

[SUBCOMMITTEE PRINT]

[NOTICE: This bill is being released prior to consideration by the Subcommittee and is subject to change as a result of the Subcommittee's consideration.]

Union Calendar No. _____

112TH CONGRESS
1ST SESSION

H. R. _____

[Report No. 112-____]

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

IN THE HOUSE OF REPRESENTATIVES

--, 2011

Mr. CULBERSON, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

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

8 TITLE I

9 DEPARTMENT OF DEFENSE

10 MILITARY CONSTRUCTION, ARMY

11 (INCLUDING RESCISSION OF FUNDS)

12 For acquisition, construction, installation, and equip-
13 ment of temporary or permanent public works, military
14 installations, facilities, and real property for the Army as
15 currently authorized by law, including personnel in the
16 Army Corps of Engineers and other personal services nec-
17 essary for the purposes of this appropriation, and for con-
18 struction and operation of facilities in support of the func-
19 tions of the Commander in Chief, \$3,141,491,000, to re-
20 main available until September 30, 2016: *Provided*, That
21 of this amount, not to exceed \$255,241,000 shall be avail-
22 able for study, planning, design, architect and engineer
23 services, and host nation support, as authorized by law,
24 unless the Secretary of Army determines that additional
25 obligations are necessary for such purposes and notifies

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

9 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS
10 (INCLUDING RESCISSION OF FUNDS)

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

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

7 MILITARY CONSTRUCTION, AIR FORCE

8 (INCLUDING RESCISSION OF FUNDS)

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

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

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

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

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

12 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

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

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

3 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

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

18 MILITARY CONSTRUCTION, ARMY RESERVE

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

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

7 MILITARY CONSTRUCTION, NAVY RESERVE

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

22 MILITARY CONSTRUCTION, AIR FORCE RESERVE

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

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

12 NORTH ATLANTIC TREATY ORGANIZATION

13 SECURITY INVESTMENT PROGRAM

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

23 FAMILY HOUSING CONSTRUCTION, ARMY

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

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

4 FAMILY HOUSING OPERATION AND MAINTENANCE,

5 ARMY

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

10 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE

11 CORPS

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

17 FAMILY HOUSING OPERATION AND MAINTENANCE,

18 NAVY AND MARINE CORPS

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

11

1 FAMILY HOUSING CONSTRUCTION, AIR FORCE

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

7 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
8 FORCE

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

14 FAMILY HOUSING OPERATION AND MAINTENANCE,
15 DEFENSE-WIDE

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

21 DEPARTMENT OF DEFENSE FAMILY HOUSING
22 IMPROVEMENT FUND

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

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

4 HOMEOWNERS ASSISTANCE FUND

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

9 CHEMICAL DEMILITARIZATION CONSTRUCTION,

10 DEFENSE-WIDE

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

21 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

22 1990

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

1 (10 U.S.C. 2687 note), \$323,543,000, to remain available
2 until expended.

3 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

4 2005

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

21 ADMINISTRATIVE PROVISIONS

22 SEC. 101. None of the funds made available in this
23 title shall be expended for payments under a cost-plus-a-
24 fixed-fee contract for construction, where cost estimates
25 exceed \$25,000, to be performed within the United States,

1 except Alaska, without the specific approval in writing of
2 the Secretary of Defense setting forth the reasons there-
3 for.

4 SEC. 102. Funds made available in this title for con-
5 struction shall be available for hire of passenger motor ve-
6 hicles.

7 SEC. 103. Funds made available in this title for con-
8 struction may be used for advances to the Federal High-
9 way Administration, Department of Transportation, for
10 the construction of access roads as authorized by section
11 210 of title 23, United States Code, when projects author-
12 ized therein are certified as important to the national de-
13 fense by the Secretary of Defense.

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

18 SEC. 105. None of the funds made available in this
19 title shall be used for purchase of land or land easements
20 in excess of 100 percent of the value as determined by
21 the Army Corps of Engineers or the Naval Facilities Engi-
22 neering Command, except: (1) where there is a determina-
23 tion of value by a Federal court; (2) purchases negotiated
24 by the Attorney General or the designee of the Attorney
25 General; (3) where the estimated value is less than

1 \$25,000; or (4) as otherwise determined by the Secretary
2 of Defense to be in the public interest.

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

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

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

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

23 SEC. 110. None of the funds made available in this
24 title may be used to initiate a new installation overseas

1 without prior notification to the Committees on Appro-
2 priations of both Houses of Congress.

3 SEC. 111. None of the funds made available in this
4 title may be obligated for architect and engineer contracts
5 estimated by the Government to exceed \$500,000 for
6 projects to be accomplished in Japan, in any North Atlan-
7 tic Treaty Organization member country, or in countries
8 within the United States Central Command Area of Re-
9 sponsibility, unless such contracts are awarded to United
10 States firms or United States firms in joint venture with
11 host nation firms.

12 SEC. 112. None of the funds made available in this
13 title for military construction in the United States terri-
14 tories and possessions in the Pacific and on Kwajalein
15 Atoll, or in countries within the United States Central
16 Command Area of Responsibility, may be used to award
17 any contract estimated by the Government to exceed
18 \$1,000,000 to a foreign contractor: *Provided*, That this
19 section shall not be applicable to contract awards for
20 which the lowest responsive and responsible bid of a
21 United States contractor exceeds the lowest responsive
22 and responsible bid of a foreign contractor by greater than
23 20 percent: *Provided further*, That this section shall not
24 apply to contract awards for military construction on

1 Kwajalein Atoll for which the lowest responsive and re-
2 sponsible bid is submitted by a Marshallese contractor.

3 SEC. 113. The Secretary of Defense shall inform the
4 appropriate committees of both Houses of Congress, in-
5 cluding the Committees on Appropriations, of plans and
6 scope of any proposed military exercise involving United
7 States personnel 30 days prior to its occurring, if amounts
8 expended for construction, either temporary or permanent,
9 are anticipated to exceed \$100,000.

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

14 SEC. 115. Funds appropriated to the Department of
15 Defense for construction in prior years shall be available
16 for construction authorized for each such military depart-
17 ment by the authorizations enacted into law during the
18 current session of Congress.

19 SEC. 116. For military construction or family housing
20 projects that are being completed with funds otherwise ex-
21 pired or lapsed for obligation, expired or lapsed funds may
22 be used to pay the cost of associated supervision, inspec-
23 tion, overhead, engineering and design on those projects
24 and on subsequent claims, if any.

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

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 118. In addition to any other transfer authority
15 available to the Department of Defense, proceeds depos-
16 ited to the Department of Defense Base Closure Account
17 established by section 207(a)(1) of the Defense Authoriza-
18 tion Amendments and Base Closure and Realignment Act
19 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
20 of such Act, may be transferred to the account established
21 by section 2906(a)(1) of the Defense Base Closure and
22 Realignment Act of 1990 (10 U.S.C. 2687 note), to be
23 merged with, and to be available for the same purposes
24 and the same time period as that account.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 119. Subject to 30 days prior notification, or
3 14 days for a notification provided in an electronic me-
4 dium pursuant to sections 480 and 2883 of title 10,
5 United States Code, to the Committees on Appropriations
6 of both Houses of Congress, such additional amounts as
7 may be determined by the Secretary of Defense may be
8 transferred to: (1) the Department of Defense Family
9 Housing Improvement Fund from amounts appropriated
10 for construction in “Family Housing” accounts, to be
11 merged with and to be available for the same purposes
12 and for the same period of time as amounts appropriated
13 directly to the Fund; or (2) the Department of Defense
14 Military Unaccompanied Housing Improvement Fund
15 from amounts appropriated for construction of military
16 unaccompanied housing in “Military Construction” ac-
17 counts, to be merged with and to be available for the same
18 purposes and for the same period of time as amounts ap-
19 propriated directly to the Fund: *Provided*, That appropria-
20 tions made available to the Funds shall be available to
21 cover the costs, as defined in section 502(5) of the Con-
22 gressional Budget Act of 1974, of direct loans or loan
23 guarantees issued by the Department of Defense pursuant
24 to the provisions of subchapter IV of chapter 169 of title
25 10, United States Code, pertaining to alternative means

1 of acquiring and improving military family housing, mili-
2 tary unaccompanied housing, and supporting facilities.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 120. In addition to any other transfer authority
5 available to the Department of Defense, amounts may be
6 transferred from the accounts established by sections
7 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure
8 and Realignment Act of 1990 (10 U.S.C. 2687 note), to
9 the fund established by subsection (d) of section 1013 of
10 the Demonstration Cities and Metropolitan Development
11 Act of 1966 (42 U.S.C. 3374) to pay for expenses associ-
12 ated with the Homeowners Assistance Program incurred
13 under subsection (a)(1)(A) of such section 1013. Any
14 amounts transferred shall be merged with and be available
15 for the same purposes and for the same time period as
16 the fund to which transferred.

17 SEC. 121. Notwithstanding any other provision of
18 law, funds made available in this title for operation and
19 maintenance of family housing shall be the exclusive
20 source of funds for repair and maintenance of all family
21 housing units, including general or flag officer quarters:
22 *Provided*, That not more than \$35,000 per unit may be
23 spent annually for the maintenance and repair of any gen-
24 eral or flag officer quarters without 30 days prior notifica-
25 tion, or 14 days for a notification provided in an electronic

1 medium pursuant to sections 480 and 2883 of title 10,
2 United States Code, to the Committees on Appropriations
3 of both Houses of Congress, except that an after-the-fact
4 notification shall be submitted if the limitation is exceeded
5 solely due to costs associated with environmental remedi-
6 ation that could not be reasonably anticipated at the time
7 of the budget submission: *Provided further*, That the
8 Under Secretary of Defense (Comptroller) is to report an-
9 nually to the Committees on Appropriations of both
10 Houses of Congress all operation and maintenance ex-
11 penditures for each individual general or flag officer quar-
12 ters for the prior fiscal year.

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

19 SEC. 123. None of the funds made available in this
20 title, or in any Act making appropriations for military con-
21 struction which remain available for obligation, may be ob-
22 ligated or expended to carry out a military construction,
23 land acquisition, or family housing project at or for a mili-
24 tary installation approved for closure, or at a military in-
25 stallation for the purposes of supporting a function that

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

1 retary of Defense shall notify the congressional defense
2 committees within seven days of a decision to carry out
3 such a military construction project.

4 (INCLUDING TRANSFER OF FUNDS)

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

19 SEC. 125. Amounts appropriated or otherwise made
20 available in an account funded under the headings in this
21 title may be transferred among projects and activities
22 within the account in accordance with the reprogramming
23 guidelines for military construction and family housing
24 construction contained in the report of the Committee on
25 Appropriations of the House of Representatives to accom-

1 pany this bill and in the guidance for military construction
2 reprogrammings and notifications contained in Depart-
3 ment of Defense Financial Management Regulation
4 7000.14 — R, Volume 3, Chapter 7, of February 2009,
5 as in effect on the date of enactment of this Act.

6 (RESCISSION OF FUNDS)

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

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 1,000 parking spaces pro-
16 vided by the combination spaces provided by the BRAC
17 133 project and the lease of spaces in the immediate vicin-
18 ity of the BRAC 133 project.

19

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 \$58,067,319,000, 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, \$11,011,086,000, 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 In addition, for administrative expenses necessary to
2 carry out the direct loan program, \$343,000, which may
3 be paid to the appropriation for “General operating ex-
4 penses, Veterans Benefits Administration”.

5 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM
6 ACCOUNT

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

10 VETERANS HEALTH ADMINISTRATION
11 MEDICAL SERVICES

12 For necessary expenses for furnishing, as authorized
13 by law, inpatient and outpatient care and treatment to
14 beneficiaries of the Department of Veterans Affairs and
15 veterans described in section 1705(a) of title 38, United
16 States Code, including care and treatment in facilities not
17 under the jurisdiction of the Department, and including
18 medical supplies and equipment, food services, and sala-
19 ries and expenses of health care employees hired under
20 title 38, United States Code, aid to State homes as author-
21 ized by section 1741 of title 38, United States Code, as-
22 sistance and support services for careigvers as authorized
23 by section 1720G of title 38, United States Code, and loan
24 repayments authorized by section 604 of the Caregivers
25 and Veterans Omnibus Health Services Act of 2010 (Pub-

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, of the amount
5 made available under this heading \$1,000,000,000 shall
6 remain available until September 30, 2014: *Provided fur-*
7 *ther*, That, notwithstanding any other provision of law, the
8 Secretary of Veterans Affairs shall establish a priority for
9 the provision of medical treatment for veterans who have
10 service-connected disabilities, lower income, or have special
11 needs: *Provided further*, That, notwithstanding any other
12 provision of law, the Secretary of Veterans Affairs shall
13 give priority funding for the provision of basic medical
14 benefits to veterans in enrollment priority groups 1
15 through 6: *Provided further*, That, notwithstanding any
16 other provision of law, the Secretary of Veterans Affairs
17 may authorize the dispensing of prescription drugs from
18 Veterans Health Administration facilities to enrolled vet-
19 erans with privately written prescriptions based on re-
20 quirements established by the Secretary: *Provided further*,
21 That the implementation of the program described in the
22 previous proviso shall incur no additional cost to the De-
23 partment of Veterans Affairs: *Provided further*, That of
24 the funds provided in Public Law 112–10 for “Depart-
25 ment of Veterans Affairs, Medical services” for fiscal year

1 2012, \$664,000,000 shall be available only in the fourth
2 quarter of the fiscal year upon approval of the Committees
3 on Appropriations of both Houses of Congress of a request
4 from the Secretary of Veterans Affairs to release such
5 funding due to unanticipated needs related to economic
6 conditions.

7 MEDICAL SUPPORT AND COMPLIANCE

8 For necessary expenses in the administration of the
9 medical, hospital, nursing home, domiciliary, construction,
10 supply, and research activities, as authorized by law; ad-
11 ministrative expenses in support of capital policy activi-
12 ties; and administrative and legal expenses of the Depart-
13 ment for collecting and recovering amounts owed the De-
14 partment as authorized under chapter 17 of title 38,
15 United States Code, and the Federal Medical Care Recov-
16 ery Act (42 U.S.C. 2651 et seq.); \$5,746,000,000, plus
17 reimbursements, shall become available on October 1,
18 2012, and shall remain available until September 30,
19 2013: *Provided*, That, of the amount made available under
20 this heading \$100,000,000 shall remain available until
21 September 30, 2014.

22 MEDICAL FACILITIES

23 For necessary expenses for the maintenance and op-
24 eration of hospitals, nursing homes, domiciliary facilities,
25 and other necessary facilities of the Veterans Health Ad-

1 ministration; for administrative expenses in support of
2 planning, design, project management, real property ac-
3 quisition and disposition, construction, and renovation of
4 any facility under the jurisdiction or for the use of the
5 Department; for oversight, engineering, and architectural
6 activities not charged to project costs; for repairing, alter-
7 ing, improving, or providing facilities in the several hos-
8 pitals and homes under the jurisdiction of the Depart-
9 ment, not otherwise provided for, either by contract or by
10 the hire of temporary employees and purchase of mate-
11 rials; for leases of facilities; and for laundry services,
12 \$5,441,000,000, plus reimbursements, shall become avail-
13 able on October 1, 2012, and shall remain available until
14 September 30, 2013: *Provided*, That, of the amount made
15 available under this heading, \$100,000,000 shall remain
16 available until September 30, 2014.

17 MEDICAL AND PROSTHETIC RESEARCH

18 For necessary expenses in carrying out programs of
19 medical and prosthetic research and development as au-
20 thorized by chapter 73 of title 38, United States Code,
21 \$508,774,000, plus reimbursements, shall remain avail-
22 able until September 30, 2013.

23 NATIONAL CEMETERY ADMINISTRATION

24 For necessary expenses of the National Cemetery Ad-
25 ministration for operations and maintenance, not other-

1 wise provided for, including uniforms or allowances there-
2 for; cemeterial expenses as authorized by law; purchase
3 of one passenger motor vehicle for use in cemeterial oper-
4 ations; hire of passenger motor vehicles; and repair, alter-
5 ation or improvement of facilities under the jurisdiction
6 of the National Cemetery Administration, \$250,934,000,
7 of which not to exceed \$25,100,000 shall remain available
8 until September 30, 2013: *Provided*, That no funds shall
9 be made available to any project associated with the Na-
10 tional Cemetery Administration's Urban Initiative pro-
11 gram until a strategy to serve rural veterans is finalized
12 and operational.

13 DEPARTMENTAL ADMINISTRATION

14 GENERAL ADMINISTRATION

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary operating expenses of the Department
17 of Veterans Affairs, not otherwise provided for, including
18 administrative expenses in support of Department-Wide
19 capital planning, management and policy activities, uni-
20 forms, or allowances therefor; not to exceed \$25,000 for
21 official reception and representation expenses; hire of pas-
22 senger motor vehicles; and reimbursement of the General
23 Services Administration for security guard services,
24 \$422,500,000, of which not to exceed \$22,144,000 shall
25 remain available until September 30, 2013: *Provided*,

1 That \$20,000,000 shall be used to increase the Depart-
2 ment's acquisition workforce capacity and capabilities and
3 may be transferred by the Secretary to any other account
4 in the Department to carry out the purposes provided
5 therein: *Provided further*, That funds provided under this
6 heading may be transferred to "General operating ex-
7 penses, Veterans Benefits Administration".

8 GENERAL OPERATING EXPENSES, VETERANS BENEFITS
9 ADMINISTRATION

10 For necessary operating expenses of the Veterans
11 Benefits Administration, not otherwise provided for, in-
12 cluding hire of passenger motor vehicles, reimbursement
13 of the General Services Administration for security guard
14 services, and reimbursement of the Department of De-
15 fense for the cost of overseas employee mail,
16 \$2,020,128,000: *Provided*, That expenses for services and
17 assistance authorized under paragraphs (1), (2), (5), and
18 (11) of section 3104(a) of title 38, United States Code,
19 that the Secretary of Veterans Affairs determines are nec-
20 essary to enable entitled veterans: (1) to the maximum ex-
21 tent feasible, to become employable and to obtain and
22 maintain suitable employment; or (2) to achieve maximum
23 independence in daily living, shall be charged to this ac-
24 count: *Provided further*, That of the funds made available
25 under this heading, not to exceed \$105,856,000 shall re-

1 main available until September 30, 2013: *Provided further*,
2 That from the funds made available under this heading,
3 the Veterans Benefits Administration may purchase (on
4 a one-for-one replacement basis only) up to two passenger
5 motor vehicles for use in operations of that Administration
6 in Manila, Philippines.

7 INFORMATION TECHNOLOGY SYSTEMS

8 For necessary expenses for information technology
9 systems and telecommunications support, including devel-
10 opmental information systems and operational information
11 systems; for pay and associated costs; and for the capital
12 asset acquisition of information technology systems, in-
13 cluding management and related contractual costs of said
14 acquisitions, including contractual costs associated with
15 operations authorized by section 3109 of title 5, United
16 States Code, \$3,025,000,000, plus reimbursements, shall
17 remain available until September 30, 2013: *Provided*,
18 That none of the funds made available under this heading
19 may be obligated until the Department of Veterans Affairs
20 submits to the Committees on Appropriations of both
21 Houses of Congress, and such Committees approve, a plan
22 for expenditure that: (1) meets the capital planning and
23 investment control review requirements established by the
24 Office of Management and Budget; (2) complies with the
25 Department of Veterans Affairs enterprise architecture;

1 (3) conforms with an established enterprise life cycle
2 methodology; and (4) complies with the acquisition rules,
3 requirements, guidelines, and systems acquisition manage-
4 ment practices of the Federal Government: *Provided fur-*
5 *ther*, That not later than 30 days after the date of the
6 enactment of this Act, the Secretary of Veterans Affairs
7 shall submit to the Committees on Appropriations of both
8 Houses of Congress a reprogramming base letter which
9 sets forth, by project, the operations and maintenance
10 costs, with salary expenses separately designated, and de-
11 velopment costs to be carried out utilizing amounts made
12 available under this heading.

13 OFFICE OF INSPECTOR GENERAL

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

19 CONSTRUCTION, MAJOR PROJECTS

20 For constructing, altering, extending, and improving
21 any of the facilities, including parking projects, under the
22 jurisdiction or for the use of the Department of Veterans
23 Affairs, or for any of the purposes set forth in sections
24 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
25 and 8122 of title 38, United States Code, including plan-

1 ning, architectural and engineering services, construction
2 management services, maintenance or guarantee period
3 services costs associated with equipment guarantees pro-
4 vided under the project, services of claims analysts, offsite
5 utility and storm drainage system construction costs, and
6 site acquisition, where the estimated cost of a project is
7 more than the amount set forth in section 8104(a)(3)(A)
8 of title 38, United States Code, or where funds for a
9 project were made available in a previous major project
10 appropriation, \$589,604,000, to remain available until
11 September 30, 2016, of which \$5,000,000 shall be to
12 make reimbursements as provided in section 13 of the
13 Contract Disputes Act of 1978 (41 U.S.C. 612) for claims
14 paid for contract disputes: *Provided*, That except for ad-
15 vance planning activities, including needs assessments
16 which may or may not lead to capital investments, and
17 other capital asset management related activities, includ-
18 ing portfolio development and management activities, and
19 investment strategy studies funded through the advance
20 planning fund and the planning and design activities fund-
21 ed through the design fund, including needs assessments
22 which may or may not lead to capital investments, and
23 salaries and associated costs of the resident engineers who
24 oversee those capital investments funded through this ac-
25 count, and funds provided for the purchase of land for

1 the National Cemetery Administration through the land
2 acquisition line item, none of the funds made available
3 under this heading shall be used for any project which has
4 not been approved by the Congress in the budgetary proc-
5 ess: *Provided further*, That funds made available under
6 this heading for fiscal year 2012, for each approved
7 project shall be obligated: (1) by the awarding of a con-
8 struction documents contract by September 30, 2012; and
9 (2) by the awarding of a construction contract by Sep-
10 tember 30, 2013: *Provided further*, That the Secretary of
11 Veterans Affairs shall promptly submit to the Committees
12 on Appropriations of both Houses of Congress a written
13 report on any approved major construction project for
14 which obligations are not incurred within the time limita-
15 tions established above.

16 CONSTRUCTION, MINOR PROJECTS

17 For constructing, altering, extending, and improving
18 any of the facilities, including parking projects, under the
19 jurisdiction or for the use of the Department of Veterans
20 Affairs, including planning and assessments of needs
21 which may lead to capital investments, architectural and
22 engineering services, maintenance or guarantee period
23 services costs associated with equipment guarantees pro-
24 vided under the project, services of claims analysts, offsite
25 utility and storm drainage system construction costs, and

1 site acquisition, or for any of the purposes set forth in
2 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
3 8110, 8122, and 8162 of title 38, United States Code,
4 where the estimated cost of a project is equal to or less
5 than the amount set forth in section 8104(a)(3)(A) of title
6 38, United States Code, \$475,091,000, to remain avail-
7 able until September 30, 2016, along with unobligated bal-
8 ances of previous “Construction, minor projects” appro-
9 priations which are hereby made available for any project
10 where the estimated cost is equal to or less than the
11 amount set forth in such section: *Provided*, That funds
12 made available under this heading shall be for: (1) repairs
13 to any of the nonmedical facilities under the jurisdiction
14 or for the use of the Department which are necessary be-
15 cause of loss or damage caused by any natural disaster
16 or catastrophe; and (2) temporary measures necessary to
17 prevent or to minimize further loss by such causes.

18 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE

19 FACILITIES

20 For grants to assist States to acquire or construct
21 State nursing home and domiciliary facilities and to re-
22 model, modify, or alter existing hospital, nursing home,
23 and domiciliary facilities in State homes, for furnishing
24 care to veterans as authorized by sections 8131 through

1 8137 of title 38, United States Code, \$85,000,000, to re-
2 main available until expended.

3 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

4 For grants to assist States and tribal governments
5 in establishing, expanding, or improving veterans ceme-
6 teries as authorized by section 2408 of title 38, United
7 States Code, \$46,000,000, to remain available until ex-
8 pended.

9 ADMINISTRATIVE PROVISIONS

10 (INCLUDING TRANSFER OF FUNDS)

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

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 202. Amounts made available for the Depart-
23 ment of Veterans Affairs for fiscal year 2012, in this Act
24 or any other Act, under the “Medical services”, “Medical
25 support and compliance”, and “Medical facilities” ac-

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

20 SEC. 203. Appropriations made available in this title
21 for salaries and expenses shall be available for services au-
22 thorized by section 3109 of title 5, United States Code;
23 hire of passenger motor vehicles; lease of a facility or land
24 or both; and uniforms or allowances therefore, as author-

1 ized by sections 5901 through 5902 of title 5, United
2 States Code.

3 SEC. 204. No appropriations in this title (except the
4 appropriations for “Construction, major projects” and
5 “Construction, minor projects”) shall be available for the
6 purchase of any site for or toward the construction of any
7 new Department of Veterans Affairs hospital or home.

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

19 SEC. 206. Appropriations available in this title for
20 “Compensation and pensions”, “Readjustment benefits”,
21 and “Veterans insurance and indemnities” shall be avail-
22 able for payment of prior year accrued obligations re-
23 quired to be recorded by law against the corresponding
24 prior year accounts within the last quarter of fiscal year
25 2011.

1 SEC. 207. Appropriations available in this title shall
2 be available to pay prior year obligations of corresponding
3 prior year appropriations accounts resulting from sections
4 3328(a), 3334, and 3712(a) of title 31, United States
5 Code, except that if such obligations are from trust fund
6 accounts they shall be payable only from “Compensation
7 and pensions”.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 208. Notwithstanding any other provision of
10 law, during fiscal year 2012, the Secretary of Veterans
11 Affairs shall, from the National Service Life Insurance
12 Fund under section 1920 of title 38, United States Code,
13 the Veterans’ Special Life Insurance Fund under section
14 1923 of title 38, United States Code, and the United
15 States Government Life Insurance Fund under section
16 1955 of title 38, United States Code, reimburse the “Gen-
17 eral operating expenses, Veterans Benefits Administra-
18 tion” and “Information technology systems” accounts for
19 the cost of administration of the insurance programs fi-
20 nanced through those accounts: *Provided*, That reimburse-
21 ment shall be made only from the surplus earnings accu-
22 mulated in such an insurance program during fiscal year
23 2012 that are available for dividends in that program after
24 claims have been paid and actuarially determined reserves
25 have been set aside: *Provided further*, That if the cost of

1 administration of such an insurance program exceeds the
2 amount of surplus earnings accumulated in that program,
3 reimbursement shall be made only to the extent of such
4 surplus earnings: *Provided further*, That the Secretary
5 shall determine the cost of administration for fiscal year
6 2012 which is properly allocable to the provision of each
7 such insurance program and to the provision of any total
8 disability income insurance included in that insurance pro-
9 gram.

10 SEC. 209. Amounts deducted from enhanced-use
11 lease proceeds to reimburse an account for expenses in-
12 curred by that account during a prior fiscal year for pro-
13 viding enhanced-use lease services, may be obligated dur-
14 ing the fiscal year in which the proceeds are received.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 210. Funds available in this title for salaries
17 and other administrative expenses shall also be available
18 to reimburse the Office of Resolution Management of the
19 Department of Veterans Affairs and the Office of Employ-
20 ment Discrimination Complaint Adjudication under sec-
21 tion 319 of title 38, United States Code, for all services
22 provided at rates which will recover actual costs but not
23 exceed \$42,904,000 for the Office of Resolution Manage-
24 ment and \$3,360,000 for the Office of Employment and
25 Discrimination Complaint Adjudication: *Provided*, That

1 payments may be made in advance for services to be fur-
2 nished based on estimated costs: *Provided further*, That
3 amounts received shall be credited to the “General admin-
4 istration” and “Information technology systems” accounts
5 for use by the office that provided the service.

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

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

1 *ther*, That any amounts so recovered for care or services
2 provided in a prior fiscal year may be obligated by the
3 Secretary during the fiscal year in which amounts are re-
4 ceived.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 213. Notwithstanding any other provision of
7 law, proceeds or revenues derived from enhanced-use leas-
8 ing activities (including disposal) may be deposited into
9 the “Construction, major projects” and “Construction,
10 minor projects” accounts and be used for construction (in-
11 cluding site acquisition and disposition), alterations, and
12 improvements of any medical facility under the jurisdic-
13 tion or for the use of the Department of Veterans Affairs.
14 Such sums as realized are in addition to the amount pro-
15 vided for in “Construction, major projects” and “Con-
16 struction, minor projects”.

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

19 (1) for furnishing recreational facilities, sup-
20 plies, and equipment; and

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

1 (INCLUDING TRANSFER OF FUNDS)

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

7 SEC. 216. The Secretary of Veterans Affairs may
8 enter into agreements with Indian tribes and tribal organi-
9 zations which are party to the Alaska Native Health Com-
10 pact with the Indian Health Service, and Indian tribes and
11 tribal organizations serving rural Alaska which have en-
12 tered into contracts with the Indian Health Service under
13 the Indian Self Determination and Educational Assistance
14 Act, to provide healthcare, including behavioral health and
15 dental care. The Secretary shall require participating vet-
16 erans and facilities to comply with all appropriate rules
17 and regulations, as established by the Secretary. The term
18 “rural Alaska” shall mean those lands sited within the ex-
19 ternal boundaries of the Alaska Native regions specified
20 in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native
21 Claims Settlement Act, as amended (43 U.S.C. 1606), and
22 those lands within the Alaska Native regions specified in
23 sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims
24 Settlement Act, as amended (43 U.S.C. 1606), which are
25 not within the boundaries of the Municipality of Anchor-

1 age, the Fairbanks North Star Borough, the Kenai Penin-
2 sula Borough or the Matanuska Susitna Borough.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 217. Such sums as may be deposited to the De-
5 partment of Veterans Affairs Capital Asset Fund pursu-
6 ant to section 8118 of title 38, United States Code, may
7 be transferred to the “Construction, major projects” and
8 “Construction, minor projects” accounts, to remain avail-
9 able until September 30, 2016 for the purposes of these
10 accounts.

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

16 SEC. 219. The Secretary of Veterans Affairs shall
17 submit to the Committees on Appropriations of both
18 Houses of Congress a quarterly report on the financial
19 status of the Veterans Health Administration.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 220. Amounts made available under the “Med-
22 ical services”, “Medical support and compliance”, “Med-
23 ical facilities”, “General operating expenses, Veterans
24 Benefits Administration”, “General administration”, and
25 “National Cemetery Administration” accounts for fiscal

1 year 2012, may be transferred to or from the “Informa-
2 tion technology systems” account: *Provided*, That before
3 a transfer may take place, the Secretary of Veterans Af-
4 fairs shall request from the Committees on Appropriations
5 of both Houses of Congress the authority to make the
6 transfer and an approval is issued.

7 (INCLUDING TRANSFER OF FUNDS)

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

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 223. Of the amounts appropriated to the De-
3 partment of Veterans Affairs for fiscal year 2012 for
4 “Medical services”, “Medical support and compliance”,
5 “Medical facilities”, “Construction, minor projects”, and
6 “Information technology systems”, up to \$241,666,000,
7 plus reimbursements, may be transferred to the Joint De-
8 partment of Defense-Department of Veterans Affairs
9 Medical Facility Demonstration Fund, established by sec-
10 tion 1704 of the National Defense Authorization Act for
11 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571)
12 and may be used for operation of the facilities designated
13 as combined Federal medical facilities as described by sec-
14 tion 706 of the Duncan Hunter National Defense Author-
15 ization Act for Fiscal Year 2009 (Public Law 110–417;
16 122 Stat. 4500): *Provided*, That additional funds may be
17 transferred from accounts designated in this section to the
18 Joint Department of Defense-Department of Veterans Af-
19 fairs Medical Facility Demonstration Fund upon written
20 notification by the Secretary of Veterans Affairs to the
21 Committees on Appropriations of both Houses of Con-
22 gress.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 224. Such sums as may be deposited to the
25 Medical Care Collections Fund pursuant to section 1729A

1 of title 38, United States Code, for health care provided
2 at facilities designated as combined Federal medical facili-
3 ties as described by section 706 of the Duncan Hunter
4 National Defense Authorization Act for Fiscal Year 2009
5 (Public Law 110–417; 122 Stat. 4500) shall also be avail-
6 able: (1) for transfer to the Joint Department of Defense-
7 Department of Veterans Affairs Medical Facility Dem-
8 onstration Fund, established by section 1704 of the Na-
9 tional Defense Authorization Act for Fiscal Year 2010
10 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-
11 ations of the facilities designated as combined Federal
12 medical facilities as described by section 706 of the Dun-
13 can Hunter National Defense Authorization Act for Fiscal
14 Year 2009 (Public Law 110–417; 122 Stat. 4500).

15 (INCLUDING TRANSFER OF FUNDS)

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

1 (INCLUDING RESCISSION OF FUNDS)

2 SEC. 226. (a) Of the funds appropriated in title X
3 of division B of Public Law 112–10, the following amounts
4 which become available on October 1, 2011, are hereby
5 rescinded from the following accounts in the amounts
6 specified:

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

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

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

13 (b) In addition to amounts provided elsewhere in this
14 Act, an additional amount is appropriated to the following
15 accounts in the amounts specified, to remain available
16 until September 30, 2013:

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

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

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

23 SEC. 227. The Secretary of the Department of Vet-
24 erans Affairs shall notify the Committees on Appropria-
25 tions of both Houses of Congress of all bid savings in

1 major construction projects that total at least \$5,000,000,
2 or 5 percent of the programmed amount of the project,
3 whichever is less: *Provided*, That such notification shall
4 occur within 14 days of entering into a contract: *Provided*
5 *further*, That the Secretary shall notify the committees 14
6 days prior to the obligation of such bid savings and shall
7 describe the anticipated use of such savings.

8 SEC. 228. The scope of work for a project included
9 in “Construction, major projects” may not be increased
10 above the scope specified for that project in the original
11 justification data provided to the Congress as part of the
12 request for appropriations.

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

16 “(I)(1) The Secretary shall disclose to a State con-
17 trolled substance monitoring program, including a pro-
18 gram under section 3990 of the Public Health Service Act
19 (42 U.S.C. 280g-3), the name and address of a veteran
20 or a dependent of a veteran to the extent necessary to
21 prevent misuse and diversion of prescription medicines.

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

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

4 “(G)(i) To a State controlled substance monitoring
5 program, including a program under section 3990 of the
6 Public Health Service Act (42 U.S.C. 280g-3), to the ex-
7 tent necessary to prevent misuse and diversion of prescrip-
8 tion medicines.

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

13 TITLE III

14 RELATED AGENCIES

15 AMERICAN BATTLE MONUMENTS COMMISSION

16 SALARIES AND EXPENSES

17 For necessary expenses, not otherwise provided for,
18 of the American Battle Monuments Commission, including
19 the acquisition of land or interest in land in foreign coun-
20 tries; purchases and repair of uniforms for caretakers of
21 national cemeteries and monuments outside of the United
22 States and its territories and possessions; rent of office
23 and garage space in foreign countries; purchase (one-for-
24 one replacement basis only) and hire of passenger motor
25 vehicles; not to exceed \$7,500 for official reception and

1 representation expenses; and insurance of official motor
2 vehicles in foreign countries, when required by law of such
3 countries, \$61,100,000, to remain available until ex-
4 pended.

5 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

11 UNITED STATES COURT OF APPEALS FOR VETERANS

12 CLAIMS

13 SALARIES AND EXPENSES

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

1 DEPARTMENT OF DEFENSE—CIVIL
2 CEMETERIAL EXPENSES, ARMY
3 SALARIES AND EXPENSES

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

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

19 ARMED FORCES RETIREMENT HOME
20 TRUST FUND

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

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

7 TITLE IV

8 GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 SEC. 413. None of the funds made available by this
18 Act may be used to implement the prevailing wage require-
19 ments of subchapter IV of chapter 31 of title 40, United
20 States Code, for contracts entered into after the end of
21 the 30-day period beginning on the date of the enactment
22 of this Act.

23 SEC. 414. None of the funds provided in this Act may
24 be used to execute a contract for goods or services, includ-

1 ing construction services, where the contractor has not
2 complied with Executive Order 12989.

3 SPENDING REDUCTION ACCOUNT

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

9 This Act may be cited as the “Military Construction
10 and Veterans Affairs and Related Agencies Appropriations
11 Act, 2012”.