



Legislative Bulletin.....June 2, 2011

**H.R. 2055 — FY 2012 Military Construction-Veterans Affairs  
 Appropriations Act**

**BY THE NUMBERS:**

*In Millions of Dollars*

|                          | <b>FY11</b> | <b>FY12<br/>Request</b> | <b>FY12<br/>Committee</b> | <b>Cmte v.<br/>Request</b> | <b>Cmte v.<br/>FY11</b> |
|--------------------------|-------------|-------------------------|---------------------------|----------------------------|-------------------------|
| <b>Appropriations</b>    | 73,150      | 73,791                  | 72,535                    | -1,256                     | -615                    |
| <i>Emergency Approps</i> | 0           | 0                       | 0                         | 0                          | 0                       |
| Total                    | 73,150      | 73,791                  | 72,535                    | -1,256                     | -615                    |

**Excluding Emergency Appropriations, the Committee Bill is:**

- **\$1.3 billion or 1.7% less than the request**
- **\$615 million or 0.8% less than last year**

**Spending Discussion:** The bill provides a spending level of \$72.5 billion, \$615 million (0.8%) *less* than last year. Last month, the House Appropriations Committee approved the 302(b) allocations for the twelve appropriations bills. Under this plan, total appropriations spending will amount to \$1.019 trillion—a reduction of \$30.4 billion or 2.9% compared to last year. The RSC budget resolution (see [Here](#) for more information), would lead to a discretionary spending total of \$978 billion.

**Advance Appropriations:** The bill provides advance appropriations of \$52.5 billion for fiscal year 2013 medical programs of the Department of Veterans Affairs.

**Order of Business:** H.R. 2055 is scheduled to be considered under an open rule that provides for one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The bill will be considered for amendment under the five-minute rule. The rule authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the *Congressional Record*.

**Funding Summaries:**

*In Thousands*

|                                             | <b>FY 11<br/>Enacted</b> | <b>FY 12<br/>Request</b> | <b>FY 12 Cmte</b> | <b>Cmte Over<br/>FY 11</b> | <b>Cmte Over<br/>Request</b> | <b>% Over<br/>FY 11</b> | <b>% Over<br/>Request</b> |
|---------------------------------------------|--------------------------|--------------------------|-------------------|----------------------------|------------------------------|-------------------------|---------------------------|
| <b>Department of Defense</b>                |                          |                          |                   |                            |                              |                         |                           |
| Military Construction, Army                 | 3,524,598                | 3,235,991                | 3,041,491         | -483,107                   | -194,500                     | -13.7%                  | -6.0%                     |
| Military Construction, Navy                 | 3,242,561                | 2,461,547                | 2,436,547         | -806,014                   | -25,000                      | -24.9%                  | -1.0%                     |
| Military Construction, Air Force            | 985,295                  | 1,364,858                | 1,247,358         | 262,063                    | -117,500                     | 26.6%                   | -8.6%                     |
| Military Construction, Defense-Wide         | 2,724,562                | 3,848,757                | 3,533,757         | 809,195                    | -315,000                     | 29.7%                   | -8.2%                     |
| Military Construction, Reserve Components   | 1,456,214                | 1,230,306                | 1,230,306         | -225,908                   | ----                         | -15.5%                  | ----                      |
| NATO Security Investment                    | 258,884                  | 272,611                  | 272,611           | 13,727                     | ----                         | 5.3%                    | ----                      |
| Family Housing, Total                       | 1,823,191                | 1,694,346                | 1,694,346         | -128,845                   | ----                         | -7.1%                   | ----                      |
| Base Realignment & Closure                  | 2,482,396                | 582,319                  | 582,319           | -1,900,077                 | ----                         | -76.5%                  | ----                      |
| Chemical Demilitarization Construction      | 124,971                  | 75,312                   | 75,312            | -49,659                    | ----                         | -39.7%                  | ----                      |
| <b>Total, Dept of Defense</b>               | <b>16,622,672</b>        | <b>14,766,047</b>        | <b>14,014,047</b> | <b>-2,608,625</b>          | <b>-752,000</b>              | <b>-15.7%</b>           | <b>-5.1%</b>              |
| <b>Department of Veterans Affairs</b>       |                          |                          |                   |                            |                              |                         |                           |
| Compensation and Pensions                   | 53,978,000               | 58,067,319               | 58,067,319        | 4,089,319                  | ----                         | 7.6%                    | ----                      |
| Medical Services                            | 39,649,985               | 41,354,000               | 41,354,000        | 1,704,015                  | ----                         | 4.3%                    | ----                      |
| Medical Facilities                          | 5,426,000                | 5,441,000                | 5,441,000         | 15,000                     | ----                         | 0.3%                    | ----                      |
| Medical and Prosthetic Research             | 581,000                  | 508,774                  | 508,774           | -72,226                    | ----                         | -12.4%                  | ----                      |
| General Operating Expenses                  | 2,534,276                | 2,466,989                | ----              | -2,534,276                 | -2,466,989                   | -100.0%                 | -100.0%                   |
| National Cemetery Administration            | 250,000                  | 250,934                  | 250,934           | 934                        | ----                         | 0.4%                    | ----                      |
| Information Technology Systems              | -147,000                 | ----                     | ----              | 147,000                    | ----                         | -100.0%                 | ----                      |
| Inspector General                           | 109,000                  | 109,391                  | 109,391           | 391                        | ----                         | 0.4%                    | ----                      |
| Construction, Major Projects                | 1,151,036                | 589,604                  | 589,604           | 561,432                    | ----                         | 48.8%                   | ----                      |
| Construction, Minor Projects                | 467,700                  | 550,091                  | 475,091           | 7,391                      | -75,000                      | 1.6%                    | -13.6%                    |
| Grants, Construct State Extended Facilities | 85,000                   | 85,000                   | 85,000            | ----                       | ----                         | ----                    | ----                      |
| Grants, Construct State Veterans Cemeteries | 46,000                   | 46,000                   | 46,000            | ----                       | ----                         | ----                    | ----                      |
| <b>Total, Dept of Veterans Affairs*</b>     | <b>56,720,013</b>        | <b>58,775,320</b>        | <b>58,299,583</b> | <b>1,579,570</b>           | <b>-475,737</b>              | <b>2.8%</b>             | <b>-0.8%</b>              |
| <b>Related Agencies</b>                     |                          |                          |                   |                            |                              |                         |                           |
| American Battle Monuments Commission        | 84,400                   | 77,100                   | 77,100            | -7,300                     | ----                         | -8.6%                   | ----                      |
| U.S. Court of Appeals for Veterans Claims   | 27,615                   | 55,770                   | 30,770            | 3,155                      | -25,000                      | 11.4%                   | -44.8%                    |
| Armed Forces Retirement Home                | 71,200                   | 67,700                   | 67,700            | -3,500                     | ----                         | -4.9%                   | ----                      |
| Centennial Expenses                         | 45,100                   | 45,800                   | 45,800            | 700                        | ----                         | 1.6%                    | ----                      |
| <b>Total, Related Agencies</b>              | <b>228,315</b>           | <b>246,370</b>           | <b>221,370</b>    | <b>-6,945</b>              | <b>-25,000</b>               | <b>-3.0%</b>            | <b>-10.1%</b>             |

*\*Note: The individual items listed above includes \$69.5 billion of mandatory spending, which does not count toward the subcommittee's spending allocation, as this spending is not subject to appropriation.*

**Other Items of Note:**

**American Steel:** Prohibits funds in Title I of the bill (Department of Defense) from being used “for the procurement of steel for any construction project or activity for which

American steel, producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.”

**Property Rights:** The legislation prohibits funds from being made available for any program, project, or activity, when it is made known to the federal entity (or official to which the funds are made available) that the project is not in compliance with:

- any federal law relating to risk assessment;
- the protection of private property rights;
- or unfunded mandates.

Section 411 of the bill also prohibits spending by an agency to exercise the power of eminent domain (to take private property for public use) without the payment of just compensation.

**Property Taxes in Foreign Nations:** The bill prohibits funds from being used for military construction or family housing during the current fiscal year to pay for real property taxes in any foreign nation.

**Prohibition on New Bases:** The legislation prohibits funding under the bill from being used for construction of new bases (for which specific appropriations have not been made). The bill also prohibits initiating new installations overseas without prior notification of the Committee on Appropriations.

**Guantanamo Bay:** The legislation prohibits funds appropriated or otherwise made available to the Department of Defense from being used to renovate, expand, or construct any facility in the continental United States for the purpose of housing any individual who has been detained, at any time after September 11, 2001, at United States Naval Station, Guantanamo Bay, Cuba.

**ACORN:** Section 408 of the bill prohibits funding in the bill from being made available to ACORN or its subsidiaries.

**Project Labor Agreements:** Section 415 of the bill prohibits the use of funds in this Act for enforcement of Executive Order 13502 relating to project labor agreements. This amendment was added to the bill in full committee by an amendment authored by Rep. Jeff Flake.

**Earmarks:** According to the Committee Report, “Neither the bill nor the report contains any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

**Committee Action:** H.R. 2055 was reported out of the House Appropriations Committee as an original measure on May 31, 2011.

**Cost to Taxpayers:** The bill appropriates a total of \$72.5 billion in FY 2012. This is a \$615 million cut compared to last year.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No. The bill reduces spending by \$615 million compared to last year.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No CBO score is available listing any possible mandates.

**Constitutional Authority:** The [Committee Report](#) states:

“The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ‘No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .’ In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ‘The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . .’ Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.”

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