

XEROX

DIVISION H - MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

~~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  
11 installations, facilities, and real property for the Army as  
12 currently authorized by law, including personnel in the  
13 Army Corps of Engineers and other personal services nec-  
14 essary for the purposes of this appropriation, and for con-  
15 struction and operation of facilities in support of the func-  
16 tions of the Commander in Chief, \$3,006,491,000, to re-  
17 main available until September 30, 2016: *Provided*, That  
18 of this amount, not to exceed \$229,741,000 shall be avail-  
19 able for study, planning, design, architect and engineer  
20 services, and host nation support, as authorized by law,  
21 unless the Secretary of Army determines that additional  
22 obligations are necessary for such purposes and notifies  
23 the Committees on Appropriations of both Houses of Con-  
24 gress of the determination and the reasons therefor.

1       MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

2           For acquisition, construction, installation, and equip-  
3 ment of temporary or permanent public works, naval in-  
4 stallations, facilities, and real property for the Navy and  
5 Marine Corps as currently authorized by law, including  
6 personnel in the Naval Facilities Engineering Command  
7 and other personal services necessary for the purposes of  
8 this appropriation, \$2,112,823,000, to remain available  
9 until September 30, 2016: *Provided*, That of this amount,  
10 not to exceed \$84,362,000 shall be available for study,  
11 planning, design, and architect and engineer services, as  
12 authorized by law, unless the Secretary of Navy deter-  
13 mines that additional obligations are necessary for such  
14 purposes and notifies the Committees on Appropriations  
15 of both Houses of Congress of the determination and the  
16 reasons therefor.

17           MILITARY CONSTRUCTION, AIR FORCE

18           For acquisition, construction, installation, and equip-  
19 ment of temporary or permanent public works, military  
20 installations, facilities, and real property for the Air Force  
21 as currently authorized by law, \$1,227,058,000, to remain  
22 available until September 30, 2016: *Provided*, That of this  
23 amount, not to exceed \$81,913,000 shall be available for  
24 study, planning, design, and architect and engineer serv-  
25 ices, as authorized by law, unless the Secretary of Air

1 Force determines that additional obligations are necessary  
2 for such purposes and notifies the Committees on Appro-  
3 priations of both Houses of Congress of the determination  
4 and the reasons therefor.

5           MILITARY CONSTRUCTION, DEFENSE-WIDE

6                   (INCLUDING TRANSFER OF FUNDS)

7           For acquisition, construction, installation, and equip-  
8 ment of temporary or permanent public works, installa-  
9 tions, facilities, and real property for activities and agen-  
10 cies of the Department of Defense (other than the military  
11 departments), as currently authorized by law,  
12 \$3,431,957,000, to remain available until September 30,  
13 2016: *Provided*, That such amounts of this appropriation  
14 as may be determined by the Secretary of Defense may  
15 be transferred to such appropriations of the Department  
16 of Defense available for military construction or family  
17 housing as the Secretary may designate, to be merged with  
18 and to be available for the same purposes, and for the  
19 same time period, as the appropriation or fund to which  
20 transferred: *Provided further*, That of the amount appro-  
21 priated, not to exceed \$430,602,000 shall be available for  
22 study, planning, design, and architect and engineer serv-  
23 ices, as authorized by law, unless the Secretary of Defense  
24 determines that additional obligations are necessary for  
25 such purposes and notifies the Committees on Appropria-

1 tions of both Houses of Congress of the determination and  
2 the reasons therefor: *Provided further*, That of the amount  
3 appropriated, notwithstanding any other provision of law,  
4 \$24,118,000 shall be available for payments to the North  
5 Atlantic Treaty Organization for the planning, design, and  
6 construction of a new North Atlantic Treaty Organization  
7 headquarters: *Provided further*, That the Department of  
8 Defense shall not award a design contract to exceed the  
9 20 percent design level for the Landstuhl Regional Med-  
10 ical Center in Germany until the Secretary of Defense:  
11 (1) provides the Committees on Appropriations of the  
12 House of Representatives and the Senate a plan for imple-  
13 menting the recommendations of the Government Ac-  
14 countability Office with respect to the plans, baseline data,  
15 and estimated cost of the facility; and (2) certifies in writ-  
16 ing to the Committees that the facility is properly sized  
17 and scoped to meet current and projected healthcare re-  
18 quirements.

19 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

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

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

9       MILITARY CONSTRUCTION, AIR NATIONAL GUARD

10       For construction, acquisition, expansion, rehabilita-  
11   tion, and conversion of facilities for the training and ad-  
12   ministration of the Air National Guard, and contributions  
13   therefor, as authorized by chapter 1803 of title 10, United  
14   States Code, and Military Construction Authorization  
15   Acts, \$116,246,000, to remain available until September  
16   30, 2016: *Provided*, That of the amount appropriated, not  
17   to exceed \$12,225,000 shall be available for study, plan-  
18   ning, design, and architect and engineer services, as au-  
19   thorized by law, unless the Director of the Air National  
20   Guard determines that additional obligations are nec-  
21   essary for such purposes and notifies the Committees on  
22   Appropriations of both Houses of Congress of the deter-  
23   mination and the reasons therefor.

## 1           MILITARY CONSTRUCTION, 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 Chief of  
11 the Army Reserve determines that additional obligations  
12 are necessary for such purposes and notifies the Commit-  
13 tees on Appropriations of both Houses of Congress of the  
14 determination 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  
19 Marine Corps as authorized by chapter 1803 of title 10,  
20 United States Code, and Military Construction Authoriza-  
21 tion Acts, \$26,299,000, to remain available until Sep-  
22 tember 30, 2016: *Provided*, That of the amount appro-  
23 priated, not to exceed \$2,591,000 shall be available for  
24 study, planning, design, and architect and engineer serv-  
25 ices, as authorized by law, unless the Secretary of the

1 Navy determines that additional obligations are necessary  
2 for such purposes and notifies the Committees on Appro-  
3 priations of both Houses of Congress of the determination  
4 and the reasons therefor.

5       MILITARY CONSTRUCTION, AIR FORCE RESERVE

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

19               NORTH ATLANTIC TREATY ORGANIZATION

20                       SECURITY INVESTMENT PROGRAM

21       For the United States share of the cost of the North  
22 Atlantic Treaty Organization Security Investment Pro-  
23 gram for the acquisition and construction of military fa-  
24 cilities and installations (including international military  
25 headquarters) and for related expenses for the collective

1 defense of the North Atlantic Treaty Area as authorized  
2 by section 2806 of title 10, United States Code, and Mili-  
3 tary Construction Authorization Acts, \$247,611,000, to  
4 remain available until expended.

5           FAMILY HOUSING CONSTRUCTION, ARMY

6           For expenses of family housing for the Army for con-  
7 struction, including acquisition, replacement, addition, ex-  
8 pansion, extension, and alteration, as authorized by law,  
9 \$176,897,000, to remain available until September 30,  
10 2016.

11          FAMILY HOUSING OPERATION AND MAINTENANCE,

12                               ARMY

13          For expenses of family housing for the Army for op-  
14 eration and maintenance, including debt payment, leasing,  
15 minor construction, principal and interest charges, and in-  
16 surance premiums, as authorized by law, \$493,458,000.

17          FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE

18                               CORPS

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



1       FAMILY HOUSING OPERATION AND MAINTENANCE,  
2                                   NAVY AND MARINE CORPS

3       For expenses of family housing for the Navy and Ma-  
4 rine Corps for operation and maintenance, including debt  
5 payment, leasing, minor construction, principal and inter-  
6 est charges, and insurance premiums, as authorized by  
7 law, \$367,863,000.

8       FAMILY HOUSING CONSTRUCTION, AIR FORCE

9       For expenses of family housing for the Air Force for  
10 construction, including acquisition, replacement, addition,  
11 expansion, extension, and alteration, as authorized by law,  
12 \$60,042,000, to remain available until September 30,  
13 2016.

14   FAMILY HOUSING OPERATION AND MAINTENANCE, AIR  
15                                   FORCE

16   For expenses of family housing for the Air Force for  
17 operation and maintenance, including debt payment, leas-  
18 ing, minor construction, principal and interest charges,  
19 and insurance premiums, as authorized by law,  
20 \$429,523,000.

21   FAMILY HOUSING OPERATION AND MAINTENANCE,  
22                                   DEFENSE-WIDE

23   For expenses of family housing for the activities and  
24 agencies of the Department of Defense (other than the  
25 military departments) for operation and maintenance,

1 leasing, and minor construction, as authorized by law,  
2 \$50,723,000.

3 DEPARTMENT OF DEFENSE FAMILY HOUSING  
4 IMPROVEMENT FUND

5 For the Department of Defense Family Housing Im-  
6 provement Fund, \$2,184,000, to remain available until ex-  
7 pended, for family housing initiatives undertaken pursu-  
8 ant to section 2883 of title 10, United States Code, pro-  
9 viding alternative means of acquiring and improving mili-  
10 tary family housing and supporting facilities.

11 HOMEOWNERS ASSISTANCE FUND

12 For the Homeowners Assistance Fund established by  
13 section 1013 of the Demonstration Cities and Metropoli-  
14 tan Development Act of 1966, (42 U.S.C. 3374), as  
15 amended by section 1001 of division A of the American  
16 Recovery and Reinvestment Act of 2009 (Public Law 111-  
17 5; 123 Stat. 194), \$1,284,000, to remain available until  
18 expended: *Provided*, That the Secretary of Defense shall  
19 not issue any regulation or otherwise take any action to  
20 limit the submission prior to September 30, 2012, of ap-  
21 plications for benefits, including permanent change of sta-  
22 tion benefits, as provided under section 1013 of the Dem-  
23 onstration Cities and Metropolitan Development Act of  
24 1966, (42 U.S.C. 3374), as amended.

1           CHEMICAL DEMILITARIZATION CONSTRUCTION,  
2   DEFENSE-WIDE

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

13       DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT  
14   1990

15       For deposit into the Department of Defense Base  
16 Closure Account 1990, established by section 2906(a)(1)  
17 of the Defense Base Closure and Realignment Act of 1990  
18 (10 U.S.C. 2687 note), \$323,543,000, to remain available  
19 until expended.

20       DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT  
21   2005

22       For deposit into the Department of Defense Base  
23 Closure Account 2005, established by section 2906A(a)(1)  
24 of the Defense Base Closure and Realignment Act of 1990  
25 (10 U.S.C. 2687 note), \$258,776,000, to remain available

1 until expended: *Provided*, That the Department of Defense  
2 shall notify the Committees on Appropriations of both  
3 Houses of Congress 14 days prior to obligating an amount  
4 for a construction project that exceeds or reduces the  
5 amount identified for that project in the most recently  
6 submitted budget request for this account by 20 percent  
7 or \$2,000,000, whichever is less: *Provided further*, That  
8 the previous proviso shall not apply to projects costing less  
9 than \$5,000,000, except for those projects not previously  
10 identified in any budget submission for this account and  
11 exceeding the minor construction threshold under section  
12 2805 of title 10, United States Code.

13 ADMINISTRATIVE PROVISIONS

14 SEC. 101. None of the funds made available in this  
15 title shall be expended for payments under a cost-plus-a-  
16 fixed-fee contract for construction, where cost estimates  
17 exceed \$25,000, to be performed within the United States,  
18 except Alaska, without the specific approval in writing of  
19 the Secretary of Defense setting forth the reasons there-  
20 for.

21 SEC. 102. Funds made available in this title for con-  
22 struction shall be available for hire of passenger motor ve-  
23 hicles.

24 SEC. 103. Funds made available in this title for con-  
25 struction may be used for advances to the Federal High-

1 way Administration, Department of Transportation, for  
2 the construction of access roads as authorized by section  
3 210 of title 23, United States Code, when projects author-  
4 ized therein are certified as important to the national de-  
5 fense by the Secretary of Defense.

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

10       SEC. 105. None of the funds made available in this  
11 title shall be used for purchase of land or land easements  
12 in excess of 100 percent of the value as determined by  
13 the Army Corps of Engineers or the Naval Facilities Engi-  
14 neering Command, except: (1) where there is a determina-  
15 tion of value by a Federal court; (2) purchases negotiated  
16 by the Attorney General or the designee of the Attorney  
17 General; (3) where the estimated value is less than  
18 \$25,000; or (4) as otherwise determined by the Secretary  
19 of Defense to be in the public interest.

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

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

6       SEC. 108. None of the funds made available in this  
7 title may be used for the procurement of steel for any con-  
8 struction project or activity for which American steel pro-  
9 ducers, fabricators, and manufacturers have been denied  
10 the opportunity to compete for such steel procurement.

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

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

19       SEC. 111. None of the funds made available in this  
20 title may be obligated for architect and engineer contracts  
21 estimated by the Government to exceed \$500,000 for  
22 projects to be accomplished in Japan, in any North Atlan-  
23 tic Treaty Organization member country, or in countries  
24 bordering the Arabian Sea, unless such contracts are

1 awarded to United States firms or United States firms  
2 in joint venture with host nation firms.

3       SEC. 112. None of the funds made available in this  
4 title for military construction in the United States terri-  
5 tories and possessions in the Pacific and on Kwajalein  
6 Atoll, or in countries bordering the Arabian Sea, may be  
7 used to award any contract estimated by the Government  
8 to exceed \$1,000,000 to a foreign contractor: *Provided*,  
9 That this section shall not be applicable to contract  
10 awards for which the lowest responsive and responsible bid  
11 of a United States contractor exceeds the lowest respon-  
12 sive and responsible bid of a foreign contractor by greater  
13 than 20 percent: *Provided further*, That this section shall  
14 not apply to contract awards for military construction on  
15 Kwajalein Atoll for which the lowest responsive and re-  
16 sponsible bid is submitted by a Marshallese contractor.

17       SEC. 113. The Secretary of Defense shall inform the  
18 appropriate committees of both Houses of Congress, in-  
19 cluding the Committees on Appropriations, of plans and  
20 scope of any proposed military exercise involving United  
21 States personnel 30 days prior to its occurring, if amounts  
22 expended for construction, either temporary or permanent,  
23 are anticipated to exceed \$100,000.

24       SEC. 114. Not more than 20 percent of the funds  
25 made available in this title which are limited for obligation

1 during the current fiscal year shall be obligated during  
2 the last 2 months of the fiscal year.

3       SEC. 115. Funds appropriated to the Department of  
4 Defense for construction in prior years shall be available  
5 for construction authorized for each such military depart-  
6 ment by the authorizations enacted into law during the  
7 current session of Congress.

8       SEC. 116. For military construction or family housing  
9 projects that are being completed with funds otherwise ex-  
10 pired or lapsed for obligation, expired or lapsed funds may  
11 be used to pay the cost of associated supervision, inspec-  
12 tion, overhead, engineering and design on those projects  
13 and on subsequent claims, if any.

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



1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 118. In addition to any other transfer authority  
3 available to the Department of Defense, proceeds depos-  
4 ited to the Department of Defense Base Closure Account  
5 established by section 207(a)(1) of the Defense Authoriza-  
6 tion Amendments and Base Closure and Realignment Act  
7 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)  
8 of such Act, may be transferred to the account established  
9 by section 2906(a)(1) of the Defense Base Closure and  
10 Realignment Act of 1990 (10 U.S.C. 2687 note), to be  
11 merged with, and to be available for the same purposes  
12 and the same time period as that account.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 119. Subject to 30 days prior notification, or  
15 14 days for a notification provided in an electronic me-  
16 dium pursuant to sections 480 and 2883 of title 10,  
17 United States Code, to the Committees on Appropriations  
18 of both Houses of Congress, such additional amounts as  
19 may be determined by the Secretary of Defense may be  
20 transferred to: (1) the Department of Defense Family  
21 Housing Improvement Fund from amounts appropriated  
22 for construction in "Family Housing" accounts, to be  
23 merged with and to be available for the same purposes  
24 and for the same period of time as amounts appropriated  
25 directly to the Fund; or (2) the Department of Defense

1 Military Unaccompanied Housing Improvement Fund  
2 from amounts appropriated for construction of military  
3 unaccompanied housing in "Military Construction" ac-  
4 counts, to be merged with and to be available for the same  
5 purposes and for the same period of time as amounts ap-  
6 propriated directly to the Fund: *Provided*, That appropria-  
7 tions made available to the Funds shall be available to  
8 cover the costs, as defined in section 502(5) of the Con-  
9 gressional Budget Act of 1974, of direct loans or loan  
10 guarantees issued by the Department of Defense pursuant  
11 to the provisions of subchapter IV of chapter 169 of title  
12 10, United States Code, pertaining to alternative means  
13 of acquiring and improving military family housing, mili-  
14 tary unaccompanied housing, and supporting facilities.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 120. In addition to any other transfer authority  
17 available to the Department of Defense, amounts may be  
18 transferred from the accounts established by sections  
19 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure  
20 and Realignment Act of 1990 (10 U.S.C. 2687 note), to  
21 the fund established by section 1013(d) of the Demonstra-  
22 tion Cities and Metropolitan Development Act of 1966 (42  
23 U.S.C. 3374) to pay for expenses associated with the  
24 Homeowners Assistance Program incurred under 42  
25 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be

1 merged with and be available for the same purposes and  
2 for the same time period as the fund to which transferred.

3       SEC. 121. Notwithstanding any other provision of  
4 law, funds made available in this title for operation and  
5 maintenance of family housing shall be the exclusive  
6 source of funds for repair and maintenance of all family  
7 housing units, including general or flag officer quarters:  
8 *Provided*, That not more than \$35,000 per unit may be  
9 spent annually for the maintenance and repair of any gen-  
10 eral or flag officer quarters without 30 days prior notifica-  
11 tion, or 14 days for a notification provided in an electronic  
12 medium pursuant to sections 480 and 2883 of title 10,  
13 United States Code, to the Committees on Appropriations  
14 of both Houses of Congress, except that an after-the-fact  
15 notification shall be submitted if the limitation is exceeded  
16 solely due to costs associated with environmental remedi-  
17 ation that could not be reasonably anticipated at the time  
18 of the budget submission: *Provided further*, That the  
19 Under Secretary of Defense (Comptroller) is to report an-  
20 nually to the Committees on Appropriations of both  
21 Houses of Congress all operation and maintenance ex-  
22 penditures for each individual general or flag officer quar-  
23 ters for the prior fiscal year.

24       SEC. 122. Amounts contained in the Ford Island Im-  
25 provement Account established by subsection (h) of sec-

1 tion 2814 of title 10, United States Code, are appro-  
2 priated and shall be available until expended for the pur-  
3 poses specified in subsection (i)(1) of such section or until  
4 transferred pursuant to subsection (i)(3) of such section.

5       SEC. 123. None of the funds made available in this  
6 title, or in any Act making appropriations for military con-  
7 struction which remain available for obligation, may be ob-  
8 ligated or expended to carry out a military construction,  
9 land acquisition, or family housing project at or for a mili-  
10 tary installation approved for closure, or at a military in-  
11 stallation for the purposes of supporting a function that  
12 has been approved for realignment to another installation,  
13 in 2005 under the Defense Base Closure and Realignment  
14 Act of 1990 (part A of title XXIX of Public Law 101-  
15 510; 10 U.S.C. 2687 note), unless such a project at a mili-  
16 tary installation approved for realignment will support a  
17 continuing mission or function at that installation or a  
18 new mission or function that is planned for that installa-  
19 tion, or unless the Secretary of Defense certifies that the  
20 cost to the United States of carrying out such project  
21 would be less than the cost to the United States of cancel-  
22 ling such project, or if the project is at an active compo-  
23 nent base that shall be established as an enclave or in the  
24 case of projects having multi-agency use, that another  
25 Government agency has indicated it will assume ownership

1 of the completed project. The Secretary of Defense may  
2 not transfer funds made available as a result of this limi-  
3 tation from any military construction project, land acquisi-  
4 tion, or family housing project to another account or use  
5 such funds for another purpose or project without the  
6 prior approval of the Committees on Appropriations of  
7 both Houses of Congress. This section shall not apply to  
8 military construction projects, land acquisition, or family  
9 housing projects for which the project is vital to the na-  
10 tional security or the protection of health, safety, or envi-  
11 ronmental quality: *Provided*, That the Secretary of De-  
12 fense shall notify the congressional defense committees  
13 within seven days of a decision to carry out such a military  
14 construction project.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 124. During the 5-year period after appropria-  
17 tions available in this Act to the Department of Defense  
18 for military construction and family housing operation and  
19 maintenance and construction have expired for obligation,  
20 upon a determination that such appropriations will not be  
21 necessary for the liquidation of obligations or for making  
22 authorized adjustments to such appropriations for obliga-  
23 tions incurred during the period of availability of such ap-  
24 propriations, unobligated balances of such appropriations  
25 may be transferred into the appropriation "Foreign Cur-

1 rency Fluctuations, Construction, Defense”, to be merged  
2 with and to be available for the same time period and for  
3 the same purposes as the appropriation to which trans-  
4 ferred.

5       SEC. 125. Amounts appropriated or otherwise made  
6 available in an account funded under the headings in this  
7 title may be transferred among projects and activities  
8 within the account in accordance with the reprogramming  
9 guidelines for military construction and family housing  
10 construction contained in Department of Defense Finan-  
11 cial Management Regulation 7000.14–R, Volume 3, Chap-  
12 ter 7, of February 2009, as in effect on the date of enact-  
13 ment of this Act.

14       SEC. 126. (a) Notwithstanding any other provision  
15 of law, the Secretary of the Army shall close Umatilla  
16 Chemical Depot, Oregon, not later than 1 year after the  
17 completion of chemical demilitarization activities required  
18 under the Chemical Weapons Convention.

19       (b) The closure of the Umatilla Chemical Depot, Or-  
20 egon, and subsequent management and property disposal  
21 shall be carried out in accordance with procedures and au-  
22 thorities contained in the Defense Base Closure and Re-  
23 alignment Act of 1990 (part A of title XXIX of Public  
24 Law 110–510; 10 U.S.C. 2687 note).

1 (c) Nothing in this section shall be construed to affect  
2 or limit the application of, or any obligation to comply  
3 with, any environmental law, including the Comprehensive  
4 Environmental Response, Compensation, and Liability Act  
5 of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste  
6 Disposal Act (42 U.S.C. 6901 et seq.).

7 (d) The Secretary of the Army may retain minimum  
8 essential ranges, facilities, and training areas at Umatilla  
9 Chemical Depot, totaling approximately 7,500 acres, as a  
10 training enclave for the reserve components of the Armed  
11 Forces to permit the conduct of individual and annual  
12 training.

13 SEC. 127. None of the funds made available by this  
14 Act may be used by the Secretary of Defense to take bene-  
15 ficial occupancy of more than 2,000 parking spaces (other  
16 than handicap-reserved spaces) to be provided by the  
17 BRAC 133 project: *Provided*, That this limitation may be  
18 waived in part if: (1) the Secretary of Defense certifies  
19 to Congress that levels of service at existing intersections  
20 in the vicinity of the project have not experienced failing  
21 levels of service as defined by the Transportation Research  
22 Board Highway Capacity Manual over a consecutive 90-  
23 day period; (2) the Department of Defense and the Vir-  
24 ginia Department of Transportation agree on the number  
25 of additional parking spaces that may be made available

1 to employees of the facility subject to continued 90-day  
2 traffic monitoring; and (3) the Secretary of Defense noti-  
3 fies the congressional defense committees in writing at  
4 least 14 days prior to exercising this waiver of the number  
5 of additional parking spaces to be made available: *Pro-*  
6 *vided further*, That the Secretary of Defense shall imple-  
7 ment the Department of Defense Inspector General rec-  
8 ommendations outlined in report number DODIG-2012-  
9 024, and certify to Congress not later than 180 days after  
10 enactment of this Act that the recommendations have been  
11 implemented.

12 SEC. 128. None of the funds appropriated or other-  
13 wise made available by this title may be obligated or ex-  
14 pended for a permanent United States Africa Command  
15 headquarters outside of the United States until the Sec-  
16 retary of Defense provides the congressional defense com-  
17 mittees an analysis of all military construction costs asso-  
18 ciated with establishing a permanent location overseas  
19 versus in the United States.

20 SEC. 129. None of the funds made available by this  
21 Act may be used for any action that relates to or promotes  
22 the expansion of the boundaries or size of the Pinon Can-  
23 yon Maneuver Site, Colorado.

24 SEC. 130. (a) Except as provided in subsection (b),  
25 none of the funds made available in this Act may be used



1 by the Secretary of the Army to relocate a unit in the  
2 Army that—

3 (1) performs a testing mission or function that  
4 is not performed by any other unit in the Army and  
5 is specifically stipulated in title 10, United States  
6 Code; and

7 (2) is located at a military installation at which  
8 the total number of civilian employees of the Depart-  
9 ment of the Army and Army contractor personnel  
10 employed exceeds 10 percent of the total number of  
11 members of the regular and reserve components of  
12 the Army assigned to the installation.

13 (b) EXCEPTION.—Subsection (a) shall not apply if  
14 the Secretary of the Army certifies to the congressional  
15 defense committees that in proposing the relocation of the  
16 unit of the Army, the Secretary complied with Army Regu-  
17 lation 5–10 relating to the policy, procedures, and respon-  
18 sibilities for Army stationing actions.

19 (INCLUDING RESCISSIONS OF FUNDS)

20 SEC. 131. Of the unobligated balances available  
21 under the following headings from prior appropriations  
22 Acts (other than appropriations designated by law as  
23 being for contingency operations directly related to the  
24 global war on terrorism or as an emergency requirement),  
25 the following amounts are hereby rescinded: “Military

1 Construction, Army”, \$100,000,000; “Military Construc-  
2 tion, Navy and Marine Corps”, \$25,000,000; “Military  
3 Construction, Air Force”, \$32,000,000; and “Military  
4 Construction, Defense-Wide”, \$131,400,000.

5 (INCLUDING RESCISSION OF FUNDS)

6 SEC. 132. Of the unobligated balances available for  
7 “Department of Defense Base Closure Account 2005”,  
8 from prior appropriations Acts (other than appropriations  
9 designated by law as being for contingency operations di-  
10 rectly related to the global war on terrorism or as an emer-  
11 gency requirement), \$258,776,000 are hereby rescinded.

12 ~~SEC. 133. Notwithstanding any other provision of~~  
13 ~~law, funds made available by this title may be obligated~~  
14 ~~and expended to carry out planning and design and mili-~~  
15 ~~tary construction projects not otherwise authorized by law:~~  
16 ~~Provided, That the authority provided in this section shall~~  
17 ~~expire on September 30, 2012, or the date of enactment~~  
18 ~~of a National Defense Authorization Act for Fiscal Year~~  
19 ~~2012, whichever occurs first. ]~~

1 TITLE II  
2 DEPARTMENT OF VETERANS AFFAIRS  
3 VETERANS BENEFITS ADMINISTRATION  
4 COMPENSATION AND PENSIONS  
5 (INCLUDING TRANSFER OF FUNDS)

6 For the payment of compensation benefits to or on  
7 behalf of veterans and a pilot program for disability ex-  
8 aminations as authorized by section 107 and chapters 11,  
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;  
10 pension benefits to or on behalf of veterans as authorized  
11 by chapters 15, 51, 53, 55, and 61 of title 38, United  
12 States Code; and burial benefits, the Reinstated Entitle-  
13 ment Program for Survivors, emergency and other offi-  
14 cers' retirement pay, adjusted-service credits and certifi-  
15 cates, payment of premiums due on commercial life insur-  
16 ance policies guaranteed under the provisions of title IV  
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.  
18 541 et seq.) and for other benefits as authorized by sec-  
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,  
20 53, 55, and 61 of title 38, United States Code,  
21 \$51,237,567,000, to remain available until expended: *Pro-*  
22 *vided*, That not to exceed \$32,187,000 of the amount ap-  
23 propriated under this heading shall be reimbursed to  
24 "General operating expenses, Veterans Benefits Adminis-  
25 tration", "Medical support and compliance", and "Infor-

1 mation technology systems” for necessary expenses in im-  
2 plementing the provisions of chapters 51, 53, and 55 of  
3 title 38, United States Code, the funding source for which  
4 is specifically provided as the “Compensation and pen-  
5 sions” appropriation: *Provided further*, That such sums as  
6 may be earned on an actual qualifying patient basis, shall  
7 be reimbursed to “Medical care collections fund” to aug-  
8 ment the funding of individual medical facilities for nurs-  
9 ing home care provided to pensioners as authorized.

10

## READJUSTMENT BENEFITS

11 For the payment of readjustment and rehabilitation  
12 benefits to or on behalf of veterans as authorized by chap-  
13 ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61  
14 of title 38, United States Code, \$12,108,488,000, to re-  
15 main available until expended: *Provided*, That expenses for  
16 rehabilitation program services and assistance which the  
17 Secretary is authorized to provide under subsection (a) of  
18 section 3104 of title 38, United States Code, other than  
19 under paragraphs (1), (2), (5), and (11) of that sub-  
20 section, shall be charged to this account.

21

## VETERANS INSURANCE AND INDEMNITIES

22 For military and naval insurance, national service life  
23 insurance, servicemen’s indemnities, service-disabled vet-  
24 erans insurance, and veterans mortgage life insurance as

1 authorized by chapters 19 and 21, title 38, United States  
2 Code, \$100,252,000, to remain available until expended.

3 VETERANS HOUSING BENEFIT PROGRAM FUND

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

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

16 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

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



1 lie Law 111-163; 124 Stat. 1174; 38 U.S.C. 7681 note)  
2 \$41,354,000,000, plus reimbursements, shall become  
3 available on October 1, 2012, and shall remain available  
4 until September 30, 2013: *Provided, That,* notwith-  
5 standing any other provision of law, the Secretary of Vet-  
6 erans Affairs shall establish a priority for the provision  
7 of medical treatment for veterans who have service-con-  
8 nected disabilities, lower income, or have special needs:  
9 *Provided further, That,* notwithstanding any other provi-  
10 sion of law, the Secretary of Veterans Affairs shall give  
11 priority funding for the provision of basic medical benefits  
12 to veterans in enrollment priority groups 1 through 6: *Pro-*  
13 *vided further, That,* notwithstanding any other provision  
14 of law, the Secretary of Veterans Affairs may authorize  
15 the dispensing of prescription drugs from Veterans Health  
16 Administration facilities to enrolled veterans with privately  
17 written prescriptions based on requirements established by  
18 the Secretary: *Provided further, That* the implementation  
19 of the program described in the previous proviso shall  
20 incur no additional cost to the Department of Veterans  
21 Affairs.

22 MEDICAL SUPPORT AND COMPLIANCE

23 For necessary expenses in the administration of the  
24 medical, hospital, nursing home, domiciliary, construction,  
25 supply, and research activities, as authorized by law; ad-

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

10 MEDICAL FACILITIES

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



1 able on October 1, 2012, and shall remain available until  
2 September 30, 2013.

3 MEDICAL AND PROSTHETIC RESEARCH

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

9 NATIONAL CEMETERY ADMINISTRATION

10 For necessary expenses of the National Cemetery Ad-  
11 ministration for operations and maintenance, not other-  
12 wise provided for, including uniforms or allowances there-  
13 for; cemeterial expenses as authorized by law; purchase  
14 of one passenger motor vehicle for use in cemeterial oper-  
15 ations; hire of passenger motor vehicles; and repair, alter-  
16 ation or improvement of facilities under the jurisdiction  
17 of the National Cemetery Administration, \$250,934,000,  
18 of which not to exceed \$25,100,000 shall remain available  
19 until September 30, 2013: *Provided*, That none of the  
20 funds under this heading may be used to expand the  
21 Urban Initiative project beyond those sites outlined in the  
22 fiscal year 2012 or previous budget submissions until the  
23 National Cemetery Administration submits to the Com-  
24 mittees on Appropriations of both Houses of Congress a  
25 detailed strategy to serve the burial needs of veterans re-

1 siding in rural and highly rural areas: *Provided further,*  
2 That the report shall include a timeline for implementa-  
3 tion of such strategy and cost estimates of establishing  
4 new burial sites in at least five rural or highly rural loca-  
5 tions.

6 DEPARTMENTAL ADMINISTRATION

7 GENERAL ADMINISTRATION

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary operating expenses of the Department  
10 of Veterans Affairs, not otherwise provided for, including  
11 administrative expenses in support of Department-Wide  
12 capital planning, management and policy activities, uni-  
13 forms, or allowances therefor; not to exceed \$25,000 for  
14 official reception and representation expenses; hire of pas-  
15 senger motor vehicles; and reimbursement of the General  
16 Services Administration for security guard services,  
17 \$416,737,000, of which not to exceed \$20,837,000 shall  
18 remain available until September 30, 2013: *Provided,*  
19 That funds provided under this heading may be trans-  
20 ferred to "General operating expenses, Veterans Benefits  
21 Administration".

22 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

23 ADMINISTRATION

24 For necessary operating expenses of the Veterans  
25 Benefits Administration, not otherwise provided for, in-

1 eluding hire of passenger motor vehicles, reimbursement  
2 of the General Services Administration for security guard  
3 services, and reimbursement of the Department of De-  
4 fense for the cost of overseas employee mail,  
5 \$2,018,764,000: *Provided*, That expenses for services and  
6 assistance authorized under paragraphs (1), (2), (5), and  
7 (11) of section 3104(a) of title 38, United States Code,  
8 that the Secretary of Veterans Affairs determines are nec-  
9 essary to enable entitled veterans: (1) to the maximum ex-  
10 tent feasible, to become employable and to obtain and  
11 maintain suitable employment; or (2) to achieve maximum  
12 independence in daily living, shall be charged to this ac-  
13 count: *Provided further*, That of the funds made available  
14 under this heading, not to exceed \$105,000,000 shall re-  
15 main available until September 30, 2013: *Provided further*,  
16 That from the funds made available under this heading,  
17 the Veterans Benefits Administration may purchase (on  
18 a one-for-one replacement basis only) up to two passenger  
19 motor vehicles for use in operations of that Administration  
20 in Manila, Philippines.

21 INFORMATION TECHNOLOGY SYSTEMS

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

1 asset acquisition of information technology systems, in-  
2 cluding management and related contractual costs of said  
3 acquisitions, including contractual costs associated with  
4 operations authorized by section 3109 of title 5, United  
5 States Code, \$3,111,376,000, plus reimbursements: *Pro-*  
6 *vided*, That \$915,000,000 shall be for pay and associated  
7 costs, of which not to exceed \$25,000,000 shall remain  
8 available until September 30, 2013: *Provided further*, That  
9 \$1,616,018,000 shall be for operations and maintenance,  
10 of which not to exceed \$110,000,000 shall remain avail-  
11 able until September 30, 2013: *Provided further*, That  
12 \$580,358,000 shall be for information technology systems  
13 development, modernization, and enhancement, and shall  
14 remain available until September 30, 2013: *Provided fur-*  
15 *ther*, That none of the funds made available under this  
16 heading may be obligated until the Department of Vet-  
17 erans Affairs submits to the Committees on Appropria-  
18 tions of both Houses of Congress, and such Committees  
19 approve, a plan for expenditure that: (1) meets the capital  
20 planning and investment control review requirements es-  
21 tablished by the Office of Management and Budget; (2)  
22 complies with the Department of Veterans Affairs enter-  
23 prise architecture; (3) conforms with an established enter-  
24 prise life cycle methodology; and (4) complies with the ac-  
25 quisition rules, requirements, guidelines, and systems ac-

1 quision management practices of the Federal Govern-  
2 ment: *Provided further*, That amounts made available for  
3 information technology systems development, moderniza-  
4 tion, and enhancement may not be obligated or expended  
5 until the Secretary of Veterans Affairs or the Chief Infor-  
6 mation Officer of the Department of Veterans Affairs sub-  
7 mits to the Committees on Appropriations of both Houses  
8 of Congress a certification of the amounts, in parts or in  
9 full, to be obligated and expended for each development  
10 project: *Provided further*, That amounts made available for  
11 salaries and expenses, operations and maintenance, and  
12 information technology systems development, moderniza-  
13 tion, and enhancement may be transferred among the  
14 three subaccounts after the Secretary of Veterans Affairs  
15 requests from the Committees on Appropriations of both  
16 Houses of Congress the authority to make the transfer  
17 and an approval is issued: *Provided further*, That the  
18 funds made available under this heading for information  
19 technology systems development, modernization, and en-  
20 hancement, shall be for the projects, and in the amounts,  
21 specified under this heading in the Joint Explanatory  
22 Statement of the Committee of Conference.

23 OFFICE OF INSPECTOR GENERAL

24 For necessary expenses of the Office of Inspector  
25 General, to include information technology, in carrying out

1 the provisions of the Inspector General Act of 1978 (5  
2 U.S.C. App.), \$112,391,000, of which \$6,000,000 shall re-  
3 main available until September 30, 2013.

4 CONSTRUCTION, MAJOR 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, or for any of the purposes set forth in sections  
9 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,  
10 and 8122 of title 38, United States Code, including plan-  
11 ning, architectural and engineering services, construction  
12 management services, maintenance or guarantee period  
13 services costs associated with equipment guarantees pro-  
14 vided under the project, services of claims analysts, offsite  
15 utility and storm drainage system construction costs, and  
16 site acquisition, where the estimated cost of a project is  
17 more than the amount set forth in section 8104(a)(3)(A)  
18 of title 38, United States Code, or where funds for a  
19 project were made available in a previous major project  
20 appropriation, \$589,604,000, to remain available until ex-  
21 pended, of which \$5,000,000 shall be to make reimburse-  
22 ments as provided in section 13 of the Contract Disputes  
23 Act of 1978 (41 U.S.C. 612) for claims paid for contract  
24 disputes: *Provided*, That except for advance planning ac-  
25 tivities, including needs assessments which may or may

1 not lead to capital investments, and other capital asset  
2 management related activities, including portfolio develop-  
3 ment and management activities, and investment strategy  
4 studies funded through the advance planning fund and the  
5 planning and design activities funded through the design  
6 fund, including needs assessments which may or may not  
7 lead to capital investments, and salaries and associated  
8 costs of the resident engineers who oversee those capital  
9 investments funded through this account, and funds pro-  
10 vided for the purchase of land for the National Cemetery  
11 Administration through the land acquisition line item,  
12 none of the funds made available under this heading shall  
13 be used for any project which has not been approved by  
14 the Congress in the budgetary process: *Provided further,*  
15 That funds made available under this heading for fiscal  
16 year 2012, for each approved project shall be obligated:  
17 (1) by the awarding of a construction documents contract  
18 by September 30, 2012; and (2) by the awarding of a con-  
19 struction contract by September 30, 2013: *Provided fur-*  
20 *ther,* That the Secretary of Veterans Affairs shall prompt-  
21 ly submit to the Committees on Appropriations of both  
22 Houses of Congress a written report on any approved  
23 major construction project for which obligations are not  
24 incurred within the time limitations established above.

## 1 CONSTRUCTION, MINOR PROJECTS

2 For constructing, altering, extending, and improving  
3 any of the facilities, including parking projects, under the  
4 jurisdiction or for the use of the Department of Veterans  
5 Affairs, including planning and assessments of needs  
6 which may lead to capital investments, architectural and  
7 engineering services, maintenance or guarantee period  
8 services costs associated with equipment guarantees pro-  
9 vided under the project, services of claims analysts, offsite  
10 utility and storm drainage system construction costs, and  
11 site acquisition, or for any of the purposes set forth in  
12 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,  
13 8110, 8122, and 8162 of title 38, United States Code,  
14 where the estimated cost of a project is equal to or less  
15 than the amount set forth in section 8104(a)(3)(A) of title  
16 38, United States Code, \$482,386,000, to remain avail-  
17 able until expended, along with unobligated balances of  
18 previous "Construction, minor projects" appropriations  
19 which are hereby made available for any project where the  
20 estimated cost is equal to or less than the amount set forth  
21 in such section: *Provided*, That funds made available  
22 under this heading shall be for: (1) repairs to any of the  
23 nonmedical facilities under the jurisdiction or for the use  
24 of the Department which are necessary because of loss or  
25 damage caused by any natural disaster or catastrophe;



1 and (2) temporary measures necessary to prevent or to  
2 minimize further loss by such causes.

3 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE  
4 FACILITIES

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

12 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

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

18 ADMINISTRATIVE PROVISIONS

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 201. Any appropriation for fiscal year 2012 for  
21 "Compensation and pensions", "Readjustment benefits",  
22 and "Veterans insurance and indemnities" may be trans-  
23 ferred as necessary to any other of the mentioned appro-  
24 priations: *Provided*, That before a transfer may take place,  
25 the Secretary of Veterans Affairs shall request from the

1 Committees on Appropriations of both Houses of Congress  
2 the authority to make the transfer and such Committees  
3 issue an approval, or absent a response, a period of 30  
4 days has elapsed.

5 (INCLUDING TRANSFER OF FUNDS)

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

1 take place only after the Secretary requests from the Com-  
2 mittees on Appropriations of both Houses of Congress the  
3 authority to make the transfer and an approval is issued.

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

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

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

1 tion is made to the "Medical services" account at such  
2 rates as may be fixed by the Secretary of Veterans Affairs.

3 SEC. 206. Appropriations available in this title for  
4 "Compensation and pensions", "Readjustment benefits",  
5 and "Veterans insurance and indemnities" shall be avail-  
6 able for payment of prior year accrued obligations re-  
7 quired to be recorded by law against the corresponding  
8 prior year accounts within the last quarter of fiscal year  
9 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  
14 Code, except that if such obligations are from trust fund  
15 accounts they shall be payable only from "Compensation  
16 and pensions".

17 (INCLUDING TRANSFER OF FUNDS)

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

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

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

1 (INCLUDING TRANSFER OF FUNDS)

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

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

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

18                                   (INCLUDING TRANSFER OF FUNDS)

19           SEC. 213. Notwithstanding any other provision of  
20 law, proceeds or revenues derived from enhanced-use leas-  
21 ing activities (including disposal) may be deposited into  
22 the "Construction, major projects" and "Construction,  
23 minor projects" accounts and be used for construction (in-  
24 cluding site acquisition and disposition), alterations, and  
25 improvements of any medical facility under the jurisdic-

1 tion or for the use of the Department of Veterans Affairs.  
2 Such sums as realized are in addition to the amount pro-  
3 vided for in “Construction, major projects” and “Con-  
4 struction, minor projects”.

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

7 (1) for furnishing recreational facilities, sup-  
8 plies, and equipment; and

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

12 (INCLUDING TRANSFER OF FUNDS)

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

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



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

14 (INCLUDING TRANSFER OF FUNDS)

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

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

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

5                           (INCLUDING TRANSFER OF FUNDS)

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

17                           (INCLUDING TRANSFER OF FUNDS)

18           SEC. 221. Amounts made available for the “Informa-  
19 tion technology systems” account for development, mod-  
20 ernization, and enhancement may be transferred between  
21 projects or to newly defined projects: *Provided*, That no  
22 project may be increased or decreased by more than  
23 \$1,000,000 of cost prior to submitting a request to the  
24 Committees on Appropriations of both Houses of Congress

1 to make the transfer and an approval is issued, or absent  
2 a response, a period of 30 days has elapsed.

3 SEC. 222. None of the funds appropriated or other-  
4 wise made available by this Act or any other Act for the  
5 Department of Veterans Affairs may be used in a manner  
6 that is inconsistent with: (1) section 842 of the Transpor-  
7 tation, Treasury, Housing and Urban Development, the  
8 Judiciary, the District of Columbia, and Independent  
9 Agencies Appropriations Act, 2006 (Public Law 109–115;  
10 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,  
11 United States Code.

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

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 224. Of the amounts appropriated to the De-  
23 partment of Veterans Affairs for fiscal year 2012 for  
24 “Medical services”, “Medical support and compliance”,  
25 “Medical facilities”, “Construction, minor projects”, and

1 “Information technology systems”, up to \$241,666,000,  
2 plus reimbursements, may be transferred to the Joint De-  
3 partment of Defense-Department of Veterans Affairs  
4 Medical Facility Demonstration Fund, established by sec-  
5 tion 1704 of the National Defense Authorization Act for  
6 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571)  
7 and may be used for operation of the facilities designated  
8 as combined Federal medical facilities as described by sec-  
9 tion 706 of the Duncan Hunter National Defense Author-  
10 ization Act for Fiscal Year 2009 (Public Law 110–417;  
11 122 Stat. 4500): *Provided*, That additional funds may be  
12 transferred from accounts designated in this section to the  
13 Joint Department of Defense-Department of Veterans Af-  
14 fairs Medical Facility Demonstration Fund upon written  
15 notification by the Secretary of Veterans Affairs to the  
16 Committees on Appropriations of both Houses of Con-  
17 gress.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 225. Such sums as may be deposited to the  
20 Medical Care Collections Fund pursuant to section 1729A  
21 of title 38, United States Code, for health care provided  
22 at facilities designated as combined Federal medical facili-  
23 ties as described by section 706 of the Duncan Hunter  
24 National Defense Authorization Act for Fiscal Year 2009  
25 (Public Law 110–417; 122 Stat. 4500) shall also be avail-

1 able: (1) for transfer to the Joint Department of Defense-  
2 Department of Veterans Affairs Medical Facility Dem-  
3 onstration Fund, established by section 1704 of the Na-  
4 tional Defense Authorization Act for Fiscal Year 2010  
5 (Public Law 111-84; 123 Stat. 3571); and (2) for oper-  
6 ations of the facilities designated as combined Federal  
7 medical facilities as described by section 706 of the Dun-  
8 can Hunter National Defense Authorization Act for Fiscal  
9 Year 2009 (Public Law 110-417; 122 Stat. 4500).

10 (INCLUDING TRANSFER OF FUNDS)

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

19 (INCLUDING RESCISSIONS OF FUNDS)

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

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

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

5           (3) “Department of Veterans Affairs, Medical  
6           facilities”, \$250,000,000.

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

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

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

15           (3) “Department of Veterans Affairs, Medical  
16           facilities”, \$250,000,000.

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

1 of such bid savings and shall describe the anticipated use  
2 of such savings.

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

8 SEC. 230. (a) EXCEPTION WITH RESPECT TO CON-  
9 FIDENTIAL NATURE OF CLAIMS.—Section 5701 of title  
10 38, United States Code, is amended by adding at the end  
11 the following new subsection:

12 “(I) Under regulations the Secretary shall prescribe,  
13 the Secretary may disclose information about a veteran  
14 or the dependent of a veteran to a State controlled sub-  
15 stance monitoring program, including a program approved  
16 by the Secretary of Health and Human Services under  
17 section 3990 of the Public Health Service Act (42 U.S.C.  
18 280g–3), to the extent necessary to prevent misuse and  
19 diversion of prescription medicines.”.

20 (b) EXCEPTION WITH RESPECT TO CONFIDEN-  
21 TIALITY OF CERTAIN MEDICAL RECORDS.—Section  
22 7332(b)(2) of title 38, United States Code, is amended  
23 by adding at the end the following new subparagraph:

24 “(G) To a State controlled substance mon-  
25 itoring program, including a program approved

1 by the Secretary of Health and Human Services  
2 under section 3990 of the Public Health Serv-  
3 ice Act (42 U.S.C. 280g-3), to the extent nec-  
4 essary to prevent misuse and diversion of pre-  
5 scription medicines.”.

6 SEC. 231. The Secretary of Veterans Affairs shall  
7 provide on a quarterly basis to the Committees on Appro-  
8 priations of both Houses of Congress notification of any  
9 single national outreach and awareness marketing cam-  
10 paign in which obligations exceed \$2,000,000. The first  
11 report shall be submitted no later than April 15, 2012.

12 SEC. 232. None of the funds made available by this  
13 Act may be used to declare as excess to the needs of the  
14 Department of Veterans Affairs or otherwise take any ac-  
15 tion to exchange, trade, auction, transfer, or otherwise dis-  
16 pose of, or reduce the acreage of, Federal land and im-  
17 provements at the St. Albans campus, consisting of ap-  
18 proximately 55 acres of land, with borders near Linden  
19 Boulevard on the northwest, 115th Avenue on the west,  
20 the Long Island Railroad on the northeast, and Baisley  
21 Boulevard on the southeast.

22 SEC. 233. None of the funds made available in this  
23 Act may be used to enter into a contract using procedures  
24 that do not give to small business concerns owned and con-  
25 trolled by veterans (as that term is defined in section



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

8 SEC. 234. Section 315(b) of title 38, United States  
9 Code, is amended by striking “December 31, 2011” and  
10 inserting “December 31, 2012”.

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TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

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

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

1 UNITED STATES COURT OF APPEALS FOR VETERANS

2 CLAIMS

3 SALARIES AND EXPENSES

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

12 DEPARTMENT OF DEFENSE—CIVIL

13 CEMETERIAL EXPENSES, ARMY

14 SALARIES AND EXPENSES

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

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

5 ARMED FORCES RETIREMENT HOME

6 TRUST FUND

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

18 GENERAL FUND PAYMENT, ARMED FORCES RETIREMENT

19 HOME

20 For payment to the “Armed Forces Retirement  
21 Home”, \$14,630,000, to remain available until expended,  
22 for expenses necessary to mitigate structural damage sus-  
23 tained to buildings on the Armed Forces Retirement  
24 Home—Washington, District of Columbia, campus as a  
25 result of the August 2011 earthquake.

1 TITLE IV  
2 OVERSEAS CONTINGENCY OPERATIONS  
3 DEPARTMENT OF DEFENSE  
4 MILITARY CONSTRUCTION, ARMY

5 For an additional amount for “Military Construction,  
6 Army”, \$80,000,000, to remain available until September  
7 30, 2012: *Provided*, That such amount is designated by  
8 the Congress for Overseas Contingency Operations/Global  
9 War on Terrorism pursuant to section 251(b)(2)(A) of the  
10 Balanced Budget and Emergency Deficit Control Act of  
11 1985.

12 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

13 For an additional amount for “Military Construction,  
14 Navy and Marine Corps”, \$189,703,000, to remain avail-  
15 able until September 30, 2012: *Provided*, That such  
16 amount is designated by the Congress for Overseas Con-  
17 tingency Operations/Global War on Terrorism pursuant to  
18 section 251(b)(2)(A) of the Balanced Budget and Emer-  
19 gency Deficit Control Act of 1985.

20 ADMINISTRATIVE PROVISIONS

21 (INCLUDING RESCISSION OF FUNDS)

22 SEC. 401. Of the unobligated balances in title IV, di-  
23 vision E of Public Law 111–117, \$269,703,000 are hereby  
24 rescinded: *Provided*, That such amount is designated by  
25 the Congress for Overseas Contingency Operations/Global

1 War on Terrorism pursuant to section 251(b)(2)(A) of the  
2 Balanced Budget and Emergency Deficit Control Act of  
3 1985.

4 ~~【Sec. 402. Notwithstanding any other provision of~~  
5 ~~law, funds made available by this title may be obligated~~  
6 ~~and expended to carry out planning and design and mili-~~  
7 ~~tary construction projects not otherwise authorized by law:~~  
8 ~~Provided, That the authority provided in this section shall~~  
9 ~~expire on September 30, 2012, or the date of enactment~~  
10 ~~of a National Defense Authorization Act for Fiscal Year~~  
11 ~~2012, whichever occurs first.】~~

1

TITLE V

2

GENERAL PROVISIONS

3

SEC. 501. No part of any appropriation contained in  
4 this Act shall remain available for obligation beyond the  
5 current fiscal year unless expressly so provided herein.

6

SEC. 502. None of the funds made available in this  
7 Act may be used for any program, project, or activity,  
8 when it is made known to the Federal entity or official  
9 to which the funds are made available that the program,  
10 project, or activity is not in compliance with any Federal  
11 law relating to risk assessment, the protection of private  
12 property rights, or unfunded mandates.

13

SEC. 503. Such sums as may be necessary for fiscal  
14 year 2012 for pay raises for programs funded by this Act  
15 shall be absorbed within the levels appropriated in this  
16 Act.

17

SEC. 504. No part of any funds appropriated in this  
18 Act shall be used by an agency of the executive branch,  
19 other than for normal and recognized executive-legislative  
20 relationships, for publicity or propaganda purposes, and  
21 for the preparation, distribution, or use of any kit, pam-  
22 phlet, booklet, publication, radio, television, or film presen-  
23 tation designed to support or defeat legislation pending  
24 before Congress, except in presentation to Congress itself.

1       SEC. 505. All departments and agencies funded under  
2 this Act are encouraged, within the limits of the existing  
3 statutory authorities and funding, to expand their use of  
4 “E-Commerce” technologies and procedures in the con-  
5 duct of their business practices and public service activi-  
6 ties.

7       SEC. 506. Unless stated otherwise, all reports and no-  
8 tifications required by this Act shall be submitted to the  
9 Subcommittee on Military Construction and Veterans Af-  
10 fairs, and Related Agencies of the Committee on Appro-  
11 priations of the House of Representatives and the Sub-  
12 committee on Military Construction and Veterans Affairs,  
13 and Related Agencies of the Committee on Appropriations  
14 of the Senate.

15       SEC. 507. None of the funds made available in this  
16 Act may be transferred to any department, agency, or in-  
17 strumentality of the United States Government except  
18 pursuant to a transfer made by, or transfer authority pro-  
19 vided in, this or any other appropriations Act.

20       SEC. 508. None of the funds made available in this  
21 Act may be used for a project or program named for an  
22 individual serving as a Member, Delegate, or Resident  
23 Commissioner of the United States House of Representa-  
24 tives.



1       SEC. 509. (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  
5 other Act, upon the determination by the head of the agen-  
6 cy that 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 com-  
9 promises 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  
14 the requesting Committee or Committees of Congress for  
15 no less than 45 days.

16       SEC. 510. (a) None of the funds made available in  
17 this Act may be used to maintain or establish a computer  
18 network unless such network blocks the viewing,  
19 downloading, and exchanging of pornography.

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

24       SEC. 511. (a) IN GENERAL.—None of the funds ap-  
25 propriated or otherwise made available to the Department

1 of Defense in this Act may be used to construct, renovate,  
2 or expand any facility in the United States, its territories,  
3 or possessions to house any individual detained at United  
4 States Naval Station, Guantanamo Bay, Cuba, for the  
5 purposes of detention or imprisonment in the custody or  
6 under the control of the Department of Defense.

7 (b) The prohibition in subsection (a) shall not apply  
8 to any modification of facilities at United States Naval  
9 Station, Guantanamo Bay, Cuba.

10 (c) An individual described in this subsection is any  
11 individual who, as of June 24, 2009, is located at United  
12 States Naval Station, Guantanamo Bay, Cuba, and who—

13 (1) is not a citizen of the United States or a  
14 member of the Armed Forces of the United States;  
15 and

16 (2) is—

17 (A) in the custody or under the effective  
18 control of the Department of Defense; or

19 (B) otherwise under detention at United  
20 States Naval Station, Guantanamo Bay, Cuba.

21 SEC. 512. None of the funds appropriated or other-  
22 wise made available in this Act may be used by an agency  
23 of the executive branch to pay for first-class travel by an  
24 employee of the agency in contravention of sections 301–

1 10.122 through 301-10.124 of title 41, Code of Federal  
2 Regulations.

3 SEC. 513. None of the funds provided in this Act may  
4 be used to execute a contract for goods or services, includ-  
5 ing construction services, where the contractor has not  
6 complied with Executive Order No. 12989.

7 SEC. 514. None of the funds made available by this  
8 Act may be used to enter into a contract, memorandum  
9 of understanding, or cooperative agreement with, or to  
10 make a grant to, any corporation that was convicted of  
11 a felony criminal violation under any Federal or State law  
12 within the preceding 24 months, where the awarding agen-  
13 cy is aware of the conviction, unless the agency has consid-  
14 ered suspension or debarment of the corporation and made  
15 a determination that this further action is not necessary  
16 to protect the interests of the Government.

17 This division may be cited as the “Military Construc-  
18 tion and Veterans Affairs, and Related Agencies Appro-  
19 priations Act, 2012”.