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

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $1,684,323,000, to remain available until September 30, 2017: Provided, That of this amount, not to exceed $80,173,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and
Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,650,240,000, to remain available until September 30, 2017: Provided, That of this amount, not to exceed $102,619,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $322,543,000, to remain available until September 30, 2017: Provided, That of this amount, not to exceed $18,635,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.
MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $3,442,123,000, to remain available until September 30, 2017: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That of the amount appropriated, not to exceed $315,562,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: Provided further, That of the amount appropriated, notwithstanding any other provision of law, $26,969,000 shall be available for payments to the North
Atlantic Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters.

Military Construction, Army National Guard

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $613,799,000, to remain available until September 30, 2017: Provided, That of the amount appropriated, not to exceed $26,622,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

Military Construction, Air National Guard

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $42,386,000, to remain available until September
30, 2017: Provided, That of the amount appropriated, not
to exceed $4,000,000 shall be available for study, plan-
ing, design, and architect and engineer services, as au-
thorized by law, unless the Director of the Air National
Guard determines that additional obligations are nec-
essary for such purposes and notifies the Committees on
Appropriations of both Houses of Congress of the deter-
mination and the reasons therefor.

MILITARY CONSTRUCTION, ARMY RESERVE

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

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilita-
tion, and conversion of facilities for the training and ad-
ministration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $49,532,000, to remain available until September 30, 2017: Provided, That of the amount appropriated, not to exceed $2,118,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $10,979,000, to remain available until September 30, 2017: Provided, That of the amount appropriated, not to exceed $2,879,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve 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.

NORTH ATLANTIC TREATY ORGANIZATION

SECURITY INVESTMENT PROGRAM

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

FAMILY HOUSING CONSTRUCTION, ARMY

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

FAMILY HOUSING OPERATION AND MAINTENANCE,

ARMY

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

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

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

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

**FAMILY HOUSING OPERATION AND MAINTENANCE,**

DEFENSE-WIDE

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

**DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND**

For the Department of Defense Family Housing Improvement Fund, $1,786,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

**CHEMICAL DEMILITARIZATION CONSTRUCTION,**

DEFENSE-WIDE

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

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT
1990

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

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT
2005

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

ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

   Sec. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.
SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

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

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

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

(INCLUDING TRANSFER OF FUNDS)

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

(TRANSFER OF FUNDS)

SEC. 119. Subject to 30 days prior notification, or
14 days for a notification provided in an electronic me-
dium pursuant to sections 480 and 2883 of title 10,
United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.
Sec. 120. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

Sec. 121. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact
notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 122. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 123. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–
510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of canceling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: Provided, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.
Sec. 124. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation “Foreign Currency Fluctuations, Construction, Defense”, to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

Sec. 125. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of February 2009, as in effect on the date of enactment of this Act.
SEC. 126. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

TITLE II

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

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

READJUSTMENT BENEFITS

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

VETERANS INSURANCE AND INDEMNITIES

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

VETERANS HOUSING BENEFIT PROGRAM FUND

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

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

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

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

In addition, for administrative expenses necessary to carry out the direct loan program, $346,000, which may be paid to the appropriation for “General operating expenses, Veterans Benefits Administration”.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

ACCOUNT

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

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bioengineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, aid to
State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, and loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note); $155,000,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2012; and in addition, $43,557,000,000, plus reimbursements, shall become available on October 1, 2013, and shall remain available until September 30, 2014: Provided, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by
the Secretary: Provided further, That the implementation
of the program described in the previous proviso shall
incur no additional cost to the Department of Veterans
Affairs.

MEDICAL SUPPORT AND COMPLIANCE

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

MEDICAL FACILITIES

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

MEDICAL AND PROSTHETIC RESEARCH

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

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $258,284,000,
of which not to exceed $25,828,000 shall remain available until September 30, 2014.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $424,737,000, of which not to exceed $20,837,000 shall remain available until September 30, 2014: Provided, That the Board of Veterans Appeals shall be funded at not less than $86,006,000: Provided further, That funds provided under this heading may be transferred to “General operating expenses, Veterans Benefits Administration”.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

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

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology
systems and telecommunications support, including devel-
velopmental information systems and operational information
systems; for pay and associated costs; and for the capital
asset acquisition of information technology systems, in-
including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $3,327,444,000, plus reimbursements: Provided, That $1,021,000,000 shall be for pay and associated costs, of which not to exceed $30,630,000 shall remain available until September 30, 2014: Provided further, That $1,812,045,000 shall be for operations and maintenance, of which not to exceed $181,204,500 shall remain available until September 30, 2014: Provided further, That $494,399,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2014: Provided further, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: Provided further, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three sub-
accounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the report accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $115,000,000, of which $6,000,000 shall remain available until September 30, 2014.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility
and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $532,470,000, to remain available until expended, of which $5,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 7108) for claims paid for contract disputes: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: Provided further,
That funds made available under this heading for fiscal
year 2013, for each approved project shall be obligated:
(1) by the awarding of a construction documents contract
by September 30, 2013; and (2) by the awarding of a con-
struction contract by September 30, 2014: Provided fur-
ther, That the Secretary of Veterans Affairs shall prompt-
ly submit to the Committees on Appropriations of both
Houses of Congress a written report on any approved
major construction project for which obligations are not
incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

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

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

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

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

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

ADMINISTRATIVE PROVISIONS

(TRANSFER OF FUNDS)

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

(TRANSFER OF FUNDS)

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

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

Sec. 204. No appropriations in this title (except the
appropriations for “Construction, major projects”, and
“Construction, minor projects”) shall be available for the
purchase of any site for or toward the construction of any
new hospital or home.
SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the “Medical services” account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2012.

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

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

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

(TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $42,904,000 for the Office of Resolution Management and $3,360,000 for the Office of Employment and Discrimination Complaint Adjudication: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the “General administration” and “Information technology systems” accounts for use by the office that provided the service.
SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than $1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.
Sec. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the “Construction, major projects” and “Construction, minor projects” accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in “Construction, major projects” and “Construction, minor projects”.

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

(1) for furnishing recreational facilities, supplies, and equipment; and

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

Sec. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to “Medical services”, to remain available until expended for the purposes of that account: Provided, That, for fiscal
year 2013, $200,000,000 deposited in the Department of Veterans Affairs Medical Care Collections Fund shall be transferred to “Medical facilities”, to remain available until expended, for non-recurring maintenance at existing Veterans Health Administration medical facilities.

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

(INCLUDING TRANSFER OF FUNDS)

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

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

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

(TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the “Med-
ical services”, “Medical support and compliance”, “Med-
ical facilities”, “General operating expenses, Veterans
Benefits Administration”, “General administration”, and
“National Cemetery Administration” accounts for fiscal
year 2013, may be transferred to or from the “Informa-
tion technology systems” account: Provided, That before
a transfer may take place, the Secretary of Veterans Af-
fairs shall request from the Committees on Appropriations
of both Houses of Congress the authority to make the
transfer and an approval is issued.

(TRANSFER OF FUNDS)

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

Sec. 222. None of the funds appropriated or other-
wise made available by this Act or any other Act for the
Department of Veterans Affairs may be used in a manner
that is inconsistent with: (1) section 842 of the Transpor-
tation, Treasury, Housing and Urban Development, the
Judiciary, the District of Columbia, and Independent
Agencies Appropriations Act, 2006 (Public Law 109–115;
119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
United States Code.
SEC. 223. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2013, in this Act or any other Act, under the “Medical facilities” account for nonrecurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: Provided, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

(TRANSFER OF FUNDS)

SEC. 224. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2013 for “Medical services”, “Medical support and compliance”, “Medical facilities”, “Construction, minor projects”, and “Information technology systems”, up to $247,356,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): Provided, That additional funds may be
transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

Sec. 225. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).
Sec. 226. Of the amounts available in this title for “Medical services”, “Medical support and compliance”, and “Medical facilities”, a minimum of $15,000,000 shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

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

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

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

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

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified to remain available until September 30, 2014:
(1) “Department of Veterans Affairs, Medical services”, $1,500,000,000.

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

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

SEC. 228. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in major construction projects that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: Provided, That such notification shall occur within 14 days of a contract identifying the programmed amount: Provided further, That the Secretary shall notify the committees 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

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

SEC. 230. None of the funds made available in this Act may be used to enter into a contract using procedures that do not give to small business concerns owned and con-
trolled by veterans (as that term is defined in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)) that are included in the database under section 8127(f) of title 38, United States Code, any preference available with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veterans (as defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).

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

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

(1) in paragraph (1), by striking “The Secretary shall pay each State home for nursing home care at the rate determined under paragraph (2)” and inserting “The Secretary shall enter into a contract (or agreement under section 1720(c)(1) of this title) with each State home for payment by the Secretary for nursing home care provided in the home”; and

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

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

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

(1) in clause (i), by striking “; and” and inserting a semicolon;

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

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

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

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

(2) In the case of a State home that provided nursing home care on the day before the date of the enactment of this Act for which the State home was eligible for pay under section 1745(a)(1) of title 38, United States Code, at the request of any State home, the Secretary shall offer
to enter into a contract (or agreement described in such section) with such State home under such section, as amended by subsection (a), for payment for nursing home care provided by such State home under such section that reflects the overall methodology of reimbursement for such care that was in effect for such State home on the day before the date of the enactment of this Act.

TITLE III

RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $58,400,000, to remain available until expended.
FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

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

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers’ and Airmen’s Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed

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

CONSTRUCTION

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

ARMED FORCES RETIREMENT HOME

TRUST FUND

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

**ADMINISTRATIVE PROVISION**

Sec. 301. Funds appropriated in this Act under the heading, “Department of Defense—Civil, Cemeterial Expenses, Army”, may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery, making additional land available for ground burials.

**TITLE IV**

**GENERAL PROVISIONS**

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

Sec. 402. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.
SEC. 403. Such sums as may be necessary for fiscal year 2013 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

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

SEC. 405. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

SEC. 406. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs,
and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 407. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 408. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

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

(2) the report contains confidential or proprietary information.

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

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

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

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

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

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

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

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

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

SEC. 411. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency that are stationed within the United States at any single conference occurring outside a state of the United States, except for employees of the Department of Veterans Affairs stationed in the Philippines, unless the relevant Secretary reports to the Committees on Appropriations of both Houses of Congress at least 5 days in advance that such attendance is important to the national interest.

SEC. 412. (a) The head of any department, agency, board or commission funded by this Act shall submit quarterly reports to the Inspector General, or the senior ethics official for any entity without an inspector general, of the appropriate department, agency, board or commission regarding the costs and contracting procedures relating to each conference held by the department, agency, board or commission during fiscal year 2013 for which the cost to the Government was more than $20,000.
(b) Each report submitted under subsection (a) shall include, for each conference described in that subsection held during the applicable quarter—

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

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

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

and

(C) a discussion of the methodology used to determine which costs relate to that conference; and

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

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

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

(c) None of the funds made available in this Act may be used for travel and conference activities that are not in compliance with Office of Management and Budget memorandum M–12–12 dated May 11, 2012.
This Act may be cited as the “Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2013”.
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