

## Calendar No. 421

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**H. R. 5854**

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IN THE SENATE OF THE UNITED STATES

JUNE 5, 2012

Received; read twice and placed on the calendar

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**AN ACT**

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

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for  
5 military construction, the Department of Veterans Affairs,  
6 and related agencies for the fiscal year ending September  
7 30, 2013, and for other purposes, namely:

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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

1 and other personal services necessary for the purposes of  
2 this appropriation, \$1,551,217,000, to remain available  
3 until September 30, 2017: *Provided*, That of this amount,  
4 not to exceed \$102,619,000 shall be available for study,  
5 planning, design, and architect and engineer services, as  
6 authorized by law, unless the Secretary of Navy deter-  
7 mines that additional obligations are necessary for such  
8 purposes and notifies the Committees on Appropriations  
9 of both Houses of Congress of the determination and the  
10 reasons therefor.

11           MILITARY CONSTRUCTION, AIR FORCE

12       For acquisition, construction, installation, and equip-  
13 ment of temporary or permanent public works, military  
14 installations, facilities, and real property for the Air Force  
15 as currently authorized by law, \$388,200,000, to remain  
16 available until September 30, 2017: *Provided*, That of this  
17 amount, not to exceed \$18,635,000 shall be available for  
18 study, planning, design, and architect and engineer serv-  
19 ices, as authorized by law, unless the Secretary of Air  
20 Force determines that additional obligations are necessary  
21 for such purposes and notifies the Committees on Appro-  
22 priations of both Houses of Congress of the determination  
23 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 \$3,569,623,000 (reduced by \$10,000,000) (increased by  
9 \$10,000,000), to remain available until September 30,  
10 2017: *Provided*, That such amounts of this appropriation  
11 as may be determined by the Secretary of Defense may  
12 be transferred to such appropriations of the Department  
13 of Defense available for military construction or family  
14 housing as the Secretary may designate, to be merged with  
15 and to be available for the same purposes, and for the  
16 same time period, as the appropriation or fund to which  
17 transferred: *Provided further*, That of the amount appro-  
18 priated, not to exceed \$315,562,000 (increased by  
19 \$10,000,000) shall be available for study, planning, de-  
20 sign, and architect and engineer services, as authorized  
21 by law, unless the Secretary of Defense determines that  
22 additional obligations are necessary for such purposes and  
23 notifies the Committees on Appropriations of both Houses  
24 of Congress of the determination and the reasons therefor:  
25 *Provided further*, That, of the amount appropriated, not-

1 withstanding any other provision of law, \$26,969,000 shall  
2 be available for payments to the North Atlantic Treaty  
3 Organization for the planning, design, and construction of  
4 a new North Atlantic Treaty Organization headquarters.

5 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

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

18 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

19 For construction, acquisition, expansion, rehabilita-  
20 tion, and conversion of facilities for the training and ad-  
21 ministration of the Air National Guard, and contributions  
22 therefor, as authorized by law, \$42,386,000, to remain  
23 available until September 30, 2017: *Provided*, That of the  
24 amount appropriated, not to exceed \$4,000,000 shall be  
25 available for study, planning, design, and architect and en-

1 gineer services, as authorized by law, unless the Director  
2 of the Air National Guard determines that additional obli-  
3 gations are necessary for such purposes and notifies the  
4 Committees on Appropriations of both Houses of Congress  
5 of the determination and the reasons therefor.

6           MILITARY CONSTRUCTION, ARMY RESERVE

7           For construction, acquisition, expansion, rehabilita-  
8 tion, and conversion of facilities for the training and ad-  
9 ministration of the Army Reserve as authorized by law,  
10 \$305,846,000, to remain available until September 30,  
11 2017: *Provided*, That of the amount appropriated, not to  
12 exceed \$15,951,000 shall be available for study, planning,  
13 design, and architect and engineer services, as authorized  
14 by law, unless the Chief of the Army Reserve determines  
15 that additional obligations are necessary for such purposes  
16 and notifies the Committees on Appropriations of both  
17 Houses of Congress of the determination and the reasons  
18 therefor.

19           MILITARY CONSTRUCTION, NAVY RESERVE

20           For construction, acquisition, expansion, rehabilita-  
21 tion, and conversion of facilities for the training and ad-  
22 ministration of the reserve components of the Navy and  
23 Marine Corps as authorized by law, \$49,532,000, to re-  
24 main available until September 30, 2017: *Provided*, That  
25 of the amount appropriated, not to exceed \$2,118,000

1 shall be available for study, planning, design, and architect  
2 and engineer services, as authorized by law, unless the  
3 Secretary of the Navy determines that additional obliga-  
4 tions are necessary for such purposes and notifies the  
5 Committees on Appropriations of both Houses of Congress  
6 of the determination and the reasons therefor.

7       MILITARY CONSTRUCTION, AIR FORCE RESERVE

8       For construction, acquisition, expansion, rehabilita-  
9 tion, and conversion of facilities for the training and ad-  
10 ministration of the Air Force Reserve as authorized by  
11 law, \$10,979,000, to remain available until September 30,  
12 2017: *Provided*, That of the amount appropriated, not to  
13 exceed \$2,879,000 shall be available for study, planning,  
14 design, and architect and engineer services, as authorized  
15 by law, unless the Chief of the Air Force Reserve deter-  
16 mines that additional obligations are necessary for such  
17 purposes and notifies the Committees on Appropriations  
18 of both Houses of Congress of the determination and the  
19 reasons therefor.

20               NORTH ATLANTIC TREATY ORGANIZATION

21                       SECURITY INVESTMENT PROGRAM

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

1 headquarters) and for related expenses for the collective  
2 defense of the North Atlantic Treaty Area as authorized  
3 by section 2806 of title 10, United States Code, and Mili-  
4 tary Construction Authorization Acts, \$254,163,000, to  
5 remain available until expended.

6           FAMILY HOUSING CONSTRUCTION, ARMY

7           For expenses of family housing for the Army for con-  
8 struction, including acquisition, replacement, addition, ex-  
9 pansion, extension, and alteration, as authorized by law,  
10 \$4,641,000, to remain available until September 30, 2017.

11          FAMILY HOUSING OPERATION AND MAINTENANCE,

12   ARMY

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

17          FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE

18   CORPS

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





1 leasing, and minor construction, as authorized by law,  
2 \$52,238,000.

3           DEPARTMENT OF DEFENSE FAMILY HOUSING  
4                           IMPROVEMENT FUND

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

11           CHEMICAL DEMILITARIZATION CONSTRUCTION,  
12                           DEFENSE-WIDE

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

1 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

2 1990

3 For deposit into the Department of Defense Base  
4 Closure Account 1990, established by section 2906(a)(1)  
5 of the Defense Base Closure and Realignment Act of 1990  
6 (10 U.S.C. 2687 note), \$349,396,000, to remain available  
7 until expended.

8 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

9 2005

10 For deposit into the Department of Defense Base  
11 Closure Account 2005, established by section 2906A(a)(1)  
12 of the Defense Base Closure and Realignment Act of 1990  
13 (10 U.S.C. 2687 note), \$126,697,000, to remain available  
14 until expended: *Provided*, That the Department of Defense  
15 shall notify the Committees on Appropriations of both  
16 Houses of Congress 14 days prior to obligating an amount  
17 for a construction project that exceeds or reduces the  
18 amount identified for that project in the most recently  
19 submitted budget request for this account by 20 percent  
20 or \$2,000,000, whichever is less: *Provided further*, That  
21 the previous proviso shall not apply to projects costing less  
22 than \$5,000,000, except for those projects not previously  
23 identified in any budget submission for this account and  
24 exceeding the minor construction threshold under section  
25 2805 of title 10, United States Code.

## 1 ADMINISTRATIVE PROVISIONS

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

9 SEC. 102. Funds made available in this title for con-  
10 struction shall be available for hire of passenger motor ve-  
11 hicles.

12 SEC. 103. Funds made available in this title for con-  
13 struction may be used for advances to the Federal High-  
14 way Administration, Department of Transportation, for  
15 the construction of access roads as authorized by section  
16 210 of title 23, United States Code, when projects author-  
17 ized therein are certified as important to the national de-  
18 fense by the Secretary of Defense.

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

23 SEC. 105. None of the funds made available in this  
24 title shall be used for purchase of land or land easements  
25 in excess of 100 percent of the value as determined by

1 the Army Corps of Engineers or the Naval Facilities Engi-  
2 neering Command, except: (1) where there is a determina-  
3 tion of value by a Federal court; (2) purchases negotiated  
4 by the Attorney General or the designee of the Attorney  
5 General; (3) where the estimated value is less than  
6 \$25,000; or (4) as otherwise determined by the Secretary  
7 of Defense to be in the public interest.

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

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

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

24       SEC. 109. None of the funds available to the Depart-  
25 ment of Defense for military construction or family hous-

1 ing during the current fiscal year may be used to pay real  
2 property taxes in any foreign nation.

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

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

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

1 20 percent: *Provided further*, That this section shall not  
2 apply to contract awards for military construction on  
3 Kwajalein Atoll for which the lowest responsive and re-  
4 sponsible bid is submitted by a Marshallese contractor.

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

12       SEC. 114. 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. 115. 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. 116. 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. 117. 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 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 118. 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.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 119. 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. 120. 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.

5       SEC. 121. Amounts contained in the Ford Island Im-  
6 provement Account established by subsection (h) of sec-  
7 tion 2814 of title 10, United States Code, are appro-  
8 priated and shall be available until expended for the pur-  
9 poses specified in subsection (i)(1) of such section or until  
10 transferred pursuant to subsection (i)(3) of such section.

11       SEC. 122. None of the funds made available in this  
12 title, or in any Act making appropriations for military con-  
13 struction which remain available for obligation, may be ob-  
14 ligated or expended to carry out a military construction,  
15 land acquisition, or family housing project at or for a mili-  
16 tary installation approved for closure, or at a military in-  
17 stallation for the purposes of supporting a function that  
18 has been approved for realignment to another installation,  
19 in 2005 under the Defense Base Closure and Realignment  
20 Act of 1990 (part A of title XXIX of Public Law 101–  
21 510; 10 U.S.C. 2687 note), unless such a project at a mili-  
22 tary installation approved for realignment will support a  
23 continuing mission or function at that installation or a  
24 new mission or function that is planned for that installa-  
25 tion, or unless the Secretary of Defense certifies that the

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

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 123. During the 5-year period after appropria-  
23 tions available in this Act to the Department of Defense  
24 for military construction and family housing operation and  
25 maintenance and construction have expired for obligation,

1 upon a determination that such appropriations will not be  
2 necessary for the liquidation of obligations or for making  
3 authorized adjustments to such appropriations for obliga-  
4 tions incurred during the period of availability of such ap-  
5 propriations, unobligated balances of such appropriations  
6 may be transferred into the appropriation “Foreign Cur-  
7 rency Fluctuations, Construction, Defense”, to be merged  
8 with and to be available for the same time period and for  
9 the same purposes as the appropriation to which trans-  
10 ferred.

11       SEC. 124. None of the funds made available by this  
12 Act may be used by the Secretary of Defense to take bene-  
13 ficial occupancy of more than 2,000 parking spaces (other  
14 than handicap-reserved spaces) to be provided by the  
15 BRAC 133 project: *Provided*, That this limitation may be  
16 waived in part if: (1) the Secretary of Defense certifies  
17 to Congress that levels of service at existing intersections  
18 in the vicinity of the project have not experienced failing  
19 levels of service as defined by the Transportation Research  
20 Board Highway Capacity Manual over a consecutive 90-  
21 day period; (2) the Department of Defense and the Vir-  
22 ginia Department of Transportation agree on the number  
23 of additional parking spaces that may be made available  
24 to employees of the facility subject to continued 90-day  
25 traffic monitoring; and (3) the Secretary of Defense noti-

1 files the congressional defense committees in writing at  
2 least 14 days prior to exercising this waiver of the number  
3 of additional parking spaces to be made available.

4       SEC. 125. None of the funds made available by this  
5 Act may be used for any action that relates to or promotes  
6 the expansion of the boundaries or size of the Pinon Can-  
7 yon Maneuver Site, Colorado.

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

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

16           (2) is located at a military installation at which  
17 the total number of civilian employees of the Depart-  
18 ment of the Army and Army contractor personnel  
19 employed exceeds 10 percent of the total number of  
20 members of the regular and reserve components of  
21 the Army assigned to the installation.

22       (b) EXCEPTION.—Subsection (a) shall not apply if  
23 the Secretary of the Army certifies to the congressional  
24 defense committees that in proposing the relocation of the  
25 unit of the Army, the Secretary complied with Army Regu-

1 lation 5–10 relating to the policy, procedures, and respon-  
2 sibilities for Army stationing actions.

3 (INCLUDING RESCISSION OF FUNDS)

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

13 (INCLUDING RESCISSION OF FUNDS)

14 SEC. 128. Of the unobligated balances available for  
15 “Department of Defense Base Closure Account 2005”,  
16 from prior appropriations Acts, \$212,291,000 are hereby  
17 cancelled: *Provided*, That no amounts may be cancelled  
18 from amounts that were designated by Congress as an  
19 emergency requirement or for Overseas Contingency Oper-  
20 ations/Global War on Terrorism pursuant to the Concur-  
21 rent Resolution on the Budget or the Balanced Budget  
22 and Emergency Deficit Control Act of 1985, as amended.

23 SEC. 129. The total amount available in this Act for  
24 pay for civilian personnel of the Department of Defense  
25 for fiscal year 2013 shall be the amount otherwise appro-

1 priated or made available by this Act for such pay reduced  
2 by \$2,334,000.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 130. Of the proceeds credited to the Depart-  
5 ment of Defense Family Housing Improvement Fund pur-  
6 suant to subsection (c)(1)(C) of section 2883 of title 10,  
7 United States Code, from a Department of Navy land con-  
8 veyance, the Secretary of Defense shall transfer  
9 \$10,500,000 to the Secretary of the Navy under para-  
10 graph (3) of subsection (d) of such section for use by the  
11 Secretary of the Navy as provided in paragraph (1) of  
12 such subsection until expended.

13 TITLE II

14 DEPARTMENT OF VETERANS AFFAIRS

15 VETERANS BENEFITS ADMINISTRATION

16 COMPENSATION AND PENSIONS

17 (INCLUDING TRANSFER OF FUNDS)

18 For the payment of compensation benefits to or on  
19 behalf of veterans and a pilot program for disability ex-  
20 aminations as authorized by section 107 and chapters 11,  
21 13, 18, 51, 53, 55, and 61 of title 38, United States Code;  
22 pension benefits to or on behalf of veterans as authorized  
23 by chapters 15, 51, 53, 55, and 61 of title 38, United  
24 States Code; and burial benefits, the Reinstated Entitle-  
25 ment Program for Survivors, emergency and other offi-



1 cers' retirement pay, adjusted-service credits and certifi-  
2 cates, payment of premiums due on commercial life insur-  
3 ance policies guaranteed under the provisions of title IV  
4 of the Servicemembers Civil Relief Act (50 U.S.C. App.  
5 541 et seq.) and for other benefits as authorized by sec-  
6 tions 107, 1312, 1977, and 2106, and chapters 23, 51,  
7 53, 55, and 61 of title 38, United States Code,  
8 \$61,741,232,000 (reduced by \$1) (increased by \$1), to re-  
9 main available until expended: *Provided*, That not to ex-  
10 ceed \$9,204,000 of the amount appropriated under this  
11 heading shall be reimbursed to "General operating ex-  
12 penses, Veterans Benefits Administration", "Medical sup-  
13 port and compliance", and "Information technology sys-  
14 tems" for necessary expenses in implementing the provi-  
15 sions of chapters 51, 53, and 55 of title 38, United States  
16 Code, the funding source for which is specifically provided  
17 as the "Compensation and pensions" appropriation: *Pro-*  
18 *vided further*, That such sums as may be earned on an  
19 actual qualifying patient basis, shall be reimbursed to  
20 "Medical care collections fund" to augment the funding  
21 of individual medical facilities for nursing home care pro-  
22 vided to pensioners as authorized.

23 READJUSTMENT BENEFITS

24 For the payment of readjustment and rehabilitation  
25 benefits to or on behalf of veterans as authorized by chap-

1 ters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and  
2 61 of title 38, United States Code, and for the payment  
3 of benefits under the Veterans Retraining Assistance Pro-  
4 gram, \$12,607,476,000, to remain available until ex-  
5 pended: *Provided*, That expenses for rehabilitation pro-  
6 gram services and assistance which the Secretary is au-  
7 thorized to provide under subsection (a) of section 3104  
8 of title 38, United States Code, other than under para-  
9 graphs (1), (2), (5), and (11) of that subsection, shall be  
10 charged to this account.

11 VETERANS INSURANCE AND INDEMNITIES

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

17 VETERANS HOUSING BENEFIT PROGRAM FUND

18 For the cost of direct and guaranteed loans, such  
19 sums as may be necessary to carry out the program, as  
20 authorized by subchapters I through III of chapter 37 of  
21 title 38, United States Code: *Provided*, That such costs,  
22 including the cost of modifying such loans, shall be as de-  
23 fined in section 502 of the Congressional Budget Act of  
24 1974: *Provided further*, That during fiscal year 2013,  
25 within the resources available, not to exceed \$500,000 in

1 gross obligations for direct loans are authorized for spe-  
2 cially adapted housing loans.

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

5 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

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

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

18 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

19 ACCOUNT

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

## 1 VETERANS HEALTH ADMINISTRATION

## 2 MEDICAL SERVICES

3 For necessary expenses for furnishing, as authorized  
4 by law, inpatient and outpatient care and treatment to  
5 beneficiaries of the Department of Veterans Affairs and  
6 veterans described in section 1705(a) of title 38, United  
7 States Code, including care and treatment in facilities not  
8 under the jurisdiction of the Department, and including  
9 medical supplies and equipment, bioengineering services,  
10 food services, and salaries and expenses of health care em-  
11 ployees hired under title 38, United States Code, aid to  
12 State homes as authorized by section 1741 of title 38,  
13 United States Code, assistance and support services for  
14 caregivers as authorized by section 1720G of title 38,  
15 United States Code, and loan repayments authorized by  
16 section 604 of the Caregivers and Veterans Omnibus  
17 Health Services Act of 2010 (Public Law 111–163; 124  
18 Stat. 1174; 38 U.S.C. 7681 note); \$43,557,000,000 (re-  
19 duced by \$16,000,000) (increased by \$16,000,000), plus  
20 reimbursements, shall become available on October 1,  
21 2013, and shall remain available until September 30,  
22 2014: *Provided further*, That notwithstanding any other  
23 provision of law, the Secretary of Veterans Affairs shall  
24 establish a priority for the provision of medical treatment  
25 for veterans who have service-connected disabilities, lower

1 income, or have special needs: *Provided further*, That not-  
2 withstanding any other provision of law, the Secretary of  
3 Veterans Affairs shall give priority funding for the provi-  
4 sion of basic medical benefits to veterans in enrollment  
5 priority groups 1 through 6: *Provided further*, That not-  
6 withstanding any other provision of law, the Secretary of  
7 Veterans Affairs may authorize the dispensing of prescrip-  
8 tion drugs from Veterans Health Administration facilities  
9 to enrolled veterans with privately written prescriptions  
10 based on requirements established by the Secretary: *Pro-*  
11 *vided further*, That the implementation of the program de-  
12 scribed in the previous proviso shall incur no additional  
13 cost to the Department of Veterans Affairs.

14 MEDICAL SUPPORT AND COMPLIANCE

15 For necessary expenses in the administration of the  
16 medical, hospital, nursing home, domiciliary, construction,  
17 supply, and research activities, as authorized by law; ad-  
18 ministrative expenses in support of capital policy activi-  
19 ties; and administrative and legal expenses of the Depart-  
20 ment for collecting and recovering amounts owed the De-  
21 partment as authorized under chapter 17 of title 38,  
22 United States Code, and the Federal Medical Care Recov-  
23 ery Act (42 U.S.C. 2651 et seq.); \$6,033,000,000, plus  
24 reimbursements, shall become available on October 1,

1 2013, and shall remain available until September 30,  
2 2014.

3 MEDICAL FACILITIES

4 For necessary expenses for the maintenance and op-  
5 eration of hospitals, nursing homes, domiciliary facilities,  
6 and other necessary facilities of the Veterans Health Ad-  
7 ministration; for administrative expenses in support of  
8 planning, design, project management, real property ac-  
9 quisition and disposition, construction, and renovation of  
10 any facility under the jurisdiction or for the use of the  
11 Department; for oversight, engineering, and architectural  
12 activities not charged to project costs; for repairing, alter-  
13 ing, improving, or providing facilities in the several hos-  
14 pitals and homes under the jurisdiction of the Depart-  
15 ment, not otherwise provided for, either by contract or by  
16 the hire of temporary employees and purchase of mate-  
17 rials; for leases of facilities; and for laundry services,  
18 \$4,872,000,000, plus reimbursements, shall become avail-  
19 able on October 1, 2013, and shall remain available until  
20 September 30, 2014.

21 MEDICAL AND PROSTHETIC RESEARCH

22 For necessary expenses in carrying out programs of  
23 medical and prosthetic research and development as au-  
24 thorized by chapter 73 of title 38, United States Code,  
25 \$582,674,000 (reduced by \$35,000,000) (increased by

1 \$35,000,000), plus reimbursements, shall remain available  
2 until September 30, 2014.

3 NATIONAL CEMETERY ADMINISTRATION

4 For necessary expenses of the National Cemetery Ad-  
5 ministration for operations and maintenance, not other-  
6 wise provided for, including uniforms or allowances there-  
7 for; cemeterial expenses as authorized by law; purchase  
8 of one passenger motor vehicle for use in cemeterial oper-  
9 ations; hire of passenger motor vehicles; and repair, alter-  
10 ation or improvement of facilities under the jurisdiction  
11 of the National Cemetery Administration, \$258,284,000,  
12 of which not to exceed \$25,828,000 shall remain available  
13 until September 30, 2014: *Provided*, That none of the  
14 funds under this heading may be used to expand the  
15 Urban Initiative project beyond those sites outlined in the  
16 fiscal year 2012 or previous budget submissions or any  
17 other rural strategy, other than the Rural Initiative in-  
18 cluded in the fiscal year 2013 budget submission, until  
19 the Secretary of Veterans Affairs submits to the Commit-  
20 tees on Appropriations of both Houses of Congress a strat-  
21 egy to serve the burial needs of veterans residing in rural  
22 and highly rural areas and that strategy has been ap-  
23 proved by the Committees: *Provided further*, That the  
24 strategy shall include: (1) A review of previous policies of  
25 the National Cemetery Administration regarding estab-

1 lishment of new national cemeteries, including whether the  
2 guidelines of the Administration for establishing national  
3 cemetery annexes remain valid; (2) Data identifying the  
4 number of and geographic areas where rural veterans are  
5 not currently served by national or existing State ceme-  
6 teries and identification of areas with the largest unserved  
7 populations, broken down by veterans residing in urban  
8 versus rural and highly rural; (3) Identification of the  
9 number of veterans who reside within the 75-mile radius  
10 of a cemetery that is limited to cremations or of a State  
11 cemetery which has residency restrictions, as well as an  
12 examination of how many communities that fall under a  
13 75-mile radius have an actual driving distance greater  
14 than 75 miles; (4) Reassessment of the gaps in service,  
15 factoring in the above conditions that limit rural and high-  
16 ly rural veteran burial options; (5) An assessment of the  
17 adequacy of the policy of the Administration on estab-  
18 lishing new cemeteries proposed in the fiscal year 2013  
19 budget request; (6) Recommendations for an appropriate  
20 policy on new national cemeteries to serve rural or highly  
21 rural areas; (7) Development of a national map showing  
22 the locations and number of all unserved veterans; and  
23 (8) A time line for the implementation of such strategy  
24 and cost estimates for using the strategy to establish new  
25 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-

1 ment requirements under section 543(f)(7) of the National  
2 Energy Conservation Policy Act (42 U.S.C. 8253(f)(7)).

3 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

4 ADMINISTRATION

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

22 INFORMATION TECHNOLOGY SYSTEMS

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses for information technology  
25 systems and telecommunications support, including devel-

1 opmental information systems and operational information  
2 systems; for pay and associated costs; and for the capital  
3 asset acquisition of information technology systems, in-  
4 cluding management and related contractual costs of said  
5 acquisitions, including contractual costs associated with  
6 operations authorized by section 3109 of title 5, United  
7 States Code, \$3,327,444,000, plus reimbursements: *Pro-*  
8 *vided*, That \$1,021,000,000 shall be for pay and associ-  
9 ated costs, of which not to exceed three percent of this  
10 amount shall remain available until September 30, 2014:  
11 *Provided further*, That \$1,812,045,000 shall be for oper-  
12 ations and maintenance, of which not to exceed seven per-  
13 cent of this amount shall remain available until September  
14 30, 2014: *Provided further*, That \$494,399,000 shall be  
15 for information technology systems development, mod-  
16 ernization, and enhancement, and shall remain available  
17 until September 30, 2014: *Provided further*, That amounts  
18 made available for information technology systems devel-  
19 opment, modernization, and enhancement may not be obli-  
20 gated or expended until the Secretary of Veterans Affairs  
21 or the Chief Information Officer of the Department of  
22 Veterans Affairs submits to the Committees on Appropria-  
23 tions of both Houses of Congress a certification of the  
24 amounts, in parts or in full, to be obligated and expended  
25 for each development project: *Provided further*, That

1 amounts made available for salaries and expenses, oper-  
2 ations and maintenance, and information technology sys-  
3 tems development, modernization, and enhancement may  
4 be transferred among the three subaccounts after the Sec-  
5 retary of Veterans Affairs requests from the Committees  
6 on Appropriations of both Houses of Congress the author-  
7 ity to make the transfer and an approval is issued: *Pro-*  
8 *vided further*, That amounts made available for the “Infor-  
9 mation technology systems” account for development,  
10 modernization, and enhancement may be transferred be-  
11 tween projects or to newly defined projects: *Provided fur-*  
12 *ther*, That no project may be increased or decreased by  
13 more than \$1,000,000 of cost prior to submitting a re-  
14 quest to the Committees on Appropriations of both Houses  
15 of Congress to make the transfer and an approval is  
16 issued, or absent a response, a period of 30 days has  
17 elapsed: *Provided further*, That the funds made available  
18 under this heading for information technology systems de-  
19 velopment, modernization, and enhancement, shall be for  
20 the projects, and in the amounts, specified under this  
21 heading in the report accompanying this Act: *Provided*  
22 *further*, That of the funds provided to develop an inte-  
23 grated Department of Defense –Department of Veterans  
24 Affairs (DOD-VA) integrated health record, not more  
25 than twenty-five percent shall be available for obligation

1 until the DOD-VA Interagency Program Office submits  
2 to the Committees on Appropriations of both Houses of  
3 Congress a completed fiscal year 2013 execution and  
4 spending plan and a long-term roadmap for the life of the  
5 project that includes, but is not limited to, the following:  
6 (a) annual and total spending for each Department; (b)  
7 a quarterly schedule of milestones for each Department  
8 over the life of the project; (c) detailed cost-sharing busi-  
9 ness rules; and (d) data standardization schedules between  
10 the Departments.

11 OFFICE OF INSPECTOR GENERAL

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

18 CONSTRUCTION, MAJOR PROJECTS

19 For constructing, altering, extending, and improving  
20 any of the facilities, including parking projects, under the  
21 jurisdiction or for the use of the Department of Veterans  
22 Affairs, or for any of the purposes set forth in sections  
23 316, 2404, 2406, and chapter 81 of title 38, United States  
24 Code, not otherwise provided for, including planning, ar-  
25 chitectural and engineering services, construction manage-

1 ment services, maintenance or guarantee period services  
2 costs associated with equipment guarantees provided  
3 under the project, services of claims analysts, offsite utility  
4 and storm drainage system construction costs, and site ac-  
5 quisition, where the estimated cost of a project is more  
6 than the amount set forth in section 8104(a)(3)(A) of title  
7 38, United States Code, or where funds for a project were  
8 made available in a previous major project appropriation,  
9 \$532,470,000, to remain available until September 30,  
10 2017, of which \$5,000,000 shall be to make reimburse-  
11 ments as provided in section 7108 of title 41, United  
12 States Code, for claims paid for contract disputes: *Pro-*  
13 *vided*, That except for advance planning activities, includ-  
14 ing needs assessments which may or may not lead to cap-  
15 ital investments, and other capital asset management re-  
16 lated activities, including portfolio development and man-  
17 agement activities, and investment strategy studies funded  
18 through the advance planning fund and the planning and  
19 design activities funded through the design fund, including  
20 needs assessments which may or may not lead to capital  
21 investments, and salaries and associated costs of the resi-  
22 dent engineers who oversee those capital investments  
23 funded through this account, and funds provided for the  
24 purchase of land for the National Cemetery Administra-  
25 tion through the land acquisition line item, none of the

1 funds made available under this heading shall be used for  
2 any project which has not been approved by the Congress  
3 in the budgetary process: *Provided further*, That funds  
4 made available under this heading for fiscal year 2013,  
5 for each approved project shall be obligated: (1) by the  
6 awarding of a construction documents contract by Sep-  
7 tember 30, 2013; and (2) by the awarding of a construc-  
8 tion contract by September 30, 2014: *Provided further*,  
9 That the Secretary of Veterans Affairs shall promptly sub-  
10 mit to the Committees on Appropriations of both Houses  
11 of Congress a written report on any approved major con-  
12 struction project for which obligations are not incurred  
13 within the time limitations established above.

14 CONSTRUCTION, MINOR PROJECTS

15 For constructing, altering, extending, and improving  
16 any of the facilities, including parking projects, under the  
17 jurisdiction or for the use of the Department of Veterans  
18 Affairs, including planning and assessments of needs  
19 which may lead to capital investments, architectural and  
20 engineering services, maintenance or guarantee period  
21 services costs associated with equipment guarantees pro-  
22 vided under the project, services of claims analysts, offsite  
23 utility and storm drainage system construction costs, and  
24 site acquisition, or for any of the purposes set forth in  
25 sections 316, 2404, 2406, and chapter 81 of title 38,

1 United States Code, not otherwise provided for, where the  
2 estimated cost of a project is equal to or less than the  
3 amount set forth in section 8104(a)(3)(A) of title 38,  
4 United States Code, \$607,530,000, to remain available  
5 until September 30, 2017, along with unobligated balances  
6 of previous “Construction, minor projects” appropriations  
7 which are hereby made available for any project where the  
8 estimated cost is equal to or less than the amount set forth  
9 in such section: *Provided*, That funds made available  
10 under this heading shall be for: (1) repairs to any of the  
11 nonmedical facilities under the jurisdiction or for the use  
12 of the Department which are necessary because of loss or  
13 damage caused by any natural disaster or catastrophe;  
14 and (2) temporary measures necessary to prevent or to  
15 minimize further loss by such causes.

16 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE  
17 FACILITIES

18 For grants to assist States to acquire or construct  
19 State nursing home and domiciliary facilities and to re-  
20 model, modify, or alter existing hospital, nursing home,  
21 and domiciliary facilities in State homes, for furnishing  
22 care to veterans as authorized by sections 8131 through  
23 8137 of title 38, United States Code, \$85,000,000, to re-  
24 main available until expended.



## 1 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

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

## 7 ADMINISTRATIVE PROVISIONS

## 8 (INCLUDING TRANSFER OF FUNDS)

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

## 19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 202. Amounts made available for the Depart-  
21 ment of Veterans Affairs for fiscal year 2013, in this Act  
22 or any other Act, under the “Medical services”, “Medical  
23 support and compliance”, and “Medical facilities” ac-  
24 counts may be transferred among the accounts: *Provided*,  
25 That any transfers between the “Medical services” and

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

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

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

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

17       SEC. 206. Appropriations available in this title for  
18 “Compensation and pensions”, “Readjustment benefits”,  
19 and “Veterans insurance and indemnities” shall be avail-  
20 able for payment of prior year accrued obligations re-  
21 quired to be recorded by law against the corresponding  
22 prior year accounts within the last quarter of fiscal year  
23 2012.

24       SEC. 207. Appropriations available in this title shall  
25 be available to pay prior year obligations of corresponding

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

6 (INCLUDING TRANSFER OF FUNDS)

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

1 reimbursement shall be made only to the extent of such  
2 surplus earnings: *Provided further*, That the Secretary  
3 shall determine the cost of administration for fiscal year  
4 2013 which is properly allocable to the provision of each  
5 such insurance program and to the provision of any total  
6 disability income insurance included in that insurance pro-  
7 gram.

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

13                   (INCLUDING TRANSFER OF FUNDS)

14       SEC. 210. Funds available in this title or funds for  
15 salaries and other administrative expenses shall also be  
16 available to reimburse the Office of Resolution Manage-  
17 ment of the Department of Veterans Affairs and the Of-  
18 fice of Employment Discrimination Complaint Adjudica-  
19 tion under section 319 of title 38, United States Code,  
20 for all services provided at rates which will recover actual  
21 costs but not to exceed \$42,904,000 for the Office of Reso-  
22 lution Management and \$3,360,000 for the Office of Em-  
23 ployment and Discrimination Complaint Adjudication:  
24 *Provided*, That payments may be made in advance for  
25 services to be furnished based on estimated costs: *Provided*

1 *further*, That amounts received shall be credited to the  
2 “General administration” and “Information technology  
3 systems” accounts for use by the office that provided the  
4 service.

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

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

1 Secretary during the fiscal year in which amounts are re-  
2 ceived.

3 (INCLUDING TRANSFER OF FUNDS)

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

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

17 (1) for furnishing recreational facilities, sup-  
18 plies, and equipment; and

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

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 215. Such sums as may be deposited to the  
24 Medical Care Collections Fund pursuant to section 1729A  
25 of title 38, United States Code, may be transferred to

1 “Medical services”, to remain available until expended for  
2 the purposes of that account.

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



1 (INCLUDING TRANSFER OF FUNDS)

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

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

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

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 220. Amounts made available under the “Med-  
19 ical services”, “Medical support and compliance”, “Med-  
20 ical facilities”, “General operating expenses, Veterans  
21 Benefits Administration”, “General administration”, and  
22 “National Cemetery Administration” accounts for fiscal  
23 year 2013, may be transferred to or from the “Informa-  
24 tion technology systems” account: *Provided*, That before  
25 a transfer may take place, the Secretary of Veterans Af-

1   fairs shall request from the Committees on Appropriations  
2   of both Houses of Congress the authority to make the  
3   transfer and an approval is issued.

4           SEC. 221. Of the amounts made available to the De-  
5   partment of Veterans Affairs for fiscal year 2013, in this  
6   Act or any other Act, under the “Medical facilities” ac-  
7   count for nonrecurring maintenance, not more than 20  
8   percent of the funds made available shall be obligated dur-  
9   ing the last 2 months of that fiscal year: *Provided*, That  
10  the Secretary may waive this requirement after providing  
11  written notice to the Committees on Appropriations of  
12  both Houses of Congress.

13                           (INCLUDING TRANSFER OF FUNDS)

14           SEC. 222. Of the amounts appropriated to the De-  
15  partment of Veterans Affairs for fiscal year 2013 for  
16  “Medical services”, “Medical support and compliance”,  
17  “Medical facilities”, “Construction, minor projects”, and  
18  “Information technology systems”, up to \$247,356,000,  
19  plus reimbursements, may be transferred to the Joint De-  
20  partment of Defense-Department of Veterans Affairs  
21  Medical Facility Demonstration Fund, established by sec-  
22  tion 1704 of the National Defense Authorization Act for  
23  Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571)  
24  and may be used for operation of the facilities designated  
25  as combined Federal medical facilities as described by sec-

1 tion 706 of the Duncan Hunter National Defense Author-  
2 ization Act for Fiscal Year 2009 (Public Law 110–417;  
3 122 Stat. 4500): *Provided*, That additional funds may be  
4 transferred from accounts designated in this section to the  
5 Joint Department of Defense-Department of Veterans Af-  
6 fairs Medical Facility Demonstration Fund upon written  
7 notification by the Secretary of Veterans Affairs to the  
8 Committees on Appropriations of both Houses of Con-  
9 gress.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 223. Such sums as may be deposited to the  
12 Medical Care Collections Fund pursuant to section 1729A  
13 of title 38, United States Code, for health care provided  
14 at facilities designated as combined Federal medical facili-  
15 ties as described by section 706 of the Duncan Hunter  
16 National Defense Authorization Act for Fiscal Year 2009  
17 (Public Law 110–417; 122 Stat. 4500) shall also be avail-  
18 able: (1) for transfer to the Joint Department of Defense-  
19 Department of Veterans Affairs Medical Facility Dem-  
20 onstration Fund, established by section 1704 of the Na-  
21 tional Defense Authorization Act for Fiscal Year 2010  
22 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-  
23 ations of the facilities designated as combined Federal  
24 medical facilities as described by section 706 of the Dun-

1 can Hunter National Defense Authorization Act for Fiscal  
2 Year 2009 (Public Law 110–417; 122 Stat. 4500).

3 (INCLUDING TRANSFER OF FUNDS)

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

12 (INCLUDING RESCISSIONS OF FUNDS)

13 SEC. 225. (a) Of the funds appropriated in title II  
14 of division H of Public Law 112–74, the following  
15 amounts which became available on October 1, 2012, are  
16 hereby rescinded from the following accounts in the  
17 amounts specified:

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

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

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

24 (b) In addition to amounts provided elsewhere in this  
25 Act, an additional amount is appropriated to the following

1 accounts in the amounts specified to remain available until  
2 September 30, 2014:

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

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

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

9 SEC. 226. The Secretary of the Department of Vet-  
10 erans Affairs shall notify the Committees on Appropria-  
11 tions of both Houses of Congress of all bid savings in  
12 major construction projects that total at least \$5,000,000,  
13 or 5 percent of the programmed amount of the project,  
14 whichever is less: *Provided*, That such notification shall  
15 occur within 14 days of a contract identifying the pro-  
16 grammed amount: *Provided further*, That the Secretary  
17 shall notify the committees 14 days prior to the obligation  
18 of such bid savings and shall describe the anticipated use  
19 of such savings.

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

1        SEC. 228. The Secretary of the Department of Vet-  
2 erans Affairs shall provide on a quarterly basis to the  
3 Committees on Appropriations of both Houses of Congress  
4 notification of any single national outreach and awareness  
5 marketing campaign in which obligations exceed  
6 \$2,000,000.

7        SEC. 229. The Secretary of the Department of Vet-  
8 erans Affairs shall include in the sufficiency letter re-  
9 quired by section 117(d) of title 38, United States Code,  
10 that is due to the Congress on July 31 of each year a  
11 description of any changes exceeding \$250,000,000 in  
12 funding requirements for the Medical Services account re-  
13 sulting from the spring recalculation of the Enrollee  
14 Healthcare Projection Model. Any such revised data shall  
15 not be modified to align with the pending budget request.

16        SEC. 230. The Secretary of the Department of Vet-  
17 erans Affairs shall submit a reprogramming request to the  
18 Committees on Appropriations of both Houses of Congress  
19 whenever a change of ten percent or more is proposed in  
20 funding for the current year or advance year in the Med-  
21 ical Services initiatives listed in the Congressional submis-  
22 sion. Such reprogramming may only go forward if the  
23 Committees have approved the request or if a period of  
24 fourteen days has elapsed.

1 (INCLUDING RESCISSIONS OF FUNDS)

2 SEC. 231. Of the discretionary funds made available  
3 in Public Law 112–74 to the Department of Veterans Af-  
4 fairs for fiscal year 2013, \$62,924,000 are rescinded from  
5 “Medical services”, \$12,737,000 are rescinded from  
6 “Medical support and compliance”, and \$5,593,000 are  
7 rescinded from “Medical facilities”. Amounts rescinded in  
8 this section shall be derived from amounts that would oth-  
9 erwise have been available for the increase in civilian pay  
10 for fiscal year 2013 proposed in the President’s request.

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

15 (1) “Veterans Health Administration--Medical  
16 and prosthetic research”, \$809,000.

17 (2) “National Cemetery Administration”,  
18 \$360,000.

19 (3) “Departmental Administration—General  
20 administration”, \$1,575,000.

21 (4) “Departmental Administration--General op-  
22 erating expenses, Veterans Benefits Administra-  
23 tion”, \$6,100,000.

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





## 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, \$31,187,000 *Provided*, That  
14 \$2,726,000 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, as authorized by law, for  
22 maintenance, operation, and improvement of Arlington  
23 National Cemetery and Soldiers' and Airmen's Home Na-  
24 tional Cemetery, including the purchase or lease of pas-  
25 senger motor vehicles for replacement on a one-for-one

1 basis only, and not to exceed \$1,000 for official reception  
2 and representation expenses, \$173,733,000, to remain  
3 available until expended, of which, not less than  
4 \$84,000,000 shall be for the Millennium Project. In addi-  
5 tion, such sums as may be necessary for parking mainte-  
6 nance, repairs and replacement, to be derived from the  
7 “Lease of Department of Defense Real Property for De-  
8 fense Agencies” account. Funds appropriated under this  
9 Act may be provided to Arlington County, Virginia, for  
10 the relocation of the federally owned water main at Arling-  
11 ton National Cemetery making additional land available  
12 for ground burials.

13                   ARMED FORCES RETIREMENT HOME

14                                   TRUST FUND

15       For expenses necessary for the Armed Forces Retire-  
16 ment Home to operate and maintain the Armed Forces  
17 Retirement Home—Washington, District of Columbia,  
18 and the Armed Forces Retirement Home—Gulfport, Mis-  
19 sissippi, to be paid from funds available in the Armed  
20 Forces Retirement Home Trust Fund, \$67,590,000, of  
21 which \$2,000,000 shall remain available until expended  
22 for construction and renovation of the physical plants at  
23 the Armed Forces Retirement Home—Washington, Dis-  
24 trict of Columbia, and the Armed Forces Retirement  
25 Home—Gulfport, Mississippi.

1 TITLE IV  
2 OVERSEAS CONTINGENCY OPERATIONS

3 DEPARTMENT OF DEFENSE

4 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

5 For an additional amount for “Military Construction,  
6 Navy and Marine Corps”, \$150,768,000, to remain avail-  
7 able until September 30, 2013: *Provided*, That such  
8 amount is designated by the Congress for Overseas Con-  
9 tingency Operations/Global War on Terrorism pursuant to  
10 section 251(b)(2)(A)(ii) of the Balanced Budget and  
11 Emergency Deficit Control Act of 1985.

12 ADMINISTRATIVE PROVISIONS

13 (INCLUDING RESCISSION OF FUNDS)

14 SEC. 401. Of the unobligated balances in section  
15 2005 in title X, of Public Law 112–10 and division H  
16 in title IV of Public Law 112–74, \$150,768,000 are here-  
17 by rescinded: *Provided*, That such amount is designated  
18 by the Congress for Overseas Contingency Operations/  
19 Global War on Terrorism pursuant to section  
20 251(b)(2)(A)(ii) of the Balanced Budget and Emergency  
21 Deficit Control Act of 1985.

22 SEC. 402. Availability of funds.—Each amount des-  
23 igned in this Act by the Congress for Overseas Contin-  
24 gency Operations/Global War on Terrorism pursuant to  
25 section 251(b)(2)(A)(ii) of the Balanced Budget and

1 Emergency Deficit Control Act of 1985 shall be available  
2 (or rescinded, if applicable) only if the President subse-  
3 quently so designates all such amounts and transmits such  
4 designations to the Congress.

5

## TITLE V

6

## GENERAL PROVISIONS

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

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

17 SEC. 503. No part of any funds appropriated in this  
18 Act shall be used by an agency of the executive branch,  
19 other than for normal and recognized executive-legislative  
20 relationships, for publicity or propaganda purposes, and  
21 for the preparation, distribution, or use of any kit, pam-  
22 phlet, booklet, publication, radio, television, or film presen-  
23 tation designed to support or defeat legislation pending  
24 before Congress, except in presentation to Congress itself.

1        SEC. 504. All departments and agencies funded under  
2 this Act are encouraged, within the limits of the existing  
3 statutory authorities and funding, to expand their use of  
4 “E-Commerce” technologies and procedures in the con-  
5 duct of their business practices and public service activi-  
6 ties.

7        SEC. 505. Unless stated otherwise, all reports and no-  
8 tifications required by this Act shall be submitted to the  
9 Subcommittee on Military Construction and Veterans Af-  
10 fairs, and Related Agencies of the Committee on Appro-  
11 priations of the House of Representatives and the Sub-  
12 committee on Military Construction and Veterans Affairs,  
13 and Related Agencies of the Committee on Appropriations  
14 of the Senate.

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

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

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

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

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

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

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

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

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

24        SEC. 510. None of the funds made available in this  
25 Act may be distributed to the Association of Community

1 Organizations for Reform Now (ACORN) or its subsidi-  
2 aries or successors.

3 SEC. 511. None of the funds appropriated or other-  
4 wise made available in this Act may be used by an agency  
5 of the executive branch to exercise the power of eminent  
6 domain (to take the private property for public use) with-  
7 out the payment of just compensation.

8 SEC. 512. (a) IN GENERAL.—None of the funds ap-  
9 propriated or otherwise made available to the Department  
10 of Defense in this Act may be used to construct, renovate,  
11 or expand any facility in the United States, its territories,  
12 or possessions to house any individual detained at United  
13 States Naval Station, Guantanamo Bay, Cuba, for the  
14 purposes of detention or imprisonment in the custody or  
15 under the control of the Department of Defense.

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

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

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

25 (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, Guantanamo Bay, Cuba.

5 SEC. 513. None of the funds appropriated or other-  
6 wise made available in this Act may be used by an agency  
7 of the executive branch to pay for first-class travel by an  
8 employee of the agency in contravention of sections 301–  
9 10.122 through 301–10.124 of title 41, Code of Federal  
10 Regulations.

11 SEC. 514. None of the funds provided in this Act may  
12 be used to execute a contract for goods or services, includ-  
13 ing construction services, where the contractor has not  
14 complied with Executive Order No. 12989.

15 SEC. 515. None of the funds made available by this  
16 Act may be used to enter into a contract, memorandum  
17 of understanding, or cooperative agreement with, make a  
18 grant to, or provide a loan or loan guarantee to any cor-  
19 poration that was convicted (or had an officer or agent  
20 of such corporation acting on behalf of the corporation  
21 convicted) of a felony criminal violation under any Federal  
22 law within the preceding 24 months, where the awarding  
23 agency is aware of the conviction, unless the agency has  
24 considered suspension or debarment of the corporation, or  
25 such officer or agent, and made a determination that this



1 further action is not necessary to protect the interests of  
2 the Government.

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

17                               SPENDING REDUCTION ACCOUNT

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

23       SEC. 518. 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 that term is defined in section  
8 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).

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

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

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

23       SEC. 522. None of the funds made available by this  
24 Act shall be available to enforce section 526 of the Energy

1 Independence and Security Act of 2007 (Public Law 110–  
2 140; 42 U.S.C. 17142).

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

10 SEC. 524. None of the funds made available by this  
11 Act may be used by the Secretary of Veterans Affairs to  
12 pay a performance award under section 5384 of title 5,  
13 United States Code.

14 This Act may be cited as the “Military Construction  
15 and Veterans Affairs and Related Agencies Appropriations  
16 Act, 2013”.

Passed the House of Representatives May 31, 2012.

Attest:

KAREN L. HAAS,

*Clerk.*

Calendar No. 421

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 5854**

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**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.

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JUNE 5, 2012

Received: read twice and placed on the calendar