFER OF FUNDS)

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

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

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

8 *(INCLUDING TRANSFER OF FUNDS)*

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

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

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 220. Amounts made available under the “Medical
3 services”, “Medical support and compliance”, “Medical fa-
4 cilities”, “General operating expenses, Veterans Benefits
5 Administration”, “General administration”, and “Na-
6 tional cemetery administration” accounts for fiscal year
7 2012, may be transferred to or from the “Information tech-
8 nology systems” account: Provided, That before a transfer
9 may take place, the Secretary of Veterans Affairs shall re-
10 quest from the Committees on Appropriations of both
11 Houses of Congress the authority to make the transfer and
12 an approval is issued.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 221. Amounts made available for the “Informa-
15 tion technology systems” account for development, mod-
16 ernization, and enhancement may be transferred between
17 projects or to newly defined projects: Provided, That no
18 project may be increased or decreased by more than
19 \$1,000,000 of cost prior to submitting a request to the Com-
20 mittees on Appropriations of both Houses of Congress to
21 make the transfer and an approval is issued, or absent a
22 response, a period of 30 days has elapsed.

23 SEC. 222. None of the funds appropriated or otherwise
24 made available by this Act or any other Act for the Depart-

1 *ment of Veterans Affairs may be used in a manner that*
2 *is inconsistent with—*

3 *(1) section 842 of the Transportation, Treasury,*
4 *Housing and Urban Development, the Judiciary, the*
5 *District of Columbia, and Independent Agencies Ap-*
6 *propriations Act, 2006 (Public Law 109–115; 119*
7 *Stat. 2506); or*

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

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

19 *(INCLUDING TRANSFER OF FUNDS)*

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

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

15 *(INCLUDING TRANSFER OF FUNDS)*

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

23 *(1) for transfer to the Joint Department of De-*
24 *fense-Department of Veterans Affairs Medical Facility*
25 *Demonstration Fund, established by section 1704 of*

1 *title XVII of the National Defense Authorization Act*
2 *for Fiscal Year 2010 (Public Law 111–84; 123 Stat.*
3 *3571); and*

4 *(2) for operations of the facilities designated as*
5 *combined Federal medical facilities as described by*
6 *section 706 of the Duncan Hunter National Defense*
7 *Authorization Act for Fiscal Year 2009 (Public Law*
8 *110–417; 122 Stat. 4500).*

9 *(INCLUDING TRANSFER OF FUNDS)*

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

18 *(INCLUDING RESCISSION OF FUNDS)*

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

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

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

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

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 become available on*
8 *October 1, 2011, and to remain available until September*
9 *30, 2013:*

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

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

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

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

1 *SEC. 229. The scope of work for a project included in*
2 *“Construction, major projects” may not be increased above*
3 *the scope specified for that project in the original justifica-*
4 *tion data provided to the Congress as part of the request*
5 *for appropriations.*

6 *SEC. 230. (a) Not later than 90 days after the date*
7 *of the enactment of this Act, the Secretary of Veterans Af-*
8 *fairs, in coordination with the Defense Advanced Research*
9 *Projects Agency (DARPA), shall submit to the Committee*
10 *on Appropriations, the Committee on Veterans’ Affairs, and*
11 *the Committee on Armed Services of the Senate and the*
12 *Committee on Appropriations, the Committee on Veterans’*
13 *Affairs, and the Committee on Armed Services of the House*
14 *of Representatives a report, in writing, on the plans of the*
15 *Secretary to make available to injured members of the*
16 *Armed Forces and veterans the next generation of advanced*
17 *prosthetics.*

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

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

24 *(2) A description of the challenges, both technical*
25 *and administrative, that could delay injured members*

1 *of the Armed Forces and veterans access to prosthetics*
2 *described in paragraph (1).*

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

5 *TITLE III*

6 *RELATED AGENCIES*

7 *AMERICAN BATTLE MONUMENTS COMMISSION*

8 *SALARIES AND EXPENSES*

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

21 *FOREIGN CURRENCY FLUCTUATIONS ACCOUNT*

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

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

3 *UNITED STATES COURT OF APPEALS FOR VETERANS*

4 *CLAIMS*

5 *SALARIES AND EXPENSES*

6 *For necessary expenses for the operation of the United*
7 *States Court of Appeals for Veterans Claims as authorized*
8 *by sections 7251 through 7298 of title 38, United States*
9 *Code, \$30,770,000: Provided, That \$2,726,323 shall be*
10 *available for the purpose of providing financial assistance*
11 *as described, and in accordance with the process and report-*
12 *ing procedures set forth, under this heading in Public Law*
13 *102-229.*

14 *DEPARTMENT OF DEFENSE—CIVIL*

15 *CEMETERIAL EXPENSES, ARMY*

16 *SALARIES AND EXPENSES*

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

1 *tional Cemetery. In addition, such sums as may be nec-*
2 *essary for parking maintenance, repairs and replacement,*
3 *to be derived from the Lease of Department of Defense Real*
4 *Property for Defense Agencies account.*

5 *Funds appropriated under this Act may be provided*
6 *to Arlington County, Virginia, for the relocation of the fed-*
7 *erally owned water main at Arlington National Cemetery*
8 *making additional land available for ground burials.*

9 *ARMED FORCES RETIREMENT HOME*

10 *TRUST FUND*

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

21 *SEC. 301. Not later than 90 days after enactment of*
22 *this Act, the Executive Director of Arlington National Cem-*
23 *etry shall provide a report to the Committees on Appro-*
24 *priations of the Senate and the House of Representatives;*
25 *the Senate Armed Services Committee; the Senate Veterans'*

1 *Affairs Committee; and the Senate Homeland Security and*
2 *Governmental Affairs Committee, detailing the strategic*
3 *plan and timetable to modernize the Cemetery's Informa-*
4 *tion Technology system, including electronic burial records.*
5 *The report should also include a description of the steps*
6 *taken by the Executive Director in 2011 to implement infor-*
7 *mation technology and management systems improvements,*
8 *and identify any remaining information technology and*
9 *systems infrastructure needs of Arlington National Ceme-*
10 *tery.*

11 *TITLE IV*

12 *GENERAL PROVISIONS*

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

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

19 *SEC. 403. None of the funds made available in this*
20 *Act may be used for any program, project, or activity, when*
21 *it is made known to the Federal entity or official to which*
22 *the funds are made available that the program, project, or*
23 *activity is not in compliance with any Federal law relating*
24 *to risk assessment, the protection of private property rights,*
25 *or unfunded mandates.*

1 *SEC. 404. No part of any funds appropriated in this*
2 *Act shall be used by an agency of the executive branch, other*
3 *than for normal and recognized executive-legislative rela-*
4 *tionships, for publicity or propaganda purposes, and for*
5 *the preparation, distribution, or use of any kit, pamphlet,*
6 *booklet, publication, radio, television, or film presentation*
7 *designed to support or defeat legislation pending before*
8 *Congress, except in presentation to Congress itself.*

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

14 *SEC. 406. None of the funds made available in this*
15 *Act may be transferred to any department, agency, or in-*
16 *strumentality of the United States Government except pur-*
17 *suant to a transfer made by, or transfer authority provided*
18 *in, this or any other appropriations Act.*

19 *SEC. 407. Unless stated otherwise, all reports and noti-*
20 *fications required by this Act shall be submitted to the Sub-*
21 *committee on Military Construction and Veterans Affairs,*
22 *and Related Agencies of the Committee on Appropriations*
23 *of the House of Representatives and the Subcommittee on*
24 *Military Construction and Veterans Affairs, and Related*
25 *Agencies of the Committee on Appropriations of the Senate.*

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

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

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

10 *(2) the report contains confidential or propri-*
11 *etary information.*

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

16 *SEC. 409. (a) IN GENERAL.—None of the funds appro-*
17 *priated or otherwise made available to the Department of*
18 *Defense in this Act may be used to construct, renovate, or*
19 *expand any facility in the United States, its territories, or*
20 *possessions to house any individual detained at United*
21 *States Naval Station, Guantanamo Bay, Cuba, for the pur-*
22 *poses of detention or imprisonment in the custody or under*
23 *the control of the Department of Defense unless authorized*
24 *by Congress.*

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

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

Attest:

Secretary.

112TH CONGRESS
1ST SESSION

H.R. 2055

AMENDMENT