

Calendar No. 408112TH CONGRESS
2^D SESSION**S. 3215****[Report No. 112-168]**

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.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2012

Mr. JOHNSON of South Dakota, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

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,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for
5 military construction, the Department of Veterans Affairs,

1 and related agencies for the fiscal year ending September
2 30, 2013, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF DEFENSE

5 MILITARY CONSTRUCTION, ARMY

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, military
8 installations, facilities, and real property for the Army as
9 currently authorized by law, including personnel in the
10 Army Corps of Engineers and other personal services nec-
11 essary for the purposes of this appropriation, and for con-
12 struction and operation of facilities in support of the func-
13 tions of the Commander in Chief, \$1,684,323,000, to re-
14 main available until September 30, 2017: *Provided*, That
15 of this amount, not to exceed \$80,173,000 shall be avail-
16 able for study, planning, design, architect and engineer
17 services, and host nation support, as authorized by law,
18 unless the Secretary of Army determines that additional
19 obligations are necessary for such purposes and notifies
20 the Committees on Appropriations of both Houses of Con-
21 gress of the determination and the reasons therefor.

22 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

23 For acquisition, construction, installation, and equip-
24 ment of temporary or permanent public works, naval in-
25 stallations, facilities, and real property for the Navy and

1 Marine Corps as currently authorized by law, including
2 personnel in the Naval Facilities Engineering Command
3 and other personal services necessary for the purposes of
4 this appropriation, \$1,650,240,000, to remain available
5 until September 30, 2017: *Provided*, That of this amount,
6 not to exceed \$102,619,000 shall be available for study,
7 planning, design, and architect and engineer services, as
8 authorized by law, unless the Secretary of Navy deter-
9 mines that additional obligations are necessary for such
10 purposes and notifies the Committees on Appropriations
11 of both Houses of Congress of the determination and the
12 reasons therefor.

13 MILITARY CONSTRUCTION, AIR FORCE

14 For acquisition, construction, installation, and equip-
15 ment of temporary or permanent public works, military
16 installations, facilities, and real property for the Air Force
17 as currently authorized by law, \$322,543,000, to remain
18 available until September 30, 2017: *Provided*, That of this
19 amount, not to exceed \$18,635,000 shall be available for
20 study, planning, design, and architect and engineer serv-
21 ices, as authorized by law, unless the Secretary of Air
22 Force determines that additional obligations are necessary
23 for such purposes and notifies the Committees on Appro-
24 priations of both Houses of Congress of the determination
25 and the reasons therefor.

1 MILITARY CONSTRUCTION, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For acquisition, construction, installation, and equip-
4 ment of temporary or permanent public works, installa-
5 tions, facilities, and real property for activities and agen-
6 cies of the Department of Defense (other than the military
7 departments), as currently authorized by law,
8 \$3,442,123,000, to remain available until September 30,
9 2017: *Provided*, That such amounts of this appropriation
10 as may be determined by the Secretary of Defense may
11 be transferred to such appropriations of the Department
12 of Defense available for military construction or family
13 housing as the Secretary may designate, to be merged with
14 and to be available for the same purposes, and for the
15 same time period, as the appropriation or fund to which
16 transferred: *Provided further*, That of the amount appro-
17 priated, not to exceed \$315,562,000 shall be available for
18 study, planning, design, and architect and engineer serv-
19 ices, as authorized by law, unless the Secretary of Defense
20 determines that additional obligations are necessary for
21 such purposes and notifies the Committees on Appropria-
22 tions of both Houses of Congress of the determination and
23 the reasons therefor: *Provided further*, That of the amount
24 appropriated, notwithstanding any other provision of law,
25 \$26,969,000 shall be available for payments to the North

1 Atlantic Treaty Organization for the planning, design, and
2 construction of a new North Atlantic Treaty Organization
3 headquarters.

4 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

5 For construction, acquisition, expansion, rehabilita-
6 tion, and conversion of facilities for the training and ad-
7 ministration of the Army National Guard, and contribu-
8 tions therefor, as authorized by chapter 1803 of title 10,
9 United States Code, and Military Construction Authoriza-
10 tion Acts, \$613,799,000, to remain available until Sep-
11 tember 30, 2017: *Provided*, That of the amount appro-
12 priated, not to exceed \$26,622,000 shall be available for
13 study, planning, design, and architect and engineer serv-
14 ices, as authorized by law, unless the Director of the Army
15 National Guard determines that additional obligations are
16 necessary for such purposes and notifies the Committees
17 on Appropriations of both Houses of Congress of the de-
18 termination and the reasons therefor.

19 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

20 For construction, acquisition, expansion, rehabilita-
21 tion, and conversion of facilities for the training and ad-
22 ministration of the Air National Guard, and contributions
23 therefor, as authorized by chapter 1803 of title 10, United
24 States Code, and Military Construction Authorization
25 Acts, \$42,386,000, to remain available until September

1 30, 2017: *Provided*, That of the amount appropriated, not
2 to exceed \$4,000,000 shall be available for study, plan-
3 ning, design, and architect and engineer services, as au-
4 thorized by law, unless the Director of the Air National
5 Guard determines that additional obligations are nec-
6 essary for such purposes and notifies the Committees on
7 Appropriations of both Houses of Congress of the deter-
8 mination and the reasons therefor.

9 MILITARY CONSTRUCTION, ARMY RESERVE

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Army Reserve as authorized by chapter
13 1803 of title 10, United States Code, and Military Con-
14 struction Authorization Acts, \$305,846,000, to remain
15 available until September 30, 2017: *Provided*, That of the
16 amount appropriated, not to exceed \$15,951,000 shall be
17 available for study, planning, design, and architect and en-
18 gineer services, as authorized by law, unless the Chief of
19 the Army Reserve determines that additional obligations
20 are necessary for such purposes and notifies the Commit-
21 tees on Appropriations of both Houses of Congress of the
22 determination and the reasons therefor.

23 MILITARY CONSTRUCTION, NAVY RESERVE

24 For construction, acquisition, expansion, rehabilita-
25 tion, and conversion of facilities for the training and ad-

1 ministration of the reserve components of the Navy and
2 Marine Corps as authorized by chapter 1803 of title 10,
3 United States Code, and Military Construction Authoriza-
4 tion Acts, \$49,532,000, to remain available until Sep-
5 tember 30, 2017: *Provided*, That of the amount appro-
6 priated, not to exceed \$2,118,000 shall be available for
7 study, planning, design, and architect and engineer serv-
8 ices, as authorized by law, unless the Secretary of the
9 Navy determines that additional obligations are necessary
10 for such purposes and notifies the Committees on Appro-
11 priations of both Houses of Congress of the determination
12 and the reasons therefor.

13 MILITARY CONSTRUCTION, AIR FORCE RESERVE

14 For construction, acquisition, expansion, rehabilita-
15 tion, and conversion of facilities for the training and ad-
16 ministration of the Air Force Reserve as authorized by
17 chapter 1803 of title 10, United States Code, and Military
18 Construction Authorization Acts, \$10,979,000, to remain
19 available until September 30, 2017: *Provided*, That of the
20 amount appropriated, not to exceed \$2,879,000 shall be
21 available for study, planning, design, and architect and en-
22 gineer services, as authorized by law, unless the Chief of
23 the Air Force Reserve determines that additional obliga-
24 tions are necessary for such purposes and notifies the

1 Committees on Appropriations of both Houses of Congress
2 of the determination and the reasons therefor.

3 NORTH ATLANTIC TREATY ORGANIZATION

4 SECURITY INVESTMENT PROGRAM

5 For the United States share of the cost of the North
6 Atlantic Treaty Organization Security Investment Pro-
7 gram for the acquisition and construction of military fa-
8 cilities and installations (including international military
9 headquarters) and for related expenses for the collective
10 defense of the North Atlantic Treaty Area as authorized
11 by section 2806 of title 10, United States Code, and Mili-
12 tary Construction Authorization Acts, \$254,163,000, to
13 remain available until expended.

14 FAMILY HOUSING CONSTRUCTION, ARMY

15 For expenses of family housing for the Army for con-
16 struction, including acquisition, replacement, addition, ex-
17 pansion, extension, and alteration, as authorized by law,
18 \$4,641,000, to remain available until September 30, 2017.

19 FAMILY HOUSING OPERATION AND MAINTENANCE,

20 ARMY

21 For expenses of family housing for the Army for op-
22 eration and maintenance, including debt payment, leasing,
23 minor construction, principal and interest charges, and in-
24 surance premiums, as authorized by law, \$530,051,000.

1 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
2 CORPS

3 For expenses of family housing for the Navy and Ma-
4 rine Corps for construction, including acquisition, replace-
5 ment, addition, expansion, extension, and alteration, as
6 authorized by law, \$102,182,000, to remain available until
7 September 30, 2017.

8 FAMILY HOUSING OPERATION AND MAINTENANCE,
9 NAVY AND MARINE CORPS

10 For expenses of family housing for the Navy and Ma-
11 rine Corps for operation and maintenance, including debt
12 payment, leasing, minor construction, principal and inter-
13 est charges, and insurance premiums, as authorized by
14 law, \$378,230,000.

15 FAMILY HOUSING CONSTRUCTION, AIR FORCE

16 For expenses of family housing for the Air Force for
17 construction, including acquisition, replacement, addition,
18 expansion, extension, and alteration, as authorized by law,
19 \$83,824,000, to remain available until September 30,
20 2017.

21 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
22 FORCE

23 For expenses of family housing for the Air Force for
24 operation and maintenance, including debt payment, leas-
25 ing, minor construction, principal and interest charges,

1 and insurance premiums, as authorized by law,
2 \$497,829,000.

3 FAMILY HOUSING OPERATION AND MAINTENANCE,
4 DEFENSE-WIDE

5 For expenses of family housing for the activities and
6 agencies of the Department of Defense (other than the
7 military departments) for operation and maintenance,
8 leasing, and minor construction, as authorized by law,
9 \$52,238,000.

10 DEPARTMENT OF DEFENSE FAMILY HOUSING
11 IMPROVEMENT FUND

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

18 CHEMICAL DEMILITARIZATION CONSTRUCTION,
19 DEFENSE-WIDE

20 For expenses of construction, not otherwise provided
21 for, necessary for the destruction of the United States
22 stockpile of lethal chemical agents and munitions in ac-
23 cordance with section 1412 of the Department of Defense
24 Authorization Act, 1986 (50 U.S.C. 1521), and for the
25 destruction of other chemical warfare materials that are

1 not in the chemical weapon stockpile, as currently author-
2 ized by law, \$151,000,000, to remain available until Sep-
3 30, 2017, which shall be only for the Assembled
4 Chemical Weapons Alternatives program.

5 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT
6 1990

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

12 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT
13 2005

14 For deposit into the Department of Defense Base
15 Closure Account 2005, established by section 2906A(a)(1)
16 of the Defense Base Closure and Realignment Act of 1990
17 (10 U.S.C. 2687 note), \$126,697,000, to remain available
18 until expended.

19 ADMINISTRATIVE PROVISIONS

20 SEC. 101. None of the funds made available in this
21 title shall be expended for payments under a cost-plus-a-
22 fixed-fee contract for construction, where cost estimates
23 exceed \$25,000, to be performed within the United States,
24 except Alaska, without the specific approval in writing of

1 the Secretary of Defense setting forth the reasons there-
2 for.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 SEC. 117. Notwithstanding any other provision of
24 law, any funds made available to a military department
25 or defense agency for the construction of military projects

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

10 (INCLUDING TRANSFER OF FUNDS)

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

22 (TRANSFER OF FUNDS)

23 SEC. 119. Subject to 30 days prior notification, or
24 14 days for a notification provided in an electronic me-
25 dium pursuant to sections 480 and 2883 of title 10,

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

(TRANSFER OF FUNDS)

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

14 SEC. 121. Notwithstanding any other provision of
15 law, funds made available in this title for operation and
16 maintenance of family housing shall be the exclusive
17 source of funds for repair and maintenance of all family
18 housing units, including general or flag officer quarters:
19 *Provided*, That not more than \$35,000 per unit may be
20 spent annually for the maintenance and repair of any gen-
21 eral or flag officer quarters without 30 days prior notifica-
22 tion, or 14 days for a notification provided in an electronic
23 medium pursuant to sections 480 and 2883 of title 10,
24 United States Code, to the Committees on Appropriations
25 of both Houses of Congress, except that an after-the-fact

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

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

16 SEC. 123. None of the funds made available in this
17 title, or in any Act making appropriations for military con-
18 struction which remain available for obligation, may be ob-
19 ligated or expended to carry out a military construction,
20 land acquisition, or family housing project at or for a mili-
21 tary installation approved for closure, or at a military in-
22 stallation for the purposes of supporting a function that
23 has been approved for realignment to another installation,
24 in 2005 under the Defense Base Closure and Realignment
25 Act of 1990 (part A of title XXIX of Public Law 101–

1 510; 10 U.S.C. 2687 note), unless such a project at a mili-
2 tary installation approved for realignment will support a
3 continuing mission or function at that installation or a
4 new mission or function that is planned for that installa-
5 tion, or unless the Secretary of Defense certifies that the
6 cost to the United States of carrying out such project
7 would be less than the cost to the United States of cancel-
8 ling such project, or if the project is at an active compo-
9 nent base that shall be established as an enclave or in the
10 case of projects having multi-agency use, that another
11 Government agency has indicated it will assume ownership
12 of the completed project. The Secretary of Defense may
13 not transfer funds made available as a result of this limi-
14 tation from any military construction project, land acquisi-
15 tion, or family housing project to another account or use
16 such funds for another purpose or project without the
17 prior approval of the Committees on Appropriations of
18 both Houses of Congress. This section shall not apply to
19 military construction projects, land acquisition, or family
20 housing projects for which the project is vital to the na-
21 tional security or the protection of health, safety, or envi-
22 ronmental quality: *Provided*, That the Secretary of De-
23 fense shall notify the congressional defense committees
24 within seven days of a decision to carry out such a military
25 construction project.

1 (INCLUDING TRANSFER OF FUNDS)

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

16 SEC. 125. Amounts appropriated or otherwise made
17 available in an account funded under the headings in this
18 title may be transferred among projects and activities
19 within the account in accordance with the reprogramming
20 guidelines for military construction and family housing
21 construction contained in Department of Defense Finan-
22 cial Management Regulation 7000.14–R, Volume 3, Chap-
23 ter 7, of February 2009, as in effect on the date of enact-
24 ment of this Act.

1 SEC. 126. None of the funds made available in this
2 title may be obligated or expended for planning and design
3 and construction of projects at Arlington National Ceme-
4 tery.

5 TITLE II
6 DEPARTMENT OF VETERANS AFFAIRS
7 VETERANS BENEFITS ADMINISTRATION
8 COMPENSATION AND PENSIONS
9 (INCLUDING TRANSFER OF FUNDS)

10 For the payment of compensation benefits to or on
11 behalf of veterans and a pilot program for disability ex-
12 aminations as authorized by section 107 and chapters 11,
13 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
14 pension benefits to or on behalf of veterans as authorized
15 by chapters 15, 51, 53, 55, and 61 of title 38, United
16 States Code; and burial benefits, the Reinstated Entitle-
17 ment Program for Survivors, emergency and other offi-
18 cers' retirement pay, adjusted-service credits and certifi-
19 cates, payment of premiums due on commercial life insur-
20 ance policies guaranteed under the provisions of title IV
21 of the Servicemembers Civil Relief Act (50 U.S.C. App.
22 541 et seq.) and for other benefits as authorized by sec-
23 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
24 53, 55, and 61 of title 38, United States Code,
25 \$61,741,232,000, to remain available until expended: *Pro-*

1 *vided*, That not to exceed \$9,204,000 of the amount ap-
2 propriated under this heading shall be reimbursed to
3 “General operating expenses, Veterans Benefits Adminis-
4 tration”, “Medical support and compliance”, and “Infor-
5 mation technology systems” for necessary expenses in im-
6 plementing the provisions of chapters 51, 53, and 55 of
7 title 38, United States Code, the funding source for which
8 is specifically provided as the “Compensation and pen-
9 sions” appropriation: *Provided further*, That such sums as
10 may be earned on an actual qualifying patient basis, shall
11 be reimbursed to “Medical care collections fund” to aug-
12 ment the funding of individual medical facilities for nurs-
13 ing home care provided to pensioners as authorized.

14 READJUSTMENT BENEFITS

15 For the payment of readjustment and rehabilitation
16 benefits to or on behalf of veterans as authorized by chap-
17 ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61
18 of title 38, United States Code, and for the payment of
19 benefits under the Veterans Retraining Assistance Pro-
20 gram, \$12,607,476,000, to remain available until ex-
21 pended: *Provided*, That expenses for rehabilitation pro-
22 gram services and assistance which the Secretary is au-
23 thorized to provide under subsection (a) of section 3104
24 of title 38, United States Code, other than under para-

1 graphs (1), (2), (5), and (11) of that subsection, shall be
 2 charged to this account.

3 VETERANS INSURANCE AND INDEMNITIES

4 For military and naval insurance, national service life
 5 insurance, servicemen's indemnities, service-disabled vet-
 6 erans insurance, and veterans mortgage life insurance as
 7 authorized by chapters 19 and 21, title 38, United States
 8 Code, \$104,600,000, to remain available until expended.

9 VETERANS HOUSING BENEFIT PROGRAM FUND

10 For the cost of direct and guaranteed loans, such
 11 sums as may be necessary to carry out the program, as
 12 authorized by subchapters I through III of chapter 37 of
 13 title 38, United States Code: *Provided*, That such costs,
 14 including the cost of modifying such loans, shall be as de-
 15 fined in section 502 of the Congressional Budget Act of
 16 1974: *Provided further*, That during fiscal year 2013,
 17 within the resources available, not to exceed \$500,000 in
 18 gross obligations for direct loans are authorized for spe-
 19 cially adapted housing loans.

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

22 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

23 For the cost of direct loans, \$19,000, as authorized
 24 by chapter 31 of title 38, United States Code: *Provided*,
 25 That such costs, including the cost of modifying such

1 loans, shall be as defined in section 502 of the Congres-
 2 sional Budget Act of 1974: *Provided further*, That funds
 3 made available under this heading are available to sub-
 4 sidize gross obligations for the principal amount of direct
 5 loans not to exceed \$2,729,000.

6 In addition, for administrative expenses necessary to
 7 carry out the direct loan program, \$346,000, which may
 8 be paid to the appropriation for “General operating ex-
 9 penses, Veterans Benefits Administration”.

10 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

11 ACCOUNT

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

15 VETERANS HEALTH ADMINISTRATION

16 MEDICAL SERVICES

17 For necessary expenses for furnishing, as authorized
 18 by law, inpatient and outpatient care and treatment to
 19 beneficiaries of the Department of Veterans Affairs and
 20 veterans described in section 1705(a) of title 38, United
 21 States Code, including care and treatment in facilities not
 22 under the jurisdiction of the Department, and including
 23 medical supplies and equipment, bioengineering services,
 24 food services, and salaries and expenses of healthcare em-
 25 ployees hired under title 38, United States Code, aid to

1 State homes as authorized by section 1741 of title 38,
2 United States Code, assistance and support services for
3 caregivers as authorized by section 1720G of title 38,
4 United States Code, and loan repayments authorized by
5 section 604 of the Caregivers and Veterans Omnibus
6 Health Services Act of 2010 (Public Law 111–163; 124
7 Stat. 1174; 38 U.S.C. 7681 note); \$155,000,000, which
8 shall be in addition to funds previously appropriated under
9 this heading that become available on October 1, 2012;
10 and in addition, \$43,557,000,000, plus reimbursements,
11 shall become available on October 1, 2013, and shall re-
12 main available until September 30, 2014: *Provided*, That
13 notwithstanding any other provision of law, the Secretary
14 of Veterans Affairs shall establish a priority for the provi-
15 sion of medical treatment for veterans who have service-
16 connected disabilities, lower income, or have special needs:
17 *Provided further*, That notwithstanding any other provi-
18 sion of law, the Secretary of Veterans Affairs shall give
19 priority funding for the provision of basic medical benefits
20 to veterans in enrollment priority groups 1 through 6: *Pro-*
21 *vided further*, That notwithstanding any other provision
22 of law, the Secretary of Veterans Affairs may authorize
23 the dispensing of prescription drugs from Veterans Health
24 Administration facilities to enrolled veterans with privately
25 written prescriptions based on requirements established by

1 the Secretary: *Provided further*, That the implementation
2 of the program described in the previous proviso shall
3 incur no additional cost to the Department of Veterans
4 Affairs.

5 MEDICAL SUPPORT AND COMPLIANCE

6 For necessary expenses in the administration of the
7 medical, hospital, nursing home, domiciliary, construction,
8 supply, and research activities, as authorized by law; ad-
9 ministrative expenses in support of capital policy activi-
10 ties; and administrative and legal expenses of the Depart-
11 ment for collecting and recovering amounts owed the De-
12 partment as authorized under chapter 17 of title 38,
13 United States Code, and the Federal Medical Care Recov-
14 ery Act (42 U.S.C. 2651 et seq.); \$6,033,000,000, plus
15 reimbursements, shall become available on October 1,
16 2013, and shall remain available until September 30,
17 2014.

18 MEDICAL FACILITIES

19 For necessary expenses for the maintenance and op-
20 eration of hospitals, nursing homes, domiciliary facilities,
21 and other necessary facilities of the Veterans Health Ad-
22 ministration; for administrative expenses in support of
23 planning, design, project management, real property ac-
24 quisition and disposition, construction, and renovation of
25 any facility under the jurisdiction or for the use of the

1 Department; for oversight, engineering, and architectural
2 activities not charged to project costs; for repairing, alter-
3 ing, improving, or providing facilities in the several hos-
4 pitals and homes under the jurisdiction of the Depart-
5 ment, not otherwise provided for, either by contract or by
6 the hire of temporary employees and purchase of mate-
7 rials; for leases of facilities; and for laundry services,
8 \$4,872,000,000, plus reimbursements, shall become avail-
9 able on October 1, 2013, and shall remain available until
10 September 30, 2014.

11 MEDICAL AND PROSTHETIC RESEARCH

12 For necessary expenses in carrying out programs of
13 medical and prosthetic research and development as au-
14 thorized by chapter 73 of title 38, United States Code,
15 \$582,674,000, plus reimbursements, shall remain avail-
16 able until September 30, 2014.

17 NATIONAL CEMETERY ADMINISTRATION

18 For necessary expenses of the National Cemetery Ad-
19 ministration for operations and maintenance, not other-
20 wise provided for, including uniforms or allowances there-
21 for; cemeterial expenses as authorized by law; purchase
22 of one passenger motor vehicle for use in cemeterial oper-
23 ations; hire of passenger motor vehicles; and repair, alter-
24 ation or improvement of facilities under the jurisdiction
25 of the National Cemetery Administration, \$258,284,000,

1 of which not to exceed \$25,828,000 shall remain available
 2 until September 30, 2014.

3 DEPARTMENTAL ADMINISTRATION

4 GENERAL ADMINISTRATION

5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary operating expenses of the Department
 7 of Veterans Affairs, not otherwise provided for, including
 8 administrative expenses in support of Department-Wide
 9 capital planning, management and policy activities, uni-
 10 forms, or allowances therefor; not to exceed \$25,000 for
 11 official reception and representation expenses; hire of pas-
 12 senger motor vehicles; and reimbursement of the General
 13 Services Administration for security guard services,
 14 \$424,737,000, of which not to exceed \$20,837,000 shall
 15 remain available until September 30, 2014: *Provided*,
 16 That the Board of Veterans Appeals shall be funded at
 17 not less than \$86,006,000: *Provided further*, That funds
 18 provided under this heading may be transferred to “Gen-
 19 eral operating expenses, Veterans Benefits Administra-
 20 tion”.

21 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

22 ADMINISTRATION

23 For necessary operating expenses of the Veterans
 24 Benefits Administration, not otherwise provided for, in-
 25 cluding hire of passenger motor vehicles, reimbursement

1 of the General Services Administration for security guard
2 services, and reimbursement of the Department of De-
3 fense for the cost of overseas employee mail,
4 \$2,164,074,000: *Provided*, That expenses for services and
5 assistance authorized under paragraphs (1), (2), (5), and
6 (11) of section 3104(a) of title 38, United States Code,
7 that the Secretary of Veterans Affairs determines are nec-
8 essary to enable entitled veterans: (1) to the maximum ex-
9 tent feasible, to become employable and to obtain and
10 maintain suitable employment; or (2) to achieve maximum
11 independence in daily living, shall be charged to this ac-
12 count: *Provided further*, That of the funds made available
13 under this heading, not to exceed \$113,000,000 shall re-
14 main available until September 30, 2014: *Provided further*,
15 That from the funds made available under this heading,
16 the Veterans Benefits Administration may purchase (on
17 a one-for-one replacement basis only) up to two passenger
18 motor vehicles for use in operations of that Administration
19 in Manila, Philippines.

20 INFORMATION TECHNOLOGY SYSTEMS

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

1 cluding management and related contractual costs of said
2 acquisitions, including contractual costs associated with
3 operations authorized by section 3109 of title 5, United
4 States Code, \$3,327,444,000, plus reimbursements: *Pro-*
5 *vided*, That \$1,021,000,000 shall be for pay and associ-
6 ated costs, of which not to exceed \$30,630,000 shall re-
7 main available until September 30, 2014: *Provided further*,
8 That \$1,812,045,000 shall be for operations and mainte-
9 nance, of which not to exceed \$181,204,500 shall remain
10 available until September 30, 2014: *Provided further*, That
11 \$494,399,000 shall be for information technology systems
12 development, modernization, and enhancement, and shall
13 remain available until September 30, 2014: *Provided fur-*
14 *ther*, That amounts made available for information tech-
15 nology systems development, modernization, and enhance-
16 ment may not be obligated or expended until the Secretary
17 of Veterans Affairs or the Chief Information Officer of
18 the Department of Veterans Affairs submits to the Com-
19 mittees on Appropriations of both Houses of Congress a
20 certification of the amounts, in parts or in full, to be obli-
21 gated and expended for each development project: *Pro-*
22 *vided further*, That amounts made available for salaries
23 and expenses, operations and maintenance, and informa-
24 tion technology systems development, modernization, and
25 enhancement may be transferred among the three sub-

1 accounts after the Secretary of Veterans Affairs requests
2 from the Committees on Appropriations of both Houses
3 of Congress the authority to make the transfer and an
4 approval is issued: *Provided further*, That the funds made
5 available under this heading for information technology
6 systems development, modernization, and enhancement,
7 shall be for the projects, and in the amounts, specified
8 under this heading in the report accompanying this Act.

9 OFFICE OF INSPECTOR GENERAL

10 For necessary expenses of the Office of Inspector
11 General, to include information technology, in carrying out
12 the provisions of the Inspector General Act of 1978 (5
13 U.S.C. App.), \$115,000,000, of which \$6,000,000 shall re-
14 main available until September 30, 2014.

15 CONSTRUCTION, MAJOR PROJECTS

16 For constructing, altering, extending, and improving
17 any of the facilities, including parking projects, under the
18 jurisdiction or for the use of the Department of Veterans
19 Affairs, or for any of the purposes set forth in sections
20 316, 2404, 2406 and chapter 81 of title 38, United States
21 Code, not otherwise provided for, including planning, ar-
22 chitectural and engineering services, construction manage-
23 ment services, maintenance or guarantee period services
24 costs associated with equipment guarantees provided
25 under the project, services of claims analysts, offsite utility

1 and storm drainage system construction costs, and site ac-
2 quisition, where the estimated cost of a project is more
3 than the amount set forth in section 8104(a)(3)(A) of title
4 38, United States Code, or where funds for a project were
5 made available in a previous major project appropriation,
6 \$532,470,000, to remain available until expended, of
7 which \$5,000,000 shall be to make reimbursements as
8 provided in section 13 of the Contract Disputes Act of
9 1978 (41 U.S.C. 7108) for claims paid for contract dis-
10 putes: *Provided*, That except for advance planning activi-
11 ties, including needs assessments which may or may not
12 lead to capital investments, and other capital asset man-
13 agement related activities, including portfolio development
14 and management activities, and investment strategy stud-
15 ies funded through the advance planning fund and the
16 planning and design activities funded through the design
17 fund, including needs assessments which may or may not
18 lead to capital investments, and salaries and associated
19 costs of the resident engineers who oversee those capital
20 investments funded through this account, and funds pro-
21 vided for the purchase of land for the National Cemetery
22 Administration through the land acquisition line item,
23 none of the funds made available under this heading shall
24 be used for any project which has not been approved by
25 the Congress in the budgetary process: *Provided further*,

1 That funds made available under this heading for fiscal
2 year 2013, for each approved project shall be obligated:
3 (1) by the awarding of a construction documents contract
4 by September 30, 2013; and (2) by the awarding of a con-
5 struction contract by September 30, 2014: *Provided fur-*
6 *ther*, That the Secretary of Veterans Affairs shall prompt-
7 ly submit to the Committees on Appropriations of both
8 Houses of Congress a written report on any approved
9 major construction project for which obligations are not
10 incurred within the time limitations established above.

11 CONSTRUCTION, MINOR PROJECTS

12 For constructing, altering, extending, and improving
13 any of the facilities, including parking projects, under the
14 jurisdiction or for the use of the Department of Veterans
15 Affairs, including planning and assessments of needs
16 which may lead to capital investments, architectural and
17 engineering services, maintenance or guarantee period
18 services costs associated with equipment guarantees pro-
19 vided under the project, services of claims analysts, offsite
20 utility and storm drainage system construction costs, and
21 site acquisition, or for any of the purposes set forth in
22 sections 316, 2404, 2406 and chapter 81 of title 38,
23 United States Code, not otherwise provided for, where the
24 estimated cost of a project is equal to or less than the
25 amount set forth in section 8104(a)(3)(A) of title 38,

1 United States Code, \$607,530,000, to remain available
2 until expended, along with unobligated balances of pre-
3 vious "Construction, minor projects" appropriations which
4 are hereby made available for any project where the esti-
5 mated cost is equal to or less than the amount set forth
6 in such section: *Provided*, That funds made available
7 under this heading shall be for: (1) repairs to any of the
8 nonmedical facilities under the jurisdiction or for the use
9 of the Department which are necessary because of loss or
10 damage caused by any natural disaster or catastrophe;
11 and (2) temporary measures necessary to prevent or to
12 minimize further loss by such causes.

13 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
14 FACILITIES

15 For grants to assist States to acquire or construct
16 State nursing home and domiciliary facilities and to re-
17 model, modify, or alter existing hospital, nursing home,
18 and domiciliary facilities in State homes, for furnishing
19 care to veterans as authorized by sections 8131 through
20 8137 of title 38, United States Code, \$85,000,000, to re-
21 main available until expended.

22 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

23 For grants to assist States and tribal governments
24 in establishing, expanding, or improving veterans ceme-
25 teries as authorized by section 2408 of title 38, United

1 States Code, \$46,000,000, to remain available until ex-
2 pended.

3 ADMINISTRATIVE PROVISIONS

4 (TRANSFER OF FUNDS)

5 SEC. 201. Any appropriation for fiscal year 2013 for
6 “Compensation and pensions”, “Readjustment benefits”,
7 and “Veterans insurance and indemnities” may be trans-
8 ferred as necessary to any other of the mentioned appro-
9 priations: *Provided*, That before a transfer may take place,
10 the Secretary of Veterans Affairs shall request from the
11 Committees on Appropriations of both Houses of Congress
12 the authority to make the transfer and such Committees
13 issue an approval, or absent a response, a period of 30
14 days has elapsed.

15 (TRANSFER OF FUNDS)

16 SEC. 202. Amounts made available for the Depart-
17 ment of Veterans Affairs for fiscal year 2013, in this Act
18 or any other Act, under the “Medical services”, “Medical
19 support and compliance”, and “Medical facilities” ac-
20 counts may be transferred among the accounts: *Provided*,
21 That any transfers between the “Medical services” and
22 “Medical support and compliance” accounts of 1 percent
23 or less of the total amount appropriated to the account
24 in this or any other Act may take place subject to notifica-
25 tion from the Secretary of Veterans Affairs to the Com-

1 mittees on Appropriations of both Houses of Congress of
2 the amount and purpose of the transfer: *Provided further*,
3 That any transfers between the “Medical services” and
4 “Medical support and compliance” accounts in excess of
5 1 percent, or exceeding the cumulative 1 percent for the
6 fiscal year, may take place only after the Secretary re-
7 quests from the Committees on Appropriations of both
8 Houses of Congress the authority to make the transfer
9 and an approval is issued: *Provided further*, That any
10 transfers to or from the “Medical facilities” account may
11 take place only after the Secretary requests from the Com-
12 mittees on Appropriations of both Houses of Congress the
13 authority to make the transfer and an approval is issued.

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

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

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

12 SEC. 206. Appropriations available in this title for
13 “Compensation and pensions”, “Readjustment benefits”,
14 and “Veterans insurance and indemnities” shall be avail-
15 able for payment of prior year accrued obligations re-
16 quired to be recorded by law against the corresponding
17 prior year accounts within the last quarter of fiscal year
18 2012.

19 SEC. 207. Appropriations available in this title shall
20 be available to pay prior year obligations of corresponding
21 prior year appropriations accounts resulting from sections
22 3328(a), 3334, and 3712(a) of title 31, United States
23 Code, except that if such obligations are from trust fund
24 accounts they shall be payable only from “Compensation
25 and pensions”.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 208. Notwithstanding any other provision of
3 law, during fiscal year 2013, the Secretary of Veterans
4 Affairs shall, from the National Service Life Insurance
5 Fund under section 1920 of title 38, United States Code,
6 the Veterans' Special Life Insurance Fund under section
7 1923 of title 38, United States Code, and the United
8 States Government Life Insurance Fund under section
9 1955 of title 38, United States Code, reimburse the "Gen-
10 eral operating expenses, Veterans Benefits Administra-
11 tion" and "Information technology systems" accounts for
12 the cost of administration of the insurance programs fi-
13 nanced through those accounts: *Provided*, That reimburse-
14 ment shall be made only from the surplus earnings accu-
15 mulated in such an insurance program during fiscal year
16 2013 that are available for dividends in that program after
17 claims have been paid and actuarially determined reserves
18 have been set aside: *Provided further*, That if the cost of
19 administration of such an insurance program exceeds the
20 amount of surplus earnings accumulated in that program,
21 reimbursement shall be made only to the extent of such
22 surplus earnings: *Provided further*, That the Secretary
23 shall determine the cost of administration for fiscal year
24 2013 which is properly allocable to the provision of each
25 such insurance program and to the provision of any total

1 disability income insurance included in that insurance pro-
2 gram.

3 SEC. 209. Amounts deducted from enhanced-use
4 lease proceeds to reimburse an account for expenses in-
5 curred by that account during a prior fiscal year for pro-
6 viding enhanced-use lease services, may be obligated dur-
7 ing the fiscal year in which the proceeds are received.

8 (TRANSFER OF FUNDS)

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

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

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

1 (INCLUDING TRANSFER OF FUNDS)

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

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

15 (1) for furnishing recreational facilities, sup-
16 plies, and equipment; and

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

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 215. Such sums as may be deposited to the
22 Medical Care Collections Fund pursuant to section 1729A
23 of title 38, United States Code, may be transferred to
24 “Medical services”, to remain available until expended for
25 the purposes of that account: *Provided*, That, for fiscal

1 year 2013, \$200,000,000 deposited in the Department of
2 Veterans Affairs Medical Care Collections Fund shall be
3 transferred to “Medical facilities”, to remain available
4 until expended, for non-recurring maintenance at existing
5 Veterans Health Administration medical facilities.

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

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

3 (INCLUDING TRANSFER OF FUNDS)

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

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

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

19 (TRANSFER OF FUNDS)

20 SEC. 220. Amounts made available under the “Med-
21 ical services”, “Medical support and compliance”, “Med-
22 ical facilities”, “General operating expenses, Veterans
23 Benefits Administration”, “General administration”, and
24 “National Cemetery Administration” accounts for fiscal
25 year 2013, may be transferred to or from the “Informa-

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

6 (TRANSFER OF FUNDS)

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

16 SEC. 222. None of the funds appropriated or other-
17 wise made available by this Act or any other Act for the
18 Department of Veterans Affairs may be used in a manner
19 that is inconsistent with: (1) section 842 of the Transpor-
20 tation, Treasury, Housing and Urban Development, the
21 Judiciary, the District of Columbia, and Independent
22 Agencies Appropriations Act, 2006 (Public Law 109–115;
23 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
24 United States Code.

1 transferred from accounts designated in this section to the
2 Joint Department of Defense-Department of Veterans Af-
3 fairs Medical Facility Demonstration Fund upon written
4 notification by the Secretary of Veterans Affairs to the
5 Committees on Appropriations of both Houses of Con-
6 gress.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 225. Such sums as may be deposited to the
9 Medical Care Collections Fund pursuant to section 1729A
10 of title 38, United States Code, for healthcare provided
11 at facilities designated as combined Federal medical facili-
12 ties as described by section 706 of the Duncan Hunter
13 National Defense Authorization Act for Fiscal Year 2009
14 (Public Law 110–417; 122 Stat. 4500) shall also be avail-
15 able: (1) for transfer to the Joint Department of Defense-
16 Department of Veterans Affairs Medical Facility Dem-
17 onstration Fund, established by section 1704 of the Na-
18 tional Defense Authorization Act for Fiscal Year 2010
19 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-
20 ations of the facilities designated as combined Federal
21 medical facilities as described by section 706 of the Dun-
22 can Hunter National Defense Authorization Act for Fiscal
23 Year 2009 (Public Law 110–417; 122 Stat. 4500).

1 (TRANSFER OF FUNDS)

2 SEC. 226. Of the amounts available in this title for
3 “Medical services”, “Medical support and compliance”,
4 and “Medical facilities”, a minimum of \$15,000,000 shall
5 be transferred to the DOD–VA Health Care Sharing In-
6 centive Fund, as authorized by section 8111(d) of title 38,
7 United States Code, to remain available until expended,
8 for any purpose authorized by section 8111 of title 38,
9 United States Code.

10 (INCLUDING RESCISSIONS)

11 SEC. 227. (a) Of the funds appropriated in division
12 H of Public Law 112–74, the following amounts which
13 become available on October 1, 2012, are hereby rescinded
14 from the following accounts in the amounts specified:

15 (1) “Department of Veterans Affairs, Medical
16 services”, \$1,500,000,000.

17 (2) “Department of Veterans Affairs, Medical
18 support and compliance”, \$250,000,000.

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

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

1 (1) “Department of Veterans Affairs, Medical
2 services”, \$1,500,000,000.

3 (2) “Department of Veterans Affairs, Medical
4 support and compliance”, \$250,000,000.

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

7 SEC. 228. The Secretary of the Department of Vet-
8 erans Affairs shall notify the Committees on Appropria-
9 tions of both Houses of Congress of all bid savings in
10 major construction projects that total at least \$5,000,000,
11 or 5 percent of the programmed amount of the project,
12 whichever is less: *Provided*, That such notification shall
13 occur within 14 days of a contract identifying the pro-
14 grammed amount: *Provided further*, That the Secretary
15 shall notify the committees 14 days prior to the obligation
16 of such bid savings and shall describe the anticipated use
17 of such savings.

18 SEC. 229. The scope of work for a project included
19 in “Construction, major projects” may not be increased
20 above the scope specified for that project in the original
21 justification data provided to the Congress as part of the
22 request for appropriations.

23 SEC. 230. None of the funds made available in this
24 Act may be used to enter into a contract using procedures
25 that do not give to small business concerns owned and con-

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

9 SEC. 231. Section 315(b) of title 38, United States
10 Code, is amended by striking “December 31, 2012” and
11 inserting “December 31, 2013”.

12 SEC. 232. (a) CONTRACTS AND AGREEMENTS FOR
13 NURSING HOME CARE.—Section 1745(a) of title 38,
14 United States Code, is amended—

15 (1) in paragraph (1), by striking “The Sec-
16 retary shall pay each State home for nursing home
17 care at the rate determined under paragraph (2)”
18 and inserting “The Secretary shall enter into a con-
19 tract (or agreement under section 1720(c)(1) of this
20 title) with each State home for payment by the Sec-
21 retary for nursing home care provided in the home”;
22 and

23 (2) by striking paragraph (2) and inserting the
24 following new paragraph (2):

1 “(2) Payment under each contract (or agreement) be-
2 tween the Secretary and a State home under paragraph
3 (1) shall be based on a methodology, developed by the Sec-
4 retary in consultation with the State home, to adequately
5 reimburse the State home for the care provided by the
6 State home under the contract (or agreement).”.

7 (b) STATE NURSING HOMES.—Section 1720(c)(1)(A)
8 of such title is amended—

9 (1) in clause (i), by striking “; and” and insert-
10 ing a semicolon;

11 (2) in clause (ii), by striking the period at the
12 end and inserting “; and”; and

13 (3) by adding at the end the following new
14 clause:

15 “(iii) a provider of services eligible to enter into
16 a contract pursuant to section 1745(a) of this title
17 who is not otherwise described in clause (i) or (ii).”.

18 (c) EFFECTIVE DATE.—(1) The amendments made
19 by this section shall apply to care provided on or after
20 the date of the enactment of this Act.

21 (2) In the case of a State home that provided nursing
22 home care on the day before the date of the enactment
23 of this Act for which the State home was eligible for pay
24 under section 1745(a)(1) of title 38, United States Code,
25 at the request of any State home, the Secretary shall offer

1 to enter into a contract (or agreement described in such
2 section) with such State home under such section, as
3 amended by subsection (a), for payment for nursing home
4 care provided by such State home under such section that
5 reflects the overall methodology of reimbursement for such
6 care that was in effect for such State home on the day
7 before the date of the enactment of this Act.

8 TITLE III

9 RELATED AGENCIES

10 AMERICAN BATTLE MONUMENTS COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses, not otherwise provided for,
13 of the American Battle Monuments Commission, including
14 the acquisition of land or interest in land in foreign coun-
15 tries; purchases and repair of uniforms for caretakers of
16 national cemeteries and monuments outside of the United
17 States and its territories and possessions; rent of office
18 and garage space in foreign countries; purchase (one-for-
19 one replacement basis only) and hire of passenger motor
20 vehicles; not to exceed \$7,500 for official reception and
21 representation expenses; and insurance of official motor
22 vehicles in foreign countries, when required by law of such
23 countries, \$58,400,000, to remain available until ex-
24 pended.

1 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

7 UNITED STATES COURT OF APPEALS FOR VETERANS

8 CLAIMS

9 SALARIES AND EXPENSES

10 For necessary expenses for the operation of the
11 United States Court of Appeals for Veterans Claims as
12 authorized by sections 7251 through 7298 of title 38,
13 United States Code, \$32,481,000: *Provided*, That
14 \$2,726,323 shall be available for the purpose of providing
15 financial assistance as described, and in accordance with
16 the process and reporting procedures set forth, under this
17 heading in Public Law 102–229.

18 DEPARTMENT OF DEFENSE—CIVIL

19 CEMETERIAL EXPENSES, ARMY

20 SALARIES AND EXPENSES

21 For necessary expenses for maintenance, operation,
22 and improvement of Arlington National Cemetery and Sol-
23 diers' and Airmen's Home National Cemetery, including
24 the purchase or lease of passenger motor vehicles for re-
25 placement on a one-for-one basis only, and not to exceed

1 \$1,000 for official reception and representation expenses,
2 \$41,000,000, of which not to exceed \$7,000,000 shall re-
3 main available until September 30, 2014. In addition,
4 such sums as may be necessary for parking maintenance,
5 repairs and replacement, to be derived from the “Lease
6 of Department of Defense Real Property for Defense
7 Agencies” account.

8 CONSTRUCTION

9 For necessary expenses for planning and design and
10 construction at Arlington National Cemetery and Soldiers’
11 and Airmen’s Home National Cemetery, \$107,800,000, to
12 remain available until September 30, 2017, of which,
13 \$84,000,000 shall be for planning and design and con-
14 struction associated with the Millennium Project at Ar-
15 lington National Cemetery; and \$19,000,000 shall be for
16 study, planning, design, and architect and engineer serv-
17 ices for future expansion of burial space at Arlington Na-
18 tional Cemetery.

19 ARMED FORCES RETIREMENT HOME

20 TRUST FUND

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

1 Forces Retirement Home Trust Fund, \$67,590,000, of
2 which \$2,000,000 shall remain available until expended
3 for construction and renovation of the physical plants at
4 the Armed Forces Retirement Home—Washington, Dis-
5 trict of Columbia, and the Armed Forces Retirement
6 Home—Gulfport, Mississippi.

7 ADMINISTRATIVE PROVISION

8 SEC. 301. Funds appropriated in this Act under the
9 heading, “Department of Defense—Civil, Cemeterial Ex-
10 penses, Army”, may be provided to Arlington County, Vir-
11 ginia, for the relocation of the federally owned water main
12 at Arlington National Cemetery, making additional land
13 available for ground burials.

14 TITLE IV

15 GENERAL PROVISIONS

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

19 SEC. 402. None of the funds made available in this
20 Act may be used for any program, project, or activity,
21 when it is made known to the Federal entity or official
22 to which the funds are made available that the program,
23 project, or activity is not in compliance with any Federal
24 law relating to risk assessment, the protection of private
25 property rights, or unfunded mandates.

1 SEC. 403. Such sums as may be necessary for fiscal
2 year 2013 for pay raises for programs funded by this Act
3 shall be absorbed within the levels appropriated in this
4 Act.

5 SEC. 404. No part of any funds appropriated in this
6 Act shall be used by an agency of the executive branch,
7 other than for normal and recognized executive-legislative
8 relationships, for publicity or propaganda purposes, and
9 for the preparation, distribution, or use of any kit, pam-
10 phlet, booklet, publication, radio, television, or film presen-
11 tation designed to support or defeat legislation pending
12 before Congress, except in presentation to Congress itself.

13 SEC. 405. All departments and agencies funded under
14 this Act are encouraged, within the limits of the existing
15 statutory authorities and funding, to expand their use of
16 “E-Commerce” technologies and procedures in the con-
17 duct of their business practices and public service activi-
18 ties.

19 SEC. 406. Unless stated otherwise, all reports and no-
20 tifications required by this Act shall be submitted to the
21 Subcommittee on Military Construction and Veterans Af-
22 fairs, and Related Agencies of the Committee on Appro-
23 priations of the House of Representatives and the Sub-
24 committee on Military Construction and Veterans Affairs,

1 and Related Agencies of the Committee on Appropriations
2 of the Senate.

3 SEC. 407. None of the funds made available in this
4 Act may be transferred to any department, agency, or in-
5 strumentality of the United States Government except
6 pursuant to a transfer made by, or transfer authority pro-
7 vided in, this or any other appropriations Act.

8 SEC. 408. (a) Any agency receiving funds made avail-
9 able in this Act, shall, subject to subsections (b) and (c),
10 post on the public Web site of that agency any report re-
11 quired to be submitted by the Congress in this or any
12 other Act, upon the determination by the head of the agen-
13 cy that it shall serve the national interest.

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

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

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

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

23 SEC. 409. (a) None of the funds made available in
24 this Act may be used to maintain or establish a computer

1 network unless such network blocks the viewing,
2 downloading, and exchanging of pornography.

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

7 SEC. 410. (a) IN GENERAL.—None of the funds ap-
8 propriated or otherwise made available to the Department
9 of Defense in this Act may be used to construct, renovate,
10 or expand any facility in the United States, its territories,
11 or possessions to house any individual detained at United
12 States Naval Station, Guantánamo Bay, Cuba, for the
13 purposes of detention or imprisonment in the custody or
14 under the control of the Department of Defense.

15 (b) The prohibition in subsection (a) shall not apply
16 to any modification of facilities at United States Naval
17 Station, Guantánamo Bay, Cuba.

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

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

23 and

24 (2) is—

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

3 (B) otherwise under detention at United
4 States Naval Station, Guantánamo Bay, Cuba.

5 SEC. 411. None of the funds made available in this
6 Act may be used to send or otherwise pay for the attend-
7 ance of more than 50 employees from a Federal depart-
8 ment or agency that are stationed within the United
9 States at any single conference occurring outside a state
10 of the United States, except for employees of the Depart-
11 ment of Veterans Affairs stationed in the Philippines, un-
12 less the relevant Secretary reports to the Committees on
13 Appropriations of both Houses of Congress at least 5 days
14 in advance that such attendance is important to the na-
15 tional interest.

16 SEC. 412. (a) The head of any department, agency,
17 board or commission funded by this Act shall submit quar-
18 terly reports to the Inspector General, or the senior ethics
19 official for any entity without an inspector general, of the
20 appropriate department, agency, board or commission re-
21 garding the costs and contracting procedures relating to
22 each conference held by the department, agency, board or
23 commission during fiscal year 2013 for which the cost to
24 the Government was more than \$20,000.

1 (b) Each report submitted under subsection (a) shall
2 include, for each conference described in that subsection
3 held during the applicable quarter—

4 (1) a description of the purpose and number of
5 participants attending that conference;

6 (2) a detailed statement of the costs to the Gov-
7 ernment relating to that conference, including—

8 (A) the cost of any food or beverages;

9 (B) the cost of any audio-visual services;

10 and

11 (C) a discussion of the methodology used
12 to determine which costs relate to that con-
13 ference; and

14 (3) a description of the contracting procedures
15 relating to that conference, including—

16 (A) whether contracts were awarded on a
17 competitive basis for that conference; and

18 (B) a discussion of any cost comparison
19 conducted by the department, agency, board or
20 commission in evaluating potential contractors
21 for that conference.

22 (c) None of the funds made available in this Act may
23 be used for travel and conference activities that are not
24 in compliance with Office of Management and Budget
25 memorandum M-12-12 dated May 11, 2012.

1 This Act may be cited as the “Military Construction
2 and Veterans Affairs, and Related Agencies Appropria-
3 tions Act, 2013”.

Calendar No. 408

112TH CONGRESS
2^D SESSION

S. 3215

[Report No. 112-168]

A BILL

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.

MAY 22, 2012

Read twice and placed on the calendar