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.

Be it enacted by the Senate and House of Representatives 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, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by law, $613,799,000, to remain 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 Director of the Army 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, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration 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 en-
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 administration of the reserve components of the Navy and Marine Corps as authorized by law, $49,532,000, to remain 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 architect
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 Pro-
gram for the acquisition and construction of military fa-
cilities 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.

**FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS**

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.
FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

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.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

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.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

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 Improvement Fund, $1,786,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military 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 accordance 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 authorized by law, $151,000,000, to remain available until September 30, 2017, which shall be only for the Assembled Chemical Weapons Alternatives program.
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.

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.
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 construction 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 hous-
ing 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 Approp-
riations 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 Atlan-
tic 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 terri-
tories 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, inspection, 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-
ited 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” 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: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional 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.
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 notification, 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 military 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 installation, 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-

tent 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 appropria-
tions 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 obliga-
tions incurred during the period of availability of such ap-
propriations, unobligated balances of such appropriations
may be transferred into the appropriation “Foreign Cur-
rency 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 trans-
ferred.

SEC. 124. None of the funds made available by this
Act may be used by the Secretary of Defense to take bene-
ficial 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 Vir-
ginia 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 noti-
ifies 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 responsibilities for Army stationing actions.

(INCLUDING RESCISSION OF FUNDS)

SEC. 127. Of the unobligated balances available for “Military Construction, Defense-Wide”, from prior appropriations Acts, $20,000,000 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 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 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.

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 Department of Defense Family Housing Improvement Fund pursuant to subsection (c)(1)(C) of section 2883 of title 10, United States Code, from a Department of Navy land conveyance, the Secretary of Defense shall transfer $10,500,000 to the Secretary of the Navy under paragraph (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 examinations 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 offi-
ers’ 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 chap-
ters 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 Pro-
gram, $12,607,476,000, to remain available until ex-
pended: Provided, That expenses for rehabilitation pro-
gram services and assistance which the Secretary is au-
thorized to provide under subsection (a) of section 3104
of title 38, United States Code, other than under para-
graphs (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 vet-
erans 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-
dined 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 specially 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 Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize 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 expenses, 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 not-
withstanding any other provision of law, the Secretary of
Veterans Affairs shall give priority funding for the provi-
sion of basic medical benefits to veterans in enrollment
priority groups 1 through 6: Provided further, That not-
withstanding any other provision of law, the Secretary of
Veterans Affairs may authorize the dispensing of prescrip-
tion drugs from Veterans Health Administration facilities
to enrolled veterans with privately written prescriptions
based on requirements established by the Secretary: Pro-
vided further, That the implementation of the program de-
scribed 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; ad-
ministrative expenses in support of capital policy activi-
ties; and administrative and legal expenses of the Depart-
ment 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 Recov-
ery 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 strategy to serve the burial needs of veterans residing in rural and highly rural areas and that strategy has been approved by the Committees: Provided further, That the strategy shall include: (1) A review of previous policies of the National Cemetery Administration regarding estab-
lishment 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:
1 Provided further, That the Comptroller General of the
2 United States shall review the strategy to ensure that it
3 includes the elements listed above prior to the submission
4 of the report by the Secretary: Provided further, That this
5 strategy shall be submitted no later 180 days after the
6 date of enactment of this Act.

7 **DEPARTMENTAL ADMINISTRATION**

8 **GENERAL ADMINISTRATION**

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary operating expenses of the Department
11 of Veterans Affairs, not otherwise provided for, including
12 administrative expenses in support of Department-Wide
13 capital planning, management and policy activities, uni-
14 forms, or allowances therefor; not to exceed $25,000 for
15 official reception and representation expenses; hire of pas-
16 senger motor vehicles; and reimbursement of the General
17 Services Administration for security guard services,
18 $416,737,000, of which not to exceed $20,837,000 shall
19 remain available until September 30, 2014: Provided,
20 That funds provided under this heading may be trans-
21 ferred to “General operating expenses, Veterans Benefits
22 Administration”: Provided further, That of the funds made
23 available under this heading, such sums as may be nec-
24 essary shall be available to the Secretary of Veterans Af-
25 fairs to comply with the Department’s energy manage-
ment 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, in-
cluding hire of passenger motor vehicles, reimbursement
of the General Services Administration for security guard
services, and reimbursement of the Department of De-
fense 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 nec-
essary to enable entitled veterans: (1) to the maximum ex-
tent 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 ac-
count: 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, including 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: Provided, That $1,021,000,000 shall be for pay and associated 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 operations and maintenance, of which not to exceed seven percent of this amount shall remain available until September 30, 2014: Provided further, That $494,399,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2014: Provided further, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated 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 manage-
ment 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 ac-
quision, 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 reimburse-
ments as provided in section 7108 of title 41, United
States Code, for claims paid for contract disputes: Pro-
vided, That except for advance planning activities, includ-
ing needs assessments which may or may not lead to cap-
ital investments, and other capital asset management re-
lated activities, including portfolio development and man-
agement 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 September 30, 2013; and (2) by the awarding of a construction contract by September 30, 2014: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction 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 re-model, 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 Department 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” accounts 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 Committees 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 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 any transfers to or from the “Medical facilities” account may take place only after the Secretary requests from the Committees 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 authorized 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 authorized 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 examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 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 reimbursement of the cost of such hospitalization or examination 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 pro-
gram.

SEC. 209. Amounts deducted from enhanced-use
lease proceeds to reimburse an account for expenses in-
curred by that account during a prior fiscal year for pro-
viding enhanced-use lease services, may be obligated dur-
ing 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 Of-

fice of Employment Discrimination Complaint Adjudica-
tion 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 Reso-
lution Management and $3,360,000 for the Office of Em-
ployment 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 Secretary 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 re-
ceived.

(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 (in-
cluding site acquisition and disposition), alterations, and
improvements of any medical facility under the jurisdict-
ion or for the use of the Department of Veterans Affairs.
Such sums as realized are in addition to the amount pro-
vided for in “Construction, major projects” and “Con-
struction, minor projects”.

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

(1) for furnishing recreational facilities, sup-
plies, 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 organi-
zations which are party to the Alaska Native Health Com-
pact with the Indian Health Service, and Indian tribes and
tribal organizations serving rural Alaska which have en-
tered 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 vet-
erans 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 ex-
ternal 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 Anchor-
age, the Fairbanks North Star Borough, the Kenai Penin-
sula Borough or the Matanuska Susitna Borough.
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 Af-
fairs 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.

(INCLUDING TRANSFER OF FUNDS)

Sec. 222. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2013 for “Medical services”, “Medical support and compliance”, “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 sec-
tion 706 of the Duncan Hunter National Defense Author-
ization 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 Af-
fairs Medical Facility Demonstration Fund upon written
notification by the Secretary of Veterans Affairs to the
Committees on Appropriations of both Houses of Con-
gress.

(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 facili-
ties as described by section 706 of the Duncan Hunter
(Public Law 110–417; 122 Stat. 4500) shall also be avail-
able: (1) for transfer to the Joint Department of Defense-
Department of Veterans Affairs Medical Facility Dem-
onstration Fund, established by section 1704 of the Na-
tional Defense Authorization Act for Fiscal Year 2010
(Public Law 111–84; 123 Stat. 3571); and (2) for oper-
ations of the facilities designated as combined Federal
medical facilities as described by section 706 of the Dun-

(INCLUDING TRANSFER OF FUNDS)

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.

(INCLUDING RESCISSIONS OF FUNDS)

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.
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.

(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 expended.
FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

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, Mississippi, 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, District 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 available until September 30, 2013: 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 Deficit Control Act of 1985.

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 hereby 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 Deficit Control Act of 1985.

SEC. 402. Availability of funds.—Each amount designated in this Act 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 Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently 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 Government 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 Representatives.
SEC. 508. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

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

(2) the report contains confidential or proprietary 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
63 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 cor-
poration 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 agree-
ment 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 service-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 cemetery who is not a veteran.

Sec. 520. None of the funds made available by this Act may be used to prohibit a veterans service organization that is participating in the funeral or memorial service 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 structure, 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

SEC. 523. None of the funds made available by this Act may be used for the salary or compensation of a Director 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: KAREN L. HAAS,

Clerk.
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.

JUNE 5, 2012

Received, read twice and placed on the calendar