AN ACT

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, 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,
That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,820,323,000, to remain available until September 30, 2017: Provided, That of this amount, not to exceed $80,173,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.
MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,551,217,000, to remain available until September 30, 2017: Provided, That of this amount, not to exceed $102,619,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $388,200,000, to remain available until September 30, 2017: Provided, That of this amount, not to exceed $18,635,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Air
Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, DEFENSE-WIDE**

*(INCLUDING TRANSFER OF FUNDS)*

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $3,569,623,000 (reduced by $10,000,000) (increased by $10,000,000), to remain available until September 30, 2017: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $315,562,000 (increased by $10,000,000) shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that
additional obligations are necessary for such purposes and
notifies the Committees on Appropriations of both Houses
of Congress of the determination and the reasons therefor:

*Provided further,* That, of the amount appropriated, not-
withstanding any other provision of law, $26,969,000 shall
be available for payments to the North Atlantic Treaty
Organization for the planning, design, and construction of
a new North Atlantic Treaty Organization headquarters.

**MILITARY CONSTRUCTION, ARMY NATIONAL GUARD**

For construction, acquisition, expansion, rehabilita-
tion, and conversion of facilities for the training and ad-
ministration of the Army National Guard, and contribu-
tions therefor, as authorized by law, $613,799,000, to re-
main available until September 30, 2017: *Provided,* That
of the amount appropriated, not to exceed $26,622,000
shall be available for study, planning, design, and architect
and engineer services, as authorized by law, unless the Di-
rector of the Army National Guard determines that addi-
tional obligations are necessary for such purposes and no-
tifies the Committees on Appropriations of both Houses
of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, AIR NATIONAL GUARD**

For construction, acquisition, expansion, rehabilita-
tion, and conversion of facilities for the training and ad-
ministration of the Air National Guard, and contributions
therefor, as authorized by law, $42,386,000, to remain available until September 30, 2017: Provided, That of the amount appropriated, not to exceed $4,000,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by law, $305,846,000, to remain available until September 30, 2017: Provided, That of the amount appropriated, not to exceed $15,951,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and ad-
ministration of the reserve components of the Navy and
Marine Corps as authorized by law, $49,532,000, to re-
main available until September 30, 2017: Provided, That
of the amount appropriated, not to exceed $2,118,000
shall be available for study, planning, design, and architec
t and engineer services, as authorized by law, unless the
Secretary of the Navy determines that additional obliga-
tions are necessary for such purposes and notifies the
Committees on Appropriations of both Houses of Congress
of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilita-
tion, and conversion of facilities for the training and ad-
ministration of the Air Force Reserve as authorized by
law, $10,979,000, to remain available until September 30,
2017: Provided, That of the amount appropriated, not to
exceed $2,879,000 shall be available for study, planning,
design, and architect and engineer services, as authorized
by law, unless the Chief of the Air Force Reserve deter-
mines that additional obligations are necessary for such
purposes and notifies the Committees on Appropriations
of both Houses of Congress of the determination and the
reasons therefor.
NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $254,163,000, to remain available until expended.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $4,641,000, to remain available until September 30, 2017.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $530,051,000.
For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $102,182,000, to remain available until September 30, 2017.

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $378,230,000.

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $83,824,000, to remain available until September 30, 2017.

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges,
and insurance premiums, as authorized by law,
$497,829,000.

FAMILY HOUSING OPERATION AND MAINTENANCE,
DEFENSE-WIDE

For expenses of family housing for the activities and
agencies of the Department of Defense (other than the
military departments) for operation and maintenance,
leasing, and minor construction, as authorized by law,
$52,238,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING
IMPROVEMENT FUND

For the Department of Defense Family Housing Im-
provement Fund, $1,786,000, to remain available until ex-
pended, for family housing initiatives undertaken pursu-
ant to section 2883 of title 10, United States Code, pro-
viding alternative means of acquiring and improving mili-
tary family housing and supporting facilities.

CHEMICAL DEMILITARIZATION CONSTRUCTION,
DEFENSE-WIDE

For expenses of construction, not otherwise provided
for, necessary for the destruction of the United States
stockpile of lethal chemical agents and munitions in ac-
cordance with section 1412 of the Department of Defense
Authorization Act, 1986 (50 U.S.C. 1521), and for the
destruction of other chemical warfare materials that are
not in the chemical weapon stockpile, as currently author-
ized by law, $151,000,000, to remain available until Sep-
tember 30, 2017, which shall be only for the Assembled
Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base
Closure Account 1990, established by section 2906(a)(1)
of the Defense Base Closure and Realignment Act of 1990
(10 U.S.C. 2687 note), $349,396,000, to remain available
until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

For deposit into the Department of Defense Base
Closure Account 2005, established by section 2906A(a)(1)
of the Defense Base Closure and Realignment Act of 1990
(10 U.S.C. 2687 note), $126,697,000, to remain available
until expended: Provided, That the Department of Defense
shall notify the Committees on Appropriations of both
Houses of Congress 14 days prior to obligating an amount
for a construction project that exceeds or reduces the
amount identified for that project in the most recently
submitted budget request for this account by 20 percent
or $2,000,000, whichever is less: Provided further, That
the previous proviso shall not apply to projects costing less
than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

ADMINISTRATIVE PROVISIONS

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

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

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

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

Sec. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

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

Sec. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

Sec. 108. None of the funds made available in this title may be used for the procurement of steel for any con-
struction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries within the United States Central Command Area of Responsibility, may be used to award any contract estimated by the Government to exceed
$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

Sec. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

Sec. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

Sec. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspec-
tion, overhead, engineering and design on those projects
and on subsequent claims, if any.

Sec. 116. Notwithstanding any other provision of
law, any funds made available to a military department
or defense agency for the construction of military projects
may be obligated for a military construction project or
contract, or for any portion of such a project or contract,
at any time before the end of the fourth fiscal year after
the fiscal year for which funds for such project were made
available, if the funds obligated for such project: (1) are
obligated from funds available for military construction
projects; and (2) do not exceed the amount appropriated
for such project, plus any amount by which the cost of
such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

Sec. 117. In addition to any other transfer authority
available to the Department of Defense, proceeds depos-
itied to the Department of Defense Base Closure Account
established by section 207(a)(1) of the Defense Authoriza-
tion Amendments and Base Closure and Realignment Act
(10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
of such Act, may be transferred to the account established
by section 2906(a)(1) of the Defense Base Closure and
Realignment Act of 1990 (10 U.S.C. 2687 note), to be
merged with, and to be available for the same purposes
and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. Subject to 30 days prior notification, or
14 days for a notification provided in an electronic me-
dium pursuant to sections 480 and 2883 of title 10,
United States Code, to the Committees on Appropriations
of both Houses of Congress, such additional amounts as
may be determined by the Secretary of Defense may be
transferred to: (1) the Department of Defense Family
Housing Improvement Fund from amounts appropriated
for construction in “Family Housing” accounts, to be
merged with and to be available for the same purposes
and for the same period of time as amounts appropriated
directly to the Fund; or (2) the Department of Defense
Military Unaccompanied Housing Improvement Fund
from amounts appropriated for construction of military
unaccompanied housing in “Military Construction” ac-
counts, to be merged with and to be available for the same
purposes and for the same period of time as amounts ap-
propriated directly to the Fund: Provided, That appropria-
tions made available to the Funds shall be available to
cover the costs, as defined in section 502(5) of the Con-
gressional Budget Act of 1974, of direct loans or loan
guarantees issued by the Department of Defense pursuant
to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 120. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notifica-
tion, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission.

SEC. 121. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 122. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a mili-
tary installation approved for realignment will support a
continuing mission or function at that installation or a
new mission or function that is planned for that installa-
tion, or unless the Secretary of Defense certifies that the
cost to the United States of carrying out such project
would be less than the cost to the United States of cancel-
ing such project, or if the project is at an active compo-
nent base that shall be established as an enclave or in the
case of projects having multi-agency use, that another
Government agency has indicated it will assume ownership
of the completed project. The Secretary of Defense may
not transfer funds made available as a result of this limi-
tation from any military construction project, land acquisi-
tion, or family housing project to another account or use
such funds for another purpose or project without the
prior approval of the Committees on Appropriations of
both Houses of Congress. This section shall not apply to
military construction projects, land acquisition, or family
housing projects for which the project is vital to the na-
tional security or the protection of health, safety, or envi-
ronmental quality: Provided, That the Secretary of De-
fense shall notify the congressional defense committees
within seven days of a decision to carry out such a military
construction project.
(INCLUDING TRANSFER OF FUNDS)

SEC. 123. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation “Foreign Currency Fluctuations, Construction, Defense”, to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 124. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,000 parking spaces (other than handicap-reserved spaces) to be provided by the BRAC 133 project: Provided, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-
day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available.

SEC. 125. None of the funds made available by this Act may be used for any action that relates to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 126. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used by the Secretary of the Army to relocate a unit in the Army that—

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

(2) is located at a military installation at which the total number of civilian employees of the Department of the Army and Army contractor personnel employed exceeds 10 percent of the total number of
members of the regular and reserve components of
the Army assigned to the installation.

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

(INCLUDING RESCISSION OF FUNDS)

SEC. 127. Of the unobligated balances available for
“Military Construction, Defense-Wide”, from prior appro-
priations Acts, $20,000,000 are hereby cancelled: Pro-
vided, That no amounts may be cancelled from amounts
that were designated by Congress as an emergency re-
quirement or for Overseas Contingency Operations/Global
War on Terrorism pursuant to the Concurrent Resolution
on the Budget or the Balanced Budget and Emergency
Deficit Control Act of 1985, as amended.

(INCLUDING RESCISSION OF FUNDS)

SEC. 128. Of the unobligated balances available for
“Department of Defense Base Closure Account 2005”,
from prior appropriations Acts, $212,291,000 are hereby
cancelled: Provided, That no amounts may be cancelled
from amounts that were designated by Congress as an
emergency requirement or for Overseas Contingency Oper-
24

ations/Global War on Terrorism pursuant to the Concur-
rent Resolution on the Budget or the Balanced Budget
and Emergency Deficit Control Act of 1985, as amended.

SEC. 129. The total amount available in this Act for
pay for civilian personnel of the Department of Defense
for fiscal year 2013 shall be the amount otherwise appro-
priated or made available by this Act for such pay reduced
by $2,334,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 130. Of the proceeds credited to the Depart-
ment of Defense Family Housing Improvement Fund pur-
suant to subsection (c)(1)(C) of section 2883 of title 10,
United States Code, from a Department of Navy land con-
vveyance, the Secretary of Defense shall transfer
$10,500,000 to the Secretary of the Navy under para-
graph (3) of subsection (d) of such section for use by the
Secretary of the Navy as provided in paragraph (1) of
such subsection until expended.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

Veterans Benefits Administration

compensation and pensions

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on
behalf of veterans and a pilot program for disability ex-
aminations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $61,741,232,000 (reduced by $1) (increased by $1), to remain available until expended: Provided, That not to exceed $9,204,000 of the amount appropriated under this heading shall be reimbursed to “General operating expenses, Veterans Benefits Administration”, “Medical support and compliance”, and “Information technology systems” for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the “Compensation and pensions” appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to
“Medical care collections fund” to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, and for the payment of benefits under the Veterans Retraining Assistance Program, $12,607,476,000, to remain available until expended: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen’s indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, $104,600,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as
authorized by subchapters I through III of chapter 37 of
title 38, United States Code: Provided, That such costs,
including the cost of modifying such loans, shall be as de-
defined in section 502 of the Congressional Budget Act of
1974: Provided further, That during fiscal year 2013,
within the resources available, not to exceed $500,000 in
gross obligations for direct loans are authorized for spe-
cially adapted housing loans.

In addition, for administrative expenses to carry out
the direct and guaranteed loan programs, $157,814,000.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $19,000, as authorized
by chapter 31 of title 38, United States Code: Provided,
That such costs, including the cost of modifying such
loans, shall be as defined in section 502 of the Congres-
sional Budget Act of 1974: Provided further, That funds
made available under this heading are available to sub-
sidize gross obligations for the principal amount of direct
loans not to exceed $2,729,000.

In addition, for administrative expenses necessary to
carry out the direct loan program, $346,000, which may
be paid to the appropriation for “General operating ex-
penses, Veterans Benefits Administration”.
NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $1,089,000.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of health care employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, and loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note); $43,557,000,000 (reduced by $16,000,000) (increased by $16,000,000), plus reimbursements, shall become available on October 1,
2013, and shall remain available until September 30, 2014: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the De-
partment as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $6,033,000,000, plus reimbursements, shall become available on October 1, 2013, and shall remain available until September 30, 2014.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $4,872,000,000, plus reimbursements, shall become available on October 1, 2013, and shall remain available until September 30, 2014.
MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $582,674,000 (reduced by $35,000,000) (increased by $35,000,000), plus reimbursements, shall remain available until September 30, 2014.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $258,284,000, of which not to exceed $25,828,000 shall remain available until September 30, 2014: Provided, That none of the funds under this heading may be used to expand the Urban Initiative project beyond those sites outlined in the fiscal year 2012 or previous budget submissions or any other rural strategy, other than the Rural Initiative included in the fiscal year 2013 budget submission, until the Secretary of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a strat-
egy to serve the burial needs of veterans residing in rural
and highly rural areas and that strategy has been ap-
proved by the Committees: Provided further, That the
strategy shall include: (1) A review of previous policies of
the National Cemetery Administration regarding estab-
ishment of new national cemeteries, including whether the
guidelines of the Administration for establishing national
cemetery annexes remain valid; (2) Data identifying the
number of and geographic areas where rural veterans are
not currently served by national or existing State ceme-
teries and identification of areas with the largest unserved
populations, broken down by veterans residing in urban
versus rural and highly rural; (3) Identification of the
number of veterans who reside within the 75-mile radius
of a cemetery that is limited to cremations or of a State
cemetery which has residency restrictions, as well as an
examination of how many communities that fall under a
75-mile radius have an actual driving distance greater
than 75 miles; (4) Reassessment of the gaps in service,
factoring in the above conditions that limit rural and high-
ly rural veteran burial options; (5) An assessment of the
adequacy of the policy of the Administration on estab-
lishing new cemeteries proposed in the fiscal year 2013
budget request; (6) Recommendations for an appropriate
policy on new national cemeteries to serve rural or highly
rural areas; (7) Development of a national map showing
the locations and number of all unserved veterans; and
(8) A time line for the implementation of such strategy
and cost estimates for using the strategy to establish new
burial sites in at least five rural or highly rural locations:
Provided further, That the Comptroller General of the
United States shall review the strategy to ensure that it
includes the elements listed above prior to the submission
of the report by the Secretary: Provided further, That this
strategy shall be submitted no later 180 days after the
date of enactment of this Act.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department
of Veterans Affairs, not otherwise provided for, including
administrative expenses in support of Department-Wide
capital planning, management and policy activities, uni-
forms, or allowances therefor; not to exceed $25,000 for
official reception and representation expenses; hire of pas-
senger motor vehicles; and reimbursement of the General
Services Administration for security guard services,
$416,737,000, of which not to exceed $20,837,000 shall
remain available until September 30, 2014: Provided,
That funds provided under this heading may be trans-
ferred to “General operating expenses, Veterans Benefits Administration”: Provided further, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Veterans Affairs to comply with the Department’s energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(7)).

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $2,164,074,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That of the funds made available
under this heading, not to exceed $113,000,000 shall re-
main available until September 30, 2014.

INFORMATION TECHNOLOGY SYSTEMS
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology
systems and telecommunications support, including devel-
opmental information systems and operational information
systems; for pay and associated costs; and for the capital
asset acquisition of information technology systems, in-
cluding management and related contractual costs of said
acquisitions, including contractual costs associated with
operations authorized by section 3109 of title 5, United
States Code, $3,327,444,000, plus reimbursements: Pro-
vided, That $1,021,000,000 shall be for pay and associ-
ated costs, of which not to exceed three percent of this
amount shall remain available until September 30, 2014:
Provided further, That $1,812,045,000 shall be for oper-
ations and maintenance, of which not to exceed seven per-
cent of this amount shall remain available until September
30, 2014: Provided further, That $494,399,000 shall be
for information technology systems development, mod-
ernization, and enhancement, and shall remain available
until September 30, 2014: Provided further, That amounts
made available for information technology systems devel-
opment, modernization, and enhancement may not be obli-
gated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: Provided further, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That amounts made available for the “Information technology systems” account for development, modernization, and enhancement may be transferred between projects or to newly defined projects: Provided further, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: Provided further, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for
the projects, and in the amounts, specified under this heading in the report accompanying this Act: Provided further, That of the funds provided to develop an integrated Department of Defense –Department of Veterans Affairs (DOD-VA) integrated health record, not more than twenty-five percent shall be available for obligation until the DOD-VA Interagency Program Office submits to the Committees on Appropriations of both Houses of Congress a completed fiscal year 2013 execution and spending plan and a long-term roadmap for the life of the project that includes, but is not limited to, the following: (a) annual and total spending for each Department; (b) a quarterly schedule of milestones for each Department over the life of the project; (c) detailed cost-sharing business rules; and (d) data standardization schedules between the Departments.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $113,000,000 (reduced by $1) (increased by $1), of which $6,000,000 shall remain available until September 30, 2014.
CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $532,470,000, to remain available until September 30, 2017, of which $5,000,000 shall be to make reimbursements as provided in section 7108 of title 41, United States Code, for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded
through the advance planning fund and the planning and
design activities funded through the design fund, including
needs assessments which may or may not lead to capital
investments, and salaries and associated costs of the resi-
dent engineers who oversee those capital investments
funded through this account, and funds provided for the
purchase of land for the National Cemetery Administra-
tion through the land acquisition line item, none of the
funds made available under this heading shall be used for
any project which has not been approved by the Congress
in the budgetary process: Provided further, That funds
made available under this heading for fiscal year 2013,
for each approved project shall be obligated: (1) by the
awarding of a construction documents contract by Sep-
tember 30, 2013; and (2) by the awarding of a construc-
tion contract by September 30, 2014: Provided further,
That the Secretary of Veterans Affairs shall promptly sub-
mit to the Committees on Appropriations of both Houses
of Congress a written report on any approved major con-
struction project for which obligations are not incurred
within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving
any of the facilities, including parking projects, under the
jurisdiction or for the use of the Department of Veterans
Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $607,530,000, to remain available until September 30, 2017, along with unobligated balances of previous “Construction, minor projects” appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.
GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $85,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

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

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2013 for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” may be transferred as necessary to any other of the mentioned appropriations: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees
issue an approval, or absent a response, a period of 30
days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Depart-
ment of Veterans Affairs for fiscal year 2013, in this Act
or any other Act, under the “Medical services”, “Medical
support and compliance”, and “Medical facilities” ac-
counts may be transferred among the accounts: Provided,
That any transfers between the “Medical services” and
“Medical support and compliance” accounts of 1 percent
or less of the total amount appropriated to the account
in this or any other Act may take place subject to notification
from the Secretary of Veterans Affairs to the Com-
mittees on Appropriations of both Houses of Congress of
the amount and purpose of the transfer: Provided further,
That any transfers between the “Medical services” and
“Medical support and compliance” accounts in excess of
1 percent, or exceeding the cumulative 1 percent for the
fiscal year, may take place only after the Secretary re-
quests from the Committees on Appropriations of both
Houses of Congress the authority to make the transfer
and an approval is issued: Provided further, That any
transfers to or from the “Medical facilities” account may
take place only after the Secretary requests from the Com-
mittees on Appropriations of both Houses of Congress the
authority to make the transfer and an approval is issued.

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

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

Sec. 205. No appropriations in this title shall be
available for hospitalization or examination of any persons
(except beneficiaries entitled to such hospitalization or ex-
amination under the laws providing such benefits to vet-
erans, and persons receiving such treatment under sec-
tions 7901 through 7904 of title 5, United States Code,
or the Robert T. Stafford Disaster Relief and Emergency
Assistance Act (42 U.S.C. 5121 et seq.), unless reim-
bursement of the cost of such hospitalization or examina-
tion is made to the “Medical services” account at such
rates as may be fixed by the Secretary of Veterans Affairs.
SEC. 206. Appropriations available in this title for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2012.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2013, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans’ Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the “General operating expenses, Veterans Benefits Administration” and “Information technology systems” accounts for
the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2013 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2013 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

Sec. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

Sec. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Manage-
ment of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not to exceed $42,904,000 for the Office of Resolution Management and $3,360,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the “General administration” and “Information technology systems” accounts for use by the office that provided the service.

Sec. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than $1,000,000, unless the Secretary submits a report the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

Sec. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Sec-
retary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the “Construction, major projects” and “Construction, minor projects” accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in “Construction, major projects” and “Construction, minor projects”.

SEC. 214. Amounts made available under “Medical services” are available—
(1) for furnishing recreational facilities, supplies, and equipment; and

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

(INCLUDING TRANSFER OF FUNDS)

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

Sec. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term "rural Alaska" shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native
Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the “Construction, major projects” and “Construction, minor projects” accounts, to remain available until expended for the purposes of these accounts.

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

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.
Sec. 220. Amounts made available under the “Medical services”, “Medical support and compliance”, “Medical facilities”, “General operating expenses, Veterans Benefits Administration”, “General administration”, and “National Cemetery Administration” accounts for fiscal year 2013, may be transferred to or from the “Information technology systems” account: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

Sec. 221. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2013, in this Act or any other Act, under the “Medical facilities” account for nonrecurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: Provided, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

Sec. 222. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2013 for “Medical services”, “Medical support and compliance”,

(INCLUDING TRANSFER OF FUNDS)
“Medical facilities”, “Construction, minor projects”, and “Information technology systems”, up to $247,356,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): Provided, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 223. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009
(Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 224. Of the amounts available in this title for “Medical services”, “Medical support and compliance”, and “Medical facilities”, a minimum of $15,000,000, shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 225. (a) Of the funds appropriated in title II of division H of Public Law 112–74, the following amounts which became available on October 1, 2012, are hereby rescinded from the following accounts in the amounts specified:
(1) “Department of Veterans Affairs, Medical services”, $1,800,000,000.

(2) “Department of Veterans Affairs, Medical support and compliance”, $200,000,000.

(3) “Department of Veterans Affairs, Medical facilities”, $400,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified to remain available until September 30, 2014:

(1) “Department of Veterans Affairs, Medical services”, $1,800,000,000.

(2) “Department of Veterans Affairs, Medical support and compliance”, $200,000,000.

(3) “Department of Veterans Affairs, Medical facilities”, $400,000,000.

SEC. 226. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in major construction projects that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: Provided, That such notification shall occur within 14 days of a contract identifying the programmed amount: Provided further, That the Secretary shall notify the committees 14 days prior to the obligation
of such bid savings and shall describe the anticipated use of such savings.

Sec. 227. The scope of work for a project included in “Construction, major projects” may not be increased above the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations.

Sec. 228. The Secretary of the Department of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed $2,000,000.

Sec. 229. The Secretary of the Department of Veterans Affairs shall include in the sufficiency letter required by section 117(d) of title 38, United States Code, that is due to the Congress on July 31 of each year a description of any changes exceeding $250,000,000 in funding requirements for the Medical Services account resulting from the spring recalculation of the Enrollee Healthcare Projection Model. Any such revised data shall not be modified to align with the pending budget request.

Sec. 230. The Secretary of the Department of Veterans Affairs shall submit a reprogramming request to the Committees on Appropriations of both Houses of Congress
whenever a change of ten percent or more is proposed in
funding for the current year or advance year in the Medical Services initiatives listed in the Congressional submission. Such reprogramming may only go forward if the Committees have approved the request or if a period of fourteen days has elapsed.

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 231. Of the discretionary funds made available in Public Law 112–74 to the Department of Veterans Affairs for fiscal year 2013, $62,924,000 are rescinded from “Medical services”, $12,737,000 are rescinded from “Medical support and compliance”, and $5,593,000 are rescinded from “Medical facilities”. Amounts rescinded in this section shall be derived from amounts that would otherwise have been available for the increase in civilian pay for fiscal year 2013 proposed in the President’s request.

SEC. 232. (a) The amounts otherwise made available by this Act for the following accounts of the Department of Veterans Affairs are hereby reduced by the following amounts:

(1) “Veterans Health Administration–Medical and prosthetic research”, $809,000.

(2) “National Cemetery Administration”, $360,000.
(3) “Departmental Administration—General administration”, $1,575,000.

(4) “Departmental Administration--General operating expenses, Veterans Benefits Administration”, $6,100,000.

(5) “Departmental Administration--Information technology systems”, $3,250,000.


(b) Amounts reduced in subsection (a) shall be derived from amounts that would otherwise have been available for the increase in civilian pay for 2013 proposed in the President’s fiscal year 2013 budget request.

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, $59,290,000, to remain available until ex-
pended.

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 ex-
pended, for purposes authorized by section 2109 of title
36, United States Code.

UNITED STATES COURT OF APPEALS FOR VETERANS
CLAIMS

SALARIES AND EXPENSES

For necessary expenses for the operation of the
United States Court of Appeals for Veterans Claims as
authorized by sections 7251 through 7298 of title 38,
United States Code, $31,187,000 Provided, That
$2,726,000 shall be available for the purpose of providing
financial assistance as described, and in accordance with
the process and reporting procedures set forth, under this
heading in Public Law 102–229.
DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers’ and Airmen’s Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $1,000 for official reception and representation expenses, $173,733,000, to remain available until expended, of which, not less than $84,000,000 shall be for the Millennium Project. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the “Lease of Department of Defense Real Property for Defense Agencies” account. Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery making additional land available for ground burials.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia,
and the Armed Forces Retirement Home—Gulfport, Missis-
issippi, to be paid from funds available in the Armed
Forces Retirement Home Trust Fund, $67,590,000, of
which $2,000,000 shall remain available until expended
for construction and renovation of the physical plants at
the Armed Forces Retirement Home—Washington, Dis-
trict of Columbia, and the Armed Forces Retirement
Home—Gulfport, Mississippi.

TITLE IV

OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction,
Navy and Marine Corps”, $150,768,000, to remain avail-
able until September 30, 2013: Provided, That such
amount is designated by the Congress for Overseas Con-
tingency Operations/Global War on Terrorism pursuant to
section 251(b)(2)(A)(ii) of the Balanced Budget and

ADMINISTRATIVE PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

Sec. 401. Of the unobligated balances in section
2005 in title X, of Public Law 112–10 and division H
in title IV of Public Law 112–74, $150,768,000 are here-
by rescinded: Provided, That such amount is designated
by the Congress for Overseas Contingency Operations/
Global War on Terrorism pursuant to section
251(b)(2)(A)(ii) of the Balanced Budget and Emergency

Sec. 402. Availability of funds.—Each amount des-
ignated in this Act by the Congress for Overseas Contin-
gency Operations/Global War on Terrorism pursuant to
section 251(b)(2)(A)(ii) of the Balanced Budget and
Emergency Deficit Control Act of 1985 shall be available
(or rescinded, if applicable) only if the President subse-
quently so designates all such amounts and transmits such
designations to the Congress.

TITLE V
GENERAL PROVISIONS

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

Sec. 502. None of the funds made available in this
Act may be used for any program, project, or activity,
when it is made known to the Federal entity or official
to which the funds are made available that the program,
project, or activity is not in compliance with any Federal
law relating to risk assessment, the protection of private
property rights, or unfunded mandates.
SEC. 503. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 504. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of "E-Commerce" technologies and procedures in the conduct of their business practices and public service activities.

SEC. 505. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 506. Hereafter, none of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Govern-
ment except pursuant to a transfer made by, or transfer
authority provided in, this or any other appropriations
Act.

SEC. 507. None of the funds made available in this
Act may be used for a project or program named for an
individual serving as a Member, Delegate, or Resident
Commissioner of the United States House of Representa-
tives.

SEC. 508. (a) Any agency receiving funds made avail-
able in this Act, shall, subject to subsections (b) and (c),
post on the public website of that agency any report re-
quired to be submitted by the Congress in this or any
other Act, upon the determination by the head of the agen-
ey that it shall serve the national interest.

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

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

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

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

SEC. 509. (a) None of the funds made available in
this Act may be used to maintain or establish a computer
network unless such network blocks the viewing, downloading, and exchanging of pornography.

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

Sec. 510. None of the funds made available in this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries or successors.

Sec. 511. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to exercise the power of eminent domain (to take the private property for public use) without the payment of just compensation.

Sec. 512. (a) In General.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantanamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.
(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

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

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

(2) is—

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

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

Sec. 513. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

Sec. 514. None of the funds provided in this Act may be used to execute a contract for goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.
SEC. 515. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convicted) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 516. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination
that this further action is not necessary to protect the in-
terests of the Government.

SPENDING REDUCTION ACCOUNT

SEC. 517. The amount by which the applicable alloca-
tion of new budget authority made by the Committee on
Appropriations of the House of Representatives under sec-
tion 302(b) of the Congressional Budget Act of 1974 ex-
ceeds the amount of proposed new budget authority is $0.

SEC. 518. None of the funds made available in this
Act may be used to enter into a contract using procedures
that do not give to small business concerns owned and con-
trolled by veterans (as that term is defined in section
3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3))
that are included in the database under section 8127(f)
of title 38, United States Code, any preference available
with respect to such contract, except for a preference given
to small business concerns owned and controlled by serv-
ice-disabled veterans (as that term is defined in section
3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).

SEC. 519. None of the funds made available by this
Act may be used to hire a new director of a national ceme-
tery who is not a veteran.

SEC. 520. None of the funds made available by this
Act may be used to prohibit a veterans service organiza-
tion that is participating in the funeral or memorial serv-
ice of a veteran from reciting any words as part of such
service or memorial.

SEC. 521. None of the funds made available by this
Act may be used to modify, maintain, or manage a struc-
ture, building, or barracks for a person, unit, or mission
of the Armed Forces or Department of Defense outside
of the normal tour of duty restationing or authorized base
closure and realignment process.

SEC. 522. None of the funds made available by this
Act shall be available to enforce section 526 of the Energy
Independence and Security Act of 2007 (Public Law 110–
140; 42 U.S.C. 17142).

SEC. 523. None of the funds made available by this
Act may be used for the salary or compensation of a Di-
rector of Construction and Facilities Management of the
Department of Veterans Affairs (or an individual acting
as such Director) who does not meet the qualifications for
such position required under section 312A(b) of title 38,
United States Code.

SEC. 524. None of the funds made available by this
Act may be used by the Secretary of Veterans Affairs to
pay a performance award under section 5384 of title 5,
United States Code.
This Act may be cited as the “Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2013”.


Attest:

Clerk.
Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

AN ACT

H. R. 5854 112TH CONGRESS