There was no objection.

PERMISSION TO INCLUDE EXCHANGE OF LETTERS

Mr. ROGERS of Michigan. Mr. Speaker, I ask unanimous consent to include an exchange of letters with the chairman of the Committee on Homeland Security with respect to the bill at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, May 31, 2012.

Hon. PETER KING,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding certain intelligence and intelligence-related programs and/or activities of the Department of Homeland Security that are authorized in H.R. 5743, the Intelligence Authorization Act for Fiscal Year 2013.

While the Permanent Select Committee on Intelligence continues to authorize these programs and intelligence-related activities consistent with the legislative history describing the respective jurisdictions of the Permanent Select Committee on Intelligence and the Committee on Homeland Security (Congressional Record, January 4, 2005, page H25), I agree that certain elements of these activities could raise issues that would benefit from discussion amongst the Committees and the Department of Homeland Security with respect to the overall organization of the Department, and would be glad to discuss such issues.

As you asked, I will include a copy of your letter to me and this response in the Congressional Record during consideration of H.R. 5743 on the House floor.

Sincerely,

MIKE ROGERS,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,
Washington, DC, May 29, 2012.

Hon. MIKE ROGERS,
Chairman, House Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.

DEAR CHAIRMAN ROGERS: I am writing in regards to the Intelligence Authorization Act for Fiscal Year 2013 recently approved by the House Permanent Select Committee on Intelligence—specifically, the section of the legislation that authorizes the newly created Homeland Security Intelligence Program (HSIP) at the Department of Homeland Security (DHS).

As you know, the HSIP, in essence, consists of several activities within the Office of Intelligence and Analysis at DHS that the Director of National Intelligence has deemed should no longer be part of the National Intelligence Program (NIP). While the details of the program are classified, the creation of the HSIP raises new issues that are of mutual interest to our committees and requires further discussion between our staffs and clarification from DHS.

While those discussions are ongoing and will take time, I understand the importance of advancing this legislation to the House floor in an expeditious manner and I do not, in any way, wish to impede that from happening. However, given that there remains issues that our committees must work through with DHS—including how to best fund, organize, and budget certain HSIP activities—I respectfully request that we formally memorialize our mutual agreement to continue our dialogue regarding the HSIP as legislation moves forward as you approach a conference with the Senate.

I also request that this letter and your response be included in the House Permanent Select Committee report of this bill and in the Congressional Record during consideration of this measure on the House floor. Thank you for your attention to this matter.

Sincerely,

PETER T. KING,
Chairman.

MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5854, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 667 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5854.

The Chair appoints the gentlewoman from Michigan (Mrs. MILLER) to preside over the Committee of the Whole.

□ 1632

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5854) 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, with Mrs. MILLER of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. CULBERSON) and the gentleman from Georgia (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CULBERSON. Madam Chair, I yield myself such time as I may consume.

I know that my colleagues feel the same way I do that one of the most gratifying, most rewarding parts of this extraordinary job that we're entrusted with in addition to being guardians of the Treasury, to being good stewards of the public's business, is to do everything in our power to help ensure that our men and women in uniform have all that they need to do their job as they stand guard and over this Nation 24 hours a day, 7 days a week in every scary, dark corner of the world.

Today, Madam Chair, it's my privilege, with my good friend from Georgia (Mr. BISHOP), to lay before the House and ask for its approval the Military Construction and Veterans Affairs appropriations bill for 2013.

On our committee, we feel as though we are the peace of mind committee for the United States military. We want to ensure in the work that we do in the Military Construction and in Veterans Affairs that we have done everything we can to ensure that our men and women in uniform don't have any worries, that they don't have to worry about when they are in uniform; they don't have to worry about the quality of their barracks, their living conditions; they don't have to worry about the condition of the military facilities that they are living and working in.

We want to make sure that they have got everything that they need. The United States Navy, when it comes to piers or sub pens, or the Air Force for runways, or the Marine Corps or for the Army, we have done everything in this bill that the Pentagon has asked us to do and fully funded it in a way that's fiscally responsible, Madam Chair.

We have also taken care of our veterans, of our men and women in uniform when they leave the Armed Forces and become veterans, because they will spend most of their time out of the military, and we wanted to be sure that our Veterans Affairs Administration was fully funded, that they have got all the resources that they need in order to take care of our men's and women's health care needs, psychological and physical, and in a way that's fiscally responsible.

In this environment, Madam Chair, in this era of record debt and deficit, our subcommittee, along with the full Appropriations Committee, has done everything in our power to find ways to save money, to be good stewards of the public's precious, hard-earned tax dollars. And in our subcommittee, something we have done together in a bipartisan way, arm-in-arm, we have made sure to ferret out every unspent dollar from previous years that could be returned to taxpayers, to avoid spending increases while making sure that our men and women in uniform are taken care of while they are in uniform and also, as I say, when they leave active duty and become veterans under the care of the Department of Veterans Affairs.

We have, because of decreases, Madam Chair, of the Air Force, the Army, the Pentagon, our Armed Forces are reassessing their deployment needs around the world. We've seen a reduction this year in the level of spending requests for military construction around the world that enabled us to increase spending for the Department of Veterans Affairs while holding overall spending for this bill flat. That reflects not only our finding cost savings in various parts of the bill, but, in particular, the Air Force, among the branches of the service, asked for significantly less money this year.

But we have also taken into account in our legislation the pay freeze that is in place for the entire Federal Government. We have applied that to Federal civilian contractors working in the military construction field or for the VA.

We have also, Madam Chair, in our legislation, made sure that the VA uses their construction funds within 5 years. In the past, they simply could hold that money year after year after year; and we want to make sure that that money is used for the purpose that Congress intended it, and that is to build VA facilities.

We have been able to find savings in a variety of other areas, Madam Chair, all of which have permitted us to fully fund the request of the Pentagon in giving our Armed Forces around the world everything that they need to do their job without a worry in the world. If they are out there on watch, guarding the United States of America and protecting our liberty, our committee has made sure to give them as much peace of mind as possible.

Two other things I want to make sure to bring to the Members' attention that is extremely important.

At the Veterans Administration, for years there's been an effort to get a combined medical record. When you're in uniform, on active duty, you have got one set of medical records with the Department of Defense. Then when you enter the Veterans Administration, that medical record is not compatible with the computer systems or their recordkeeping systems at the Veterans Administration, which causes terrible inefficiencies and threatens lives, endangers the health of our men and women in uniform.

This committee has taken very seriously the task that Chairman ROGERS has charged us with to ensure that we move the Department of Defense and the Veterans Administration as rapidly as possible to a unified medical record. Then when our young men and women leave the active duty service, that medical record stays with them in the VA.

□ 1640

Finally, I want to also make sure to thank my good friend, SANFORD BISHOP from Georgia. It's been a privilege to work with Mr. BISHOP and his staff. We are blessed with an extraordinarily capable staff on this committee.

This bill, more than I think perhaps any other, Madam Chair, illustrates how unified the Congress is in support of our men and women in uniform. We have found common ground on every section of this bill, on every issue. We've worked together arm-in-arm to make certain that the men and women of the United States military can focus on their mission of protecting this great Nation with complete peace of mind, knowing that the Congress of the United States is behind them and will support them in all they do.

I reserve the balance of my time.

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2013 (H.R. 5854)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF DEFENSE					
Military construction, Army	3,006,491	1,923,323	1,820,323	-1,186,168	-103,000
Military construction, Navy and Marine Corps	2,112,823	1,701,985	1,551,217	-561,606	-150,768
Military construction, Air Force	1,227,058	388,200	388,200	-838,858	---
Military construction, Defense-Wide	3,431,957	3,654,623	3,569,623	+137,666	-85,000
Total, Active components	9,778,329	7,668,131	7,329,363	-2,448,966	-338,768
Military construction, Army National Guard	773,592	613,799	613,799	-159,793	---
Military construction, Air National Guard	116,246	42,386	42,386	-73,860	---
Military construction, Army Reserve	280,549	305,846	305,846	+25,297	---
Military construction, Navy Reserve	26,299	49,532	49,532	+23,233	---
Military construction, Air Force Reserve	33,620	10,979	10,979	-22,641	---
Total, Reserve components	1,230,306	1,022,542	1,022,542	-207,764	---
Total, Military construction	11,008,635	8,690,673	8,351,905	-2,656,730	-338,768
North Atlantic Treaty Organization Security Investment Program	247,611	254,163	254,163	+6,552	---
Family housing construction, Army	176,897	4,641	4,641	-172,256	---
Family housing operation and maintenance, Army	493,458	530,051	530,051	+36,593	---
Family housing construction, Navy and Marine Corps	100,972	102,182	102,182	+1,210	---
Family housing operation and maintenance, Navy and Marine Corps	367,863	378,230	378,230	+10,367	---
Family housing construction, Air Force	60,042	83,824	83,824	+23,782	---
Family housing operation and maintenance, Air Force	429,523	497,829	497,829	+68,306	---
Family housing operation and maintenance, Defense-Wide	50,723	52,238	52,238	+1,515	---
Department of Defense Family Housing Improvement Fund	2,184	1,786	1,786	-398	---
Homeowners assistance fund	1,284	---	---	-1,284	---
Total, Family housing	1,682,946	1,650,781	1,650,781	-32,165	---
Chemical demilitarization construction, Defense-Wide	75,312	151,000	151,000	+75,688	---
Base realignment and closure:					
Base realignment and closure account, 1990	323,543	349,396	349,396	+25,853	---
Base realignment and closure account, 2005	258,776	126,697	126,697	-132,079	---
Rescission	---	---	---	---	---
Total	258,776	126,697	126,697	-132,079	---
Total, Base realignment and closure	582,319	476,093	476,093	-106,226	---
Rescission (Sec. 127):					
Military Construction, Army	-100,000	---	---	+100,000	---
Military Construction, Navy and Marine Corps	-25,000	---	---	+25,000	---
Military Construction, Air Force	-32,000	---	---	+32,000	---
Military Construction, Defense-Wide	-131,400	---	-20,000	+111,400	-20,000
Rescission (Sec. 128):					
Base Realignment and Closure, 2005	-258,776	---	-212,291	+46,485	-212,291
Rescission (Sec. 129):					
Civilian pay raise reduction	---	---	-2,334	-2,334	-2,334
Total, title I, Department of Defense	13,049,647	11,222,710	10,649,317	-2,400,330	-573,393
Appropriations	(13,596,823)	(11,222,710)	(10,883,942)	(-2,712,881)	(-338,768)
Rescissions	(-547,176)	---	(-234,625)	(+312,551)	(-234,625)

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2013 (H.R. 5854)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE II - DEPARTMENT OF VETERANS AFFAIRS					
Veterans Benefits Administration					
Compensation and pensions	51,237,567	61,741,232	61,741,232	+10,503,665	---
Readjustment benefits	12,108,488	12,607,476	12,607,476	+498,988	---
Veterans insurance and indemnities	100,252	104,600	104,600	+4,348	---
Veterans housing benefit program fund					
(indefinite)	318,612	184,859	184,859	-133,753	---
(Limitation on direct loans)	(500)	(500)	(500)	---	---
Administrative expenses	154,698	157,814	157,814	+3,116	---
Vocational rehabilitation loans program account	19	19	19	---	---
(Limitation on direct loans)	(3,019)	(2,729)	(2,729)	(-290)	---
Administrative expenses	343	346	346	+3	---
Native American veteran housing loan program account	1,116	1,089	1,089	-27	---
Total, Veterans Benefits Administration	63,921,095	74,797,435	74,797,435	+10,876,340	---
Veterans Health Administration					
Medical services:					
Advance from prior year	(39,649,985)	(41,354,000)	(41,354,000)	(+1,704,015)	---
Current year request	---	165,000	---	---	-165,000
Advance appropriation, FY 2014	41,354,000	43,557,000	43,557,000	+2,203,000	---
Subtotal	41,354,000	43,722,000	43,557,000	+2,203,000	-165,000
Medical support and compliance:					
Advance from prior year	(5,535,000)	(5,746,000)	(5,746,000)	(+211,000)	---
Advance appropriation, FY 2014	5,746,000	6,033,000	6,033,000	+287,000	---
Subtotal	5,746,000	6,033,000	6,033,000	+287,000	---
Medical facilities:					
Advance from prior year	(5,426,000)	(5,441,000)	(5,441,000)	(+15,000)	---
Advance appropriation, FY 2014	5,441,000	4,872,000	4,872,000	-569,000	---
Subtotal	5,441,000	4,872,000	4,872,000	-569,000	---
Medical and prosthetic research	581,000	582,674	582,674	+1,674	---
Medical care cost recovery collections:					
Offsetting collections	-3,326,000	-2,527,000	-2,527,000	+799,000	---
Appropriations (indefinite)	3,326,000	2,527,000	2,527,000	-799,000	---
DoD-VA Joint Medical Funds (transfers out)	---	(-280,000)	(-280,000)	(-280,000)	---
DoD-VA Joint Medical Funds (by transfer)	---	(280,000)	(280,000)	(+280,000)	---
Total, Veterans Health Administration	53,122,000	55,209,674	55,044,674	+1,922,674	-165,000
Appropriations	(581,000)	(747,674)	(582,674)	(+1,674)	(-165,000)
Advance from prior year	(50,610,985)	(52,541,000)	(52,541,000)	(+1,930,015)	---
Advance appropriations, FY 2014	(52,541,000)	(54,462,000)	(54,462,000)	(+1,921,000)	---
National Cemetery Administration					
National Cemetery Administration	250,934	258,284	258,284	+7,350	---
Departmental Administration					
General administration	416,737	416,737	416,737	---	---
General operating expenses, VBA	2,018,764	2,164,074	2,164,074	+145,310	---
Information technology systems	3,111,376	3,327,444	3,327,444	+216,068	---
Office of Inspector General	112,391	113,000	113,000	+609	---
Construction, major projects	589,604	532,470	532,470	-57,134	---
Construction, minor projects	482,386	607,530	607,530	+125,144	---

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2013 (H.R. 5854)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
Grants for construction of State extended care facilities	85,000	85,000	85,000	---	---
Grants for the construction of veterans cemeteries	46,000	46,000	46,000	---	---
Total, Departmental Administration	6,862,258	7,292,255	7,292,255	+429,997	---
General provision- block pay raise COLA (both advance and current)	---	---	-93,798	-93,798	-93,798
Total, title II	124,156,287	137,557,648	137,298,850	+13,142,563	-258,798
Appropriations	(71,615,287)	(83,095,648)	(82,836,850)	(+11,221,563)	(-258,798)
Advance from prior year	(50,610,985)	(52,541,000)	(52,541,000)	(+1,930,015)	---
Advance appropriations, FY 2014	(52,541,000)	(54,462,000)	(54,462,000)	(+1,921,000)	---
(Limitation on direct loans)	(3,519)	(3,229)	(3,229)	(-290)	---
Discretionary	(60,391,368)	(62,919,481)	(62,660,683)	(+2,269,315)	(-258,798)
Mandatory	(63,764,919)	(74,638,167)	(74,638,167)	(+10,873,248)	---
TITLE III - RELATED AGENCIES					
American Battle Monuments Commission					
Salaries and expenses	61,100	58,400	59,290	-1,810	+890
Foreign currency fluctuations account	16,000	15,200	15,200	-800	---
Total, American Battle Monuments Commission	77,100	73,600	74,490	-2,610	+890
U.S. Court of Appeals for Veterans Claims					
Salaries and expenses	30,770	32,481	31,187	+417	-1,294
Department of Defense - Civil					
Cemeterial Expenses, Army					
Salaries and expenses	45,800	45,800	173,733	+127,933	+127,933
Armed Forces Retirement Home - Trust Fund					
Operation and maintenance	65,700	65,590	65,590	-110	---
Capital program	2,000	2,000	2,000	---	---
Armed Forces Retirement Home - General Fund					
Capital program	14,630	---	---	-14,630	---
Total, Armed Forces Retirement Home	82,330	67,590	67,590	-14,740	---
Total, title III	236,000	219,471	347,000	+111,000	+127,529
TITLE IV - OVERSEAS CONTINGENCY OPERATIONS					
Military Construction, Army	80,000	---	---	-80,000	---
Military Construction, Navy and Marine Corps	189,703	---	150,768	-38,935	+150,768
Rescission (P.L. 112-10 and P.L. 112-74)	-269,703	---	-150,768	+118,935	-150,768
Total, title IV	---	---	---	---	---

Military Construction - Veterans Affairs - and Related Agencies Appropriations Act - FY 2013 (H.R. 5854)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
Grand total	137,441,934	148,999,829	148,295,167	+10,853,233	-704,662
Appropriations	(85,448,110)	(94,537,829)	(94,067,792)	(+8,619,682)	(-470,037)
Rescissions	(-547,176)	---	(-234,625)	(+312,551)	(-234,625)
Advances from prior year	(50,610,985)	(52,541,000)	(52,541,000)	(+1,930,015)	---
Advance appropriations, FY 2014	(52,541,000)	(54,462,000)	(54,462,000)	(+1,921,000)	---
Overseas contingency operations	---	---	---	---	---
(By transfer)	---	(280,000)	(280,000)	(+280,000)	---
(Transfer out)	---	(-280,000)	(-280,000)	(-280,000)	---
(Limitation on direct loans)	(3,519)	(3,229)	(3,229)	(-290)	---

Mr. BISHOP of Georgia. I yield myself such time as I may consume.

Madam Chairman, as you know, the allocation provides $71.7 billion for the FY 2012 Milcon-VA bill, which is equal to the FY12 enacted bill. In my opinion, the allocation is what we could have expected if the Republicans would have stuck to the bipartisan agreement that established $1.047 as the committee's allocation.

I've stated at every step of this process that I strongly disagree with the path that the majority has chosen to take. I just want to point out that the $1.028 trillion allocation puts House Republicans at odds with House Democrats, Senate Democrats, Senate Republicans, and the White House. In fact, the Statement of Administration Policy recommends a veto of this bill because the overall 302(a) allocation fails to stick to the framework established by the Budget Control Act. I believe the lower allocation does nothing but slow down the appropriations process, and if it stands, will stall economic growth and impede job creation.

With that being said, I'm pleased to join Chairman CULBERSON as the House takes up the fiscal year 2013 appropriations bill for Military Construction, Veterans Affairs, and related agencies. The Milcon-VA bill is critically important to the strength and the well-being of our military, our veterans, and the families who sacrifice so much to defend our country. In fact, Madam Chairman, I find it quite fitting that we're debating this bill after observing Memorial Day earlier in the week.

Working with Chairman CULBERSON and the members of the subcommittee, we've crafted a bill that will address the funding needs of military construction and family housing for our troops and their families, as well as other quality of life construction projects. In addition, it will provide funding for many important VA programs as well as agencies like the Veterans Court of Appeals and the American Battle Monuments Commission.

The bill before us today touches every soldier, sailor, marine, and airman. In addition, the bill will also impact military spouses, their children, and every veteran that participates in our VA programs.

I want to commend the chairman for his work. Together, we sat through numerous hearings, gaining valuable insight into the workings of all of the agencies under our subcommittee's jurisdiction. I would also like to thank all of our subcommittee members and recognize them for their hard work on the bill. We had a lot of contributions and a lot of input. I believe that the minority was treated fairly during this process, and I want to thank the chairman for ensuring this bipartisan result.

Chairman CULBERSON has already provided the funding highlights in the bill, and I won't repeat them all, but I would like to point out a few items that I think are very important.

DOD Schools. The bill before us today includes $546 billion for the renovation and replacement of 10 Department of Defense schools. Madam Chairman, I believe that providing the funds for DOD schools will help our servicemembers' children get a quality education in a safe facility, and it will give our servicemembers and their families some peace of mind.

Medical Center Replacement. I was pleased that in the bill we were able to include $127 million for the second increment for Medical Center Replacement in Germany. As you know, a large proportion of serious casualties from the Iraq and Afghanistan theaters are treated there, and I'm pleased to see that we're making this important investment in Landstuhl.

Veterans Affairs. For Veterans Affairs, I'm very pleased that the bill meets the discretionary budget request in all areas of administrative expenses, research, medical care, information technology, and facilities. The bill contains $54.4 billion in advance appropriations for medical services, medical support and compliance, and medical facilities at the VA, which is $1.9 billion above the amount included in FY12.

Madam Chairman, I strongly believe that advance funding provides timely and predictable funding for the veterans' health care system, and they don't have to worry about the exigencies of a budget not being agreed to or appropriations bills not being passed for their medical care.

Overall, the bill provides adequate funding for programs included in the bill. However, I'm especially troubled by one of them. Unfortunately, during the full committee markup an amendment was adopted that essentially nullifies the decisionmaking ability of the Department of Defense to use a project labor agreements business model. The sponsor of this language believes that it doesn't limit the Department from using PLAs. Unfortunately, that's not the case. I had the minority subcommittee staff check with the Department regarding this language. The Department confirmed that if this bill is enacted with the current PLA language included, it would prohibit the Department from soliciting bills for FY13-funded construction contracts where, as a condition of award, the awardee must negotiate a project labor agreement.

In addition, we do not know the effect this language could have on other agencies included in this bill. Using the Milcon-VA bill to address this issue is really the wrong place to do it. This language is purely an ideological and political provision that goes well beyond the scope of this bill. The Milcon-VA bill has always enjoyed broad bipartisan support and avoided divisive issues like this one, no matter which party held the gavel. I believe that including this language will only cause unnecessary complications and does nothing to help our servicemembers and our veterans.

Madam Chairman, please know that as we continue through the process I will work to address this issue because an item like this has no place in a bill that has always placed our troops, their families, and our veterans above ideology.

Before I close, Madam Chairman, I would like to recognize the staff for all of the hard work and the time that they have put into this bill. From the minority committee staff I would like to thank Matt Washington, Danny Cromer, as well as Michael Reed and Chris Chon from my personal office. From the majority committee staff I would like to thank Donna Shabazz, Sue Quantius, Sarah Young, and Tracey Russell.

I would also like to thank Mr. DICKS and Mr. ROGERS, who serve as the distinguished ranking member and chairman of this committee and who set an extremely great example of how committees and ranking members and chairmen should work together. There's a collegial atmosphere, although we do have reasonable minds disagreeing on several of the issues. But we work together collegially, and I thank the chairman and the ranking member, Mr. DICKS and Mr. ROGERS, for their example in doing so.

I reserve the balance of my time.

Mr. CULBERSON. It's my privilege at this time to yield 5 minutes to the chairman of the full committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I thank the chairman for yielding the time.

Madam Chair, I rise in support of this bill. Earlier this week, we celebrated Memorial Day—a day to commemorate those warfighters who made the ultimate sacrifice in the name of our great Nation. I can think of no better bill to take up this week in honor of those heroes.

□ 1650

We know the risks our troops take to fight for our freedom, and it's the duty of Congress to care for them accordingly.

This bipartisan legislation ensures that our troops and veterans have the vital resources they need and deserve to fight successfully, have a sufficient quality of life, and stay healthy. This bill is funded at the same level as last year, $71.7 billion in discretionary funding for construction efforts here and abroad, and for veterans health, job training, and disability and education benefits programs.

Included in this total is $1.65 billion for military family housing, ensuring quality housing for more than 1.2 million military families. Also included is funding for the improvements of existing military medical facilities and the continued construction of new ones to ensure rapid and quality care for our wounded troops.

As a result of savings from the planned drawdowns in construction and declining BRAC costs, as well as rescissions of excess prior-year funds and

other efficiencies, we were able to increase spending on veterans health discretionary funding by more than $2 billion while holding the line on overall spending.

But these increases were not without stringent oversight. We know there are areas where the VA can improve, so we've required them to report on construction expenditures and savings, and restricted them from taking certain spending actions without telling the Congress first. This bill continues to implement our committee-wide—indeed, House-wide—mission to smart, sustainable spending without negatively impacting our warfighters or vets.

You'll see that this bill was written very deliberately to most effectively provide for our troops and our veterans with the most careful and streamlined use of taxpayer dollars.

I want to commend Chairman CULBERSON and the ranking member, Mr. BISHOP, for their dedication and mutual respect as they crafted this legislation. There's not a subcommittee in our full committee that has the kind of cooperative spirit that this subcommittee has. Their staff and the members have worked hard and well to ensure that we bring a great piece of bipartisan legislation before the body today.

Last but not least, I also want to thank one former member of the subcommittee staff specifically for his tireless service, Tim Peterson, as he embarks on his retirement after more than 30 years of Federal service. Tim was most recently the clerk of this subcommittee, and as a member of the appropriations staff, has worked on veterans issue, among others, for almost 20 years. He also served on the Defense Subcommittee for 6 years. Before joining the committee staff in 1989, Tim was a budget analyst in the Office of the Navy Comptroller. Staff and members of the committee alike all agree that he was one of our best—knowledgeable, accurate, always professional.

He was a very calming presence. No matter what was thrown his way, he always rose above the fray and the hardships in order to get things done. His expertise and dedication will be greatly missed, and I thank him for his years of service.

One thing I want to mention in closing, the chairman mentioned language in the bill which I'm very grateful for dealing with the sharing of medical records between the DOD and the Veterans Department. A few years ago, 2 or 3 years ago, I learned of a young soldier in my district who was hit by an IED in Iraq and was blinded in one eye and had some vision in the other eye. And when he was discharged, went to the veterans hospital because he was losing the vision of the other eye. They were unable to help him because they didn't know what the military hospital had done when they operated in his forehead around his eyes, and they couldn't get the records out of DOD at the veterans hospital to help him with his problem. The result was he lost his remaining eyesight.

The CHAIR. The time of the gentleman has expired.

Mr. CULBERSON. I yield the gentleman an additional 1 minute.

Mr. ROGERS of Kentucky. He lost the vision of the second eye simply because the veterans hospital could not get access to the military hospital after he was injured, I assume, from the hospital in Germany. That is unforgivable, that two Federal Agencies both dealing with military and veterans, can't share records. And so the language in the bill, which I am very grateful to the chairman and the ranking member for including, hopefully will force these two Departments to mesh these medical records so that we can save lives and save veterans and soldiers from untold misery.

As we remember those who lost their lives in battle, Madam Chair, we are reminded that we can provide our Nation's troops, our veterans, our military families, with the programs and services they have earned as a result of their service and sacrifice. So I urge my colleagues to support this bill.

Mr. BISHOP of Georgia. At this time I'd like to yield such time as he may consume to the gentleman from Washington (Mr. DICKS), the distinguished ranking member of the full committee.

Mr. DICKS. Madam Chair, I rise in support of the Fiscal Year 2013 Military Construction and Veterans Administration Appropriation bill. This bill continues the strong tradition of bipartisanship and finding common ground as members traditionally work together to fund construction of military facilities and strive to improve the quality of life and care afforded to our veterans and military families.

I want to associate myself with the remarks made by Chairman ROGERS about Tim Peterson. He was and has been one of our outstanding clerks on the committee. I have had the pleasure of working with him throughout his entire career, and we're going to miss him, but wish him well in his future endeavors.

I also would say that this subcommittee has a very strong staff, and it's great to see the way Chairman CULBERSON and Ranking Member SANFORD BISHOP have worked together.

And I want to say also that Chairman ROGERS is absolutely correct, we have to overcome this inability to get information between our military and veterans hospitals, and the private sector as well. We've got to do everything we can to improve the treatment of our troops.

I have previously stated my objection to the Majority's decision to renege on the bipartisan agreement that was reached less than a year ago in the Budget Control Act. I believe the reduced discretionary allocation in the Ryan budget threatens to stall economic growth and job creation, and in the near term it introduces uncertainty in our appropriations process that imperils our ability to produce these bills in a timely manner. Accordingly, it is my belief that we could save a considerable amount of time in the appropriations process if we simply returned to the agreement reached last August—the $1.047 trillion allocation level for this year—a level which even the Republican Senate leadership concedes is where we will eventually end up.

I am, however, encouraged that this bill fully funds the Department of Veterans Affairs discretionary budget request of $60.7 billion. It meets the overall budget request in all areas of administrative expenses, research, information technology and facilities. The recommendation contains $74.6 billion for the mandatory VA programs providing compensation and pensions, educational benefits, vocational rehabilitation, life insurance and housing loan programs.

I am particularly pleased that the Military Construction account includes $546.9 million for construction and replacement of Department of Defense Education Activity schools. A total of 10 schools will be refurbished with this funding—six in the United States and nine schools at overseas installations. Many of these schools are in exceedingly poor condition and these improvements are long overdue. I have been a strong advocate for the modernization of schools serving the children of our nation's service members and I commend the Chairman and Ranking Member on their commitment to this effort.

In addition, this bill continues to ensure that we are providing high-quality, safe, and healthy living accommodations for our single military members. Many of the older barracks in the military are at the end of their 30 to 50-year design life cycle and do not meet current design standards or current building codes. This bill includes $927 million for 21 barracks, dormitories, and bachelor enlisted quarters that will address substandard living conditions and boost morale among our troops. While this bill makes significant progress in addressing current deficiencies, it does not address all the housing shortfalls for our single service members. The quality of our installations is a measure of the nation's commitment to the troops who defend it, and we must continue to improve the substandard conditions of the military's barracks, dormitories, and bachelor quarters in the future. I encourage the Department of Defense to continue to replace these facilities in a timely manner.

There is one provision in the bill that concerns me. During full committee consideration, an amendment was passed that would restrict the use of Project Labor Agreements on military construction projects. Current policy gives the Defense Department the option to choose whether a PLA is appropriate for a particular project—whether it will save money or accelerate construction schedules at the government's convenience. An amendment will be offered on the floor later today to remove this harmful language and I encourage my colleagues to vote for it.

Mr. CULBERSON. Madam Chair, at this time I would like to yield 2 minutes to my good friend, the gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. Madam Chair, I rise in support of this legislation and commend Chairman CULBERSON and Ranking Member BISHOP on their work and the subcommittee on this bill.

Earlier this week, we remembered Memorial Day and many of us around the Nation gave words in recognition of those who paid the ultimate sacrifice in defense of freedom. It is altogether fitting and proper that we would do that, but our words need to be backed up with actions. This bill provides the action that backs up our words.

In hearings before the subcommittee, we heard from Marine Corps Sergeant Major Michael Barrett; and in his testimony, his phrase echoed in my mind. He said keeping the faith goes both ways.

Well, our Constitution makes it clear that the obligation of our Federal Government is to provide for the common defense. This bill keeps the faith for those men and women who are providing for that common defense. We make sure that our military has the resources and the facilities needed to train, to house, to educate their families, to equip our servicemembers. But it also makes sure that we have the resources to provide health care and benefits to those veterans who have served. And to make it quite clear, we're not giving those veterans anything. They have earned every bit of it. They honored their commitment. It's important that the Nation honor our commitment back to them.

And while this bill keeps the faith with our military, it also keeps the faith with the taxpayers. We're doing our part to curb spending by funding those Departments at a more responsible and effective-use level. It provides an increase in funding for veterans health care; but by cutting military construction, we provide level funding, and that's a responsible thing to do.

Mr. BISHOP of Georgia. At this time I'm happy to yield 2 minutes to the gentlewoman from California (Ms. LEE).

□ 1700

Ms. LEE of California. First let me thank you, Congressman BISHOP, for yielding time, and also for your very thoughtful and steady leadership as our ranking member on this Appropriations Subcommittee. We appreciate your leadership.

Also, I want to thank the chairman and, again, our ranking member for your bipartisan efforts, and also for including language in this bill which would require the Department of Veterans Affairs to report to Congress detailed plans to eliminate the backlog and improve the accuracy of the claims process within 6 months.

I introduced this language because, first, I just have to say, as the daughter of a military veteran, I know firsthand the sacrifices and the commitment involved with military service. But let me say this: It is just totally unacceptable and shameful to force the very people who put their lives on the line to wait months—and, in some cases, years—to receive the benefits that they have earned.

Last week, I joined with my colleague, Congresswoman JACKIE SPEIER, and over 200 veterans at an event to address the backlog at the Oakland Veterans Affairs regional office. We listened to the veterans as they came up to speak one by one with a story and a struggle. The pain and suffering of these veterans, it was overwhelming. I wish, Mr. Chairman and Mr. Ranking Member, you could have been there to listen to this testimony. Hopefully, we'll be able to share some of that with you and with the subcommittee because this language that we put in really will address many of the issues that were raised.

For example, I heard one of my constituents say that he waited 6 months just for the paperwork and spent another 2 years waiting for the Oakland Veterans Affairs office to consider his request to upgrade his disability rating for posttraumatic stress. This young man sacrificed a great deal going overseas to fight for our country, and yet now he has been asked to put his life on hold—really, just on hold—until his claim is processed. There are thousands of other stories just like his where veterans are waiting an average of 320 days to see some relief.

The CHAIR. The time of the gentlewoman has expired.

Mr. BISHOP of Georgia. I yield the gentlelady an additional 30 seconds.

Ms. LEE of California. I just want to conclude by saying, now the VA is saying that they will reduce this backlog and improve accuracy by 2015, but waiting 3 more years is really quite unacceptable. Veterans in my district and throughout the country cannot wait any longer, Madam Chair. These veterans served our country when we needed them, and it's our responsibility as a Nation to be there when they need us.

So I want to thank you again for inserting this language into the bill, and hopefully this will be the beginning of some justice for these veterans who deserve it.

Mr. CULBERSON. Madam Chairman, I want to assure my colleague from California and all the Members, and all the members of the military tonight listening, if you have retired recently, our subcommittee is going to really bore in on this and make sure that the claims backlog is dealt with, that it's done expeditiously. Obviously, we want to make sure that these men and women who, again, have earned everything that this country can possibly give them, to make their life comfortable and secure, to make sure that their health is taken care of, that that claims backlog is dealt with.

I also want to reassure my colleagues—and I know that we've got a rapt audience at the Veterans Administration here tonight as well—that we are going to really bore in on this medical records problem. It is utterly unacceptable for Federal bureaucracies to not work together on something as vitally important as medical records.

The example that Chairman ROGERS gave us of a young man who lost his eyesight because of a bureaucratic inadequacy and just foolishness is just not acceptable. We had another story of a young man who actually lost his life in BILL YOUNG's district, Chairman YOUNG of Florida. So we're going to make sure that those issues are dealt with, and again, to make sure that our men and women in uniform don't ever have to look over their shoulder to worry about what the United States Congress has done to support them.

I reserve the balance of my time.

Mr. BISHOP of Georgia. At this time I'd like to yield 2 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. I certainly want to thank the ranking member for yielding. I want to thank my good friend from Texas, Chairman CULBERSON, thank both of them for this bipartisan approach.

Mr. Chairman, contract and other non-VA medical providers play a vital part in the VA medical system, providing veterans medical services throughout the State of Texas and the United States where the VA doesn't currently operate VA-run and -staffed facilities.

Despite the critical role that they play throughout Texas, many of these providers in my south Texas district are experiencing continuing issues with receiving timely compensation for services rendered. Many of the past-due claims are well over 60 days past due.

Non-VA medical providers are dedicated to providing the highest quality medical care possible to the veterans, providing them choice; however, they operate on a fee basis and rely on timely compensation for services rendered to continue to operate. If these providers are unable to receive timely payment from the VA, economic reality will eventually force them to stop providing services to the veterans.

A factor that further complicates this situation is the VA's overall lack of responsiveness to inquiries from medical providers and even Members of Congress about past-due medical payments.

Mr. CULBERSON. Will the gentleman yield?

Mr. CUELLAR. I yield to the gentleman from Texas.

Mr. CULBERSON. Yes, Mr. CUELLAR. Absolutely, we're going to bore in on this.

MD Anderson, of course, is one of the Nation's greatest cancer centers. We have had complaints and concerns expressed to my office about the slow pay of the Veterans' Administration for MD Anderson's treatment of VA patients. And absolutely, we're going to get to the bottom of it. There's just no excuse for it.

If services have been rendered—and clearly, MD Anderson, again, if you're lucky enough to be treated by MD Anderson, they're the greatest in the world. We're going to make sure that they're paid promptly. I understand that MD Anderson is currently owed over $1 million. It's just unacceptable. We'll do everything we can to help.

The CHAIR. The time of the gentleman has expired.

Mr. BISHOP of Georgia. I yield the gentleman an additional 30 seconds.

Mr. CUELLAR. I yield to the gentleman from Texas.

Mr. CULBERSON. I also want to be sure to thank my colleague from Texas (Mr. CUELLAR) and say how much I've enjoyed working with him over the years in securing our border in Texas. We've got language in the bill, which Mr. CUELLAR suggested, to encourage the Army National Guard to work with our Border Patrol and law enforcement authorities on the border in a cooperative way to ensure that the laws are enforced because, of course, we want that border to work securely and fairly so we get that strong economic growth back and forth while keeping out the criminals and gunrunners. HENRY, you've been a leader in this effort to secure the border, and it's a privilege to work with you on this

Mr. CUELLAR. Thank you, Mr. Chairman and ranking member.

Mr. CULBERSON. Madam Chairman, at this time I'd like to yield 2 minutes to my good friend from Kansas (Mr. YODER).

Mr. YODER. Thank you, Mr. Chairman.

I just want to join the chorus of those who appreciate the work done on the Military Construction-Veterans Affairs Committee. The work by Chairman CULBERSON and Ranking Member BISHOP is a true spirit of bipartisanship, and it shows what we're capable of when we work together towards a common goal.

It's hard to think of an issue more important than honoring our Nation's veterans, those men and women who stood in the field of battle, who assumed the call of duty, served admirably, protecting our Nation and protecting freedom and liberty around the world. So this committee and this appropriations bill is important to me.

As a freshman member of the committee, I can think of no better place than to be in a position to help advocate for our men and women who serve the country. After that service is concluded, it's our responsibility as a Nation to honor that commitment by ensuring that the benefits are high quality and are there, and that the access is available to those whom it was promised to.

I commend the committee for working with the Veterans Affairs Department and other areas of the government to find and ensure that our constituents and folks across this country who served receive the benefits they were promised, and they receive the access and quality and all sorts of things, from physical to mental health care, to our facilities, making sure they're quality facilities, renovated, and that the men and women receive the care that was promised, because these benefits are earned, not given. That's a topic I think that's very near and dear to these veterans is that these services were earned in the field of battle. They were earned through service, and it is our responsibility and our duty to honor that commitment.

So I look forward to continuing to work with the committee, look forward to working with Members of both parties as we continue to do all that we can. And I join the efforts of the chairman to ensure that resources are going to the proper spots, that it's being done quickly and adequately, and that we don't have veterans waiting and waiting forever to get the services they were promised. It's our duty and responsibility to honor that commitment, and I am here to stand in strong support of the budget that the committee has put together today.

Mr. BISHOP of Georgia. At this time, Madam Chairman, I reserve the balance of my time.

Mr. CULBERSON. Madam Chairman, at this time I'd like to yield such time as he might consume to the distinguished gentleman from Pennsylvania (Mr. ALTMIRE) for the purpose of a colloquy.

Mr. ALTMIRE. Madam Chairman, let me thank Chairman CULBERSON for his excellent work on this important bill which funds our Nation's military construction projects and provides support to the infrastructure that serves our Nation's veterans.

□ 1710

The Veterans Affairs campus located in Butler, Pennsylvania, provides critical health care services to veterans across western Pennsylvania. Two years ago I worked with my colleagues to provide $8.5 million to make improvements to the campus to ensure the veterans in our community receive the best care in the most up-to-date facilities.

Despite these improvements, the VA has plans to move forward with construction of an offsite health care center. And while this is a laudable initiative by the VA, many veterans in our community are worried that the construction of this new center will lead to the elimination of services that are currently available to them at the Butler VA, which is a valuable asset to the community relied upon by veterans throughout western Pennsylvania.

Valid questions about the rationale behind constructing a new facility have been raised in the veterans' community, and their input should be heard. Any new, offsite facility should complement, not replace services currently provided at the Butler VA campus. My colleagues and I will continue to monitor this issue to ensure the highest quality services to veterans will continue to be provided at that facility now and in the future.

I yield to the Representative of the Butler VA facility, my friend, Congressman MIKE KELLY.

Mr. KELLY. Madam Chairman, I thank the chairman for the hard work on this vital appropriations bill.

I met with some veterans back in Butler on Tuesday morning, and their concern is with the Butler campus and the building of a new health care center. Now, here's where the questions come. Specifically, they want to know why the VA would build a brand new, $16 million health care center while the existing facility, Building Number 1, was recently renovated, upgraded, and provides roughly 70,000 more square feet than the new health care center.

The decision to build the new health care center was done with no public hearing, which the VA readily admits. And according to local veterans, the VA failed to provide a forum for their input.

Now, veterans in my district would like to be reassured that the services they currently receive will be met and exceeded without any disruption in continuity. Many would like to know why a new facility is being built when the current facilities could have been further upgraded, and the potential savings could have been used to improve the quality of the service provided.

The VA should respond to the veteran community with reassurances that the care and service at the Butler VA is being enhanced, not diminished by the construction of a new health care center.

Mr. CULBERSON. Will the gentleman yield?

Mr. ALTMIRE. I yield to the gentleman from Texas.

Mr. CULBERSON. Madam Chairman, my colleagues from Pennsylvania raise a really important issue that absolutely the subcommittee will look into. It's a constant source of concern for us to see Federal agencies waste our constituents' precious tax dollars for, it appears to me from the way you've described it, possible elimination of existing good service, duplication of existing service, and unnecessary expenditure of tax dollars.

We will work very closely with you and do all that we can to help make sure that the veterans that you represent are being given the very best possible health care at the best value for taxpayers.

Thank you very much.

Mr. BISHOP of Georgia. I reserve the balance of my time.

Mr. CULBERSON. Madam Chairman, I yield 2 minutes to a friend and colleague from Texas, Judge JOHN CARTER.

Mr. CARTER. Madam Chairman, I thank the distinguished chairman of the Military Construction and Veterans Affairs Appropriations Subcommittee, on which I have the joy to serve, and I commend him on a great product, and I commend Mr. BISHOP on a great product.

Madam Chair, I rise today in support of H.R. 5854, the Military Construction and Veterans Affairs appropriations bill. This bill is very important because it takes care of our soldiers and our warriors, wherever they may be, their families, and the Nation's veterans.

This bill ensures our warriors and their families will have quality housing, schools, medical and dental facilities, training facilities and much, much more. In fact, this bill provides a recommendation of over $546 million for the construction or replacement of DOD education activities and schools.

As a consequence, what we appropriate with this bill is a peace of mind dividend to our warriors because they're like parents everywhere: you've got to worry about your kids and their schools when you're away doing your job. So this is an indication by us that our Nation cares for our soldiers and our warriors, wherever they may be, and want to provide the best.

Madam Chair, this bill is a good bill. And yet, it meets the obligations we have to these warriors, and we stay within our projected view that it's time for us to keep a close eye on and squeeze every budget to make sure that we're saving the taxpayers' dollars.

Chairman CULBERSON has been a warrior on behalf of those savings and, joined by Mr. BISHOP, they have produced a good product, one that is worthy of this Congress and worthy of this country. And I'm glad to have had a small part in that.

Mr. BISHOP of Georgia. I reserve the balance of my time.

Mr. CULBERSON. Madam Chairman, at this time I'd like to engage in a colloquy with the distinguished chairman of the House Transportation Committee, Mr. MICA of Florida. I yield 2 minutes to the gentleman for that purpose.

Mr. MICA. Thank you so much, Mr. CULBERSON, for yielding to me. I appreciate the gentleman yielding for the purpose of this colloquy.

Madam Chairman, as you may know, the new Veterans' Administration Medical Center under construction in central Florida has experienced some serious delays and possible cost overruns that have raised significant concerns for Florida veterans who have earned and deserve this facility.

With Florida's growing veteran population and more veterans returning to our State from current conflicts, this facility is, in fact, key to keeping our pledge to aid those who served our Nation. It is important to clearly state the intent and the serious commitment of Congress that this new facility should be completed as soon as possible, and also make certain that we do everything in our power to ensure that the Federal resources necessary are available to complete that project.

Is this your intent?

Mr. CULBERSON. Will the gentleman yield?

Mr. MICA. I yield to the gentleman from Texas.

Mr. CULBERSON. Yes, absolutely, Chairman MICA. We're going to ensure that there are enough Federal resources to complete that veterans facility, but also to ensure that we're good stewards of the treasury and that our tax dollars are spent wisely and carefully. And we're going to make certain that the VA is not wasting money and not engaging in cost overruns, sir.

Mr. MICA. Well, thank you. And I'm so appreciative of your commitment and support. This is very important to our veterans, and we are most appreciative of the commitment you've made to central Florida and those that have served our Nation, not only on this, but all the projects.

Mr. CULBERSON. Thank you, Chairman MICA. You've been a stalwart leader on behalf of veterans for many years here in Congress. And thank you for bringing this to our attention. The subcommittee is going to give it our full attention and make sure that facility is built in a way that's cost effective and takes care of your veterans.

Mr. BISHOP of Georgia. Madam Chairman, we have no more speakers. I yield back the balance of my time.

Mr. CULBERSON. Madam Chairman, as we wrap up the opening part of this bill, I think it's important to point out to the Members of the House, to the country, that this is the third appropriations bill that has been brought to the House floor under the leadership of Chairman ROGERS, the third appropriations bill that we've brought up as a new majority in the House. And this, to my knowledge, is the first time in American history that there have been three successive spending bills in a row.

Mr. DICKS. Will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Washington.

Mr. DICKS. I know the gentleman wouldn't want to mislead the House. This is the second bill. We're going to get to the third bill, but this is number 2.

Mr. CULBERSON. What I was remembering, my good friend, Mr. DICKS, is when we first came in the spring, I think there was an omnibus bill that had to be dealt with.

Mr. DICKS. That was last year. H.R. 1. We remember it. It was 800 amendments, 600 on your side, 200 on our side.

Mr. CULBERSON. What we've done, I know on this committee, is work arm-in-arm to find ways to solve the Nation's problems.

Mr. DICKS. We're going to get the third one up tomorrow or maybe tonight even.

Mr. CULBERSON. We are indeed. We're going to finish this bill tonight, Mr. DICKS. But it's important to point out, I think, that Chairman ROGERS deserves a great deal of credit. This committee has worked. We have searched every nook and cranny we can of the Federal budget under our jurisdiction to save every possible dollar we can, and this is the first time, certainly in my memory and my knowledge of American history, that we've had multiple appropriations bills in a row that have reduced Federal spending.

□ 1720

Our constituents want us to do, obviously, far more. Yet when it comes to the military, when it comes to Veterans Affairs, we have worked arm in arm to save every possible dollar while at the same time preserving the quality of care for our veterans in the VA health care system. Then, in the armed services of the United States, when they're in uniform, we have made certain that all of their needs are taken care of when it comes to housing, when it comes to the education of their kids, when it comes to the caliber of the facilities that they have to live and work in. So it is our privilege to bring this bill to the House tonight in a bipartisan fashion.

I yield back the balance of my time.

Mr. FARR. Madam Chair, this past weekend, we remembered the patriotic sacrifice of those that have lost their lives in service to our country, and, today we renew our commitment to keep our promise to the nation's more than 2 million troops and reservists, their families, 22.2 million veterans, and 35.5 million family members of living veterans or survivors of deceased veterans.

This committee has a strong history of working in a bipartisan way to produce a bill that supports our active duty servicemembers, our veterans and their families, and this bill is no exception.

I commend the Chairman and Ranking Member for their hard work in ensuring that this bill is another significant step in fulfilling the promise our country made to leave no veteran behind.

For example, the Office of the Inspector General recently filed a report that identified weaknesses in the VA's mental health care system. With the mental health needs of our returning servicemembers increasing, it is vital that the VA get this right.

The bill before us today provides resources to implement the recommendations of the OIG to provide timely access to mental health care services. We have an obligation to take care of our veterans' physical AND mental health, and I am glad this bill recognizes that critical fact.

Additionally, I am pleased to see that this bill again emphasizes the needs of our veterans in rural areas. The National Cemetery Administration has stated that 10% of all veterans will not have access to a burial option in a national, State or tribal cemetery within 75 miles of their home.

While the strategy to extend services to some rural veterans outlined in the 2013 budget request is a good first step, it fails to address a long term strategy to fix this problem. This bill instructs the VA to correct this oversight and, on behalf of Central Coast veterans, I look forward to the Secretary's report on the VA's long term strategy to address the burial needs to rural veterans.

I would note that while this bill is $13.2 billion above last year's enact level, it is also $259 million less than the President's request. While I am glad to see this bill has been protected from Ryan budget cuts, I strongly believe this Congress needs to get back to the balanced approach we agreed to in the bipartisan Budget Control Act.

Mr. MORAN. Madam Chair, I move to strike the last word.

It seems Republicans are incapable of legislating without exacting a toll from federal employees.

Earlier this year, in order to prevent a Social Security tax increase on all Americans, House Republicans insisted that future federal employees nearly quadruple the amount they contribute to their own retirement.

Without a corresponding increase in benefits, the larger contribution was simply a pay cut.

After the tax extenders bill, Republicans sought a toll from federal employees on the Transportation Reauthorization bill.

That bill's price for federal employees was a 1.5 percent reduction of agencies' contribution to their retirement benefit.

Federal employees would have been forced to make up the difference—again, a pay cut.

The most egregious attack, unsurprisingly, came from the Budget Resolution offered by Mr. RYAN.

Mr. RYAN's budget directed the House Oversight and Government Reform committee to indentify nearly $80 billion in "savings" from federal employee benefit programs over a ten year window.

The committee recommended increasing retirement contributions by 5 percent with no corresponding increase in benefits for all current federal employees, immediately increasing retirement contributions to 5.8 percent for all new federal employees, and eliminating the Social Security supplement for all federal employees who retire before becoming eligible for their earned Social Security benefit.

And just today, it was revealed that the Republican Leadership has proposed using federal compensation cuts to offset a student loan rate reduction extension. What a shame.

This evening I rise to speak against the federal employee cuts contained in the underlying bill.

The MILCON/VA bill would freeze the pay of some 305,000 civilian employees of the Veterans Administration and some DoD employees for a third consecutive year.

It is astounding that Members of this body would stand up this evening and proclaim the solemn debt our country owes to our veterans knowing this bill cuts the benefits of those who treat and care for our retired servicemembers.

Today there are approximately 100,000 homeless veterans. VA employees work every day to reduce that tragedy and as a reward this body will freeze their pay.

According to the most recent reports, veteran unemployment has actually dropped below the national average.

The VA counselors that assist veterans in their search for employment undoubtedly deserve some recognition for this trend.

To thank them, this body will again try to freeze their pay.

Finally, an estimated one in five veterans from our conflicts in Iraq and Afghanistan will return home with some type of post-traumatic stress disorder.

Mental health providers and counselors in the VA and DoD will treat these wounded warriors.

In fiscal year 2013, if this body gets its way, they will see no increase in their pay.

The United States has unarguably the greatest civil service in the world.

Republican attacks against civil servants are unwarranted, unjustified, and extremely disappointing.

Every day, federal employees provide vital services that help keep our nation healthy, safe and strong.

I strongly oppose the federal employee cuts contained in this bill.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

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

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

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

MILITARY CONSTRUCTION, AIR FORCE

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

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $3,569,623,000, 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.

AMENDMENT NO. 2 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. I have an amendment to offer.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 14, insert after the dollar amount the following: "(reduced by $10,000,000)(increased by $10,000,000)".

Page 4, line 23, insert after the dollar amount the following: "(increased by $10,000,000)".

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. I commend Chairman CULBERSON and Ranking Member BISHOP for their outstanding work and leadership on this appropriations bill. It provides for our veterans, for our military families, and it makes great strides for greater energy efficiency on military installations.

But I think it might be able to go farther.

My amendment would strengthen military national security and save taxpayers money by decreasing the Pentagon's energy consumption. The amendment would simply align the House bill with the Senate mark for the Energy Conservation Investment Program, ECIP, by providing an additional $10 million for planning and design.

The Department of Defense is the largest manager of infrastructure in the United States and the largest consumer of energy in the world, using over 300,000 barrels of oil per day and almost 4 billion kilowatt hours of electricity per year.

That's as much energy as the entire State of Oregon, which I call home.

The Pentagon operates 500 installations with over a half million buildings and structures worldwide. Given the size and scope of our military's infrastructure, it's not surprising to find that the Department of Defense accounts for more than 70 percent of all energy consumed by the entire Federal Government.

I believe that the Pentagon and Congress have an obligation to taxpayers, who foot the Pentagon's bill of $17 billion a year, which is spent on gasoline and diesel fuel, to not only decrease the military's overall level of energy consumption through efficiency efforts, but to move towards greater energy independence from the petro-dictators.

It's a necessity for our continued national security, that of freeing our military from the tethers of foreign oil as resources grow scarcer and suppliers more unstable. It's also an obligation for anyone who is serious about cutting our national debt. Every $10 increase in the price of petroleum costs the Pentagon an extra $1.3 billion a year on top of what we're already spending.

There are alternatives. There are solutions.

Congress needs to act by providing the resources and the authorities the Pentagon needs because ''supporting our troops'' means securing their energy future. In some cases, Congress simply needs to stand out of the way so that the Pentagon can continue making progress. The $160 million in the Senate bill is only a drop in the giant gasoline can if it is not accompanied by a significant investment in alternative energy sources for use by the military. Leaders in the Pentagon and our veterans returning home from Iraq and Afghanistan stand behind the idea of making the military leaner and meaner by reducing its reliance on fossil fuel.

Speaking in reference to this amendment, Mike Breen, a veteran and vice president of the Truman National Security Project, said:

> As an Operation Free veteran and former captain in Iraq and Afghanistan, I saw firsthand that we have a 21st-century military shackled to a 20th-century fuel. All of our civilian leaders must match the military's commitment and stop putting shortsighted politics ahead of good policy.

But some colleagues are tied to the past, and they've scuttled any and all efforts to provide for greater efficiency and alternatives in military vehicles.

The amendment I offer today must be accompanied by future investment in sustainable fuels in the military, and I hope my colleagues on both sides of the aisle will recognize that the only way to truly sustain a strong military and achieve energy independence is to stand up for these investments, not only today, but in future appropriations as well.

I thank the chair and ranking member of the subcommittee for their hard work. This appropriations bill puts us closer to where we need to be, and I hope they will join me in making this last push. I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. CULBERSON. I rise to accept the gentleman's amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Madam Chairman, the gentleman's amendment seeks to increase by $10 million the Department of Defense's investment in planning and design funds for the Energy Conservation Investment Program, which is certainly a worthwhile program. I accept the amendment, but I cannot stand idly by when I hear the gentleman refer to energy independence.

There is no greater energy independence for America than a ''drill here and drill now'' for American energy resources. I proudly represent the west side of Houston. My neighbors, my friends, my colleagues are geophysicists and engineers who have kids in school and who play at the beach. I've grown up on the Galveston seawall while watching oil and gas rigs right off the shore. We can produce American oil and gas cleanly, safely, immediately, creating hundreds of thousands of jobs, vast wealth for the Nation and making America energy independent in the short run and in the medium run.

Clearly, we need to make investments in the future for alternative sources of energy, and I certainly agree with the gentleman from Oregon about the need to make investments looking out into the future. Rice University, which I also proudly represent, is doing extraordinary work in developing ways of using carbon nanostructures to transmit electricity ballistically so that we can transmit, store, and transport electricity in ways that were never possible before. That holds the promise of making America energy independent, but that's way down the road.

I do have to say that, while I support the gentleman's amendment, I feel compelled to point out, if you would just unleash the entrepreneurship, the good judgment and the extraordinary technological capability, then the people of America, many of whom I proudly represent in west Houston, would be able to produce vast amounts of American oil and gas right here in the United States immediately. It would be a tremendous boost to the Nation's economy, making America energy independent in the short run. Clearly, because we've got enough shale gas, we could, frankly, support ourselves on shale gas and oil for who knows how long.

I do agree with the gentleman: for the long term, we do need to look at energy alternatives. Certainly, with regard to the Department of Defense, you've reduced one account by $10 million and plussed up this account by $10 million so that the overall cost of the bill does not go up. I do accept the gentleman's amendment, but I have a respectful disagreement with the premise of his argument.

I yield back the balance of my time.

Mr. BISHOP of Georgia. I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. Madam Chairman, I agree with the gentleman that the Department of Defense should be doing all that it can to reduce energy costs and to help us be energy independent. The Energy Conservation Investment Program is a fairly small, but key, component of the Defense Department's energy strategy.

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The goals are to improve supply resiliency, implement energy security plans, and alter energy consumption at individual installations. Investing in this small program helps the Department to reduce its energy costs and help meet its facility energy mandates.

The Department has been funding ECIP as far back as 2001, and the committee has seen great progress on energy savings. For example, at Fort Liggett, they are building a 1-megawatt solar grid which will help that installation ease its energy consumption.

ECIP is a cost-saving program I think all Members should be happy to support. Therefore, I urge all Members to vote ''yes'' on this amendment, and I'm delighted that the chairman has accepted it.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

The CHAIR. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

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

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

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

Mr. HOLT. I move to strike the last word, Madam Chair.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Madam Chair, our Nation just marked another Memorial Day at war and another year in which the epidemic of suicides of our country's servicemembers and veterans continues. In April of this year, The New York Times' columnist Nick Kristof noted that for every American lost on the battlefield, about 25 servicemembers and veterans are dying by their own hands. These are silent casualties of war. And if we're to stop the epidemic, we must recognize it.

I want to thank the ranking member, Representative BISHOP of Georgia, and the subcommittee chair, Representative CULBERSON, for their recognition that continued funding for suicide prevention and outreach programs for our veterans must be a national priority. I'm pleased that the committee looked favorably on my request and included an additional $20 million for suicide prevention outreach programs, including social media in this bill. This is the second year in a row that the House has taken this step because the administration and the VA have yet to create a dedicated programmatic funding stream for suicide prevention and outreach.

Let me take this opportunity to urge the administration and our President to direct the Office of Management and Budget to create such a dedicated funding stream for such programs. Our suicide prevention response must be coordinated and must be funded properly over the lifetime of our veterans, because this is not a problem that will go away once the guns fall silent.

I thank my colleagues on the committee for all they have done to craft a bill that will help provide the services that our veterans need and deserve.

I yield back the balance of my time.

The CHAIR. The Clerk will read.

The Clerk read as follows:

MILITARY CONSTRUCTION, ARMY RESERVE

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

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by law, $49,532,000, to remain available until September 30, 2017: *Provided*, That of the amount appropriated, not to exceed $2,118,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional 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 law, $10,979,000, to remain available until September 30, 2017: *Provided*, That of the amount appropriated, not to exceed $2,879,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve 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.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $102,182,000, to remain available until September 30, 2017.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

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

FAMILY HOUSING CONSTRUCTION, AIR FORCE

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

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

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

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

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

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

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

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

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

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: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: *Provided further*, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code.

ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium 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.

(INCLUDING TRANSFER OF FUNDS)

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

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

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

SEC. 122. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling 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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 123. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the

liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

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

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

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

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

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

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

(INCLUDING RESCISSION OF FUNDS)

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

(INCLUDING RESCISSION OF FUNDS)

SEC. 128. Of the unobligated balances available for ''Department of Defense Base Closure Account 2005'', from prior appropriations Acts, $212,291,000 are herby cancelled: *Provided*, That no amounts may be cancelled from amounts that were designated by Congress as an emergency requirement or for Overseas Contingency Operations/Global War on Terrorism pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

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

(INCLUDING TRANSFER OF FUNDS)

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

Mr. CULBERSON (during the reading). Madam Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIR. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

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: *Provided*, That not to exceed $9,204,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses, Veterans Benefits Administration'', ''Medical support and compliance'', and ''Information technology systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

AMENDMENT OFFERED BY MS. HAYWORTH

Ms. HAYWORTH. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 25, line 14, after the dollar amount, insert ''(reduced by $1) (increased by $1)''.

The CHAIR. The gentlewoman from New York is recognized for 5 minutes.

Ms. HAYWORTH. Madam Chair, the purpose of this amendment is to equally increase and decease funding by $1 to address an issue for many of our guardsmen, reservists, and their families. A number of these men and women, these guardsmen and reservists, who dutifully serve our country for many years are never called into active duty. Under current law they are ineligible to receive a government memorial headstone or marker for their grave site.

This issue came to my attention in our own home district in New York when I heard from Mr. Charles Ricotta, who is a constituent of ours. He lost his son Joe to a heart attack. It was Joe's 47th birthday, and he had served in the Navy Reserve from 1997 to 2007. And despite his 10 years of service in the Reserves, he was not eligible to receive a government headstone or marker honoring his service.

Mr. Charles Ricotta, Joe's father, isn't looking for a handout. He's not looking for payments for any other burial services. He simply would like to purchase, at his own expense, a foot marker from the VA for his son's grave site to recognize Joe's service to our country.

So there is a piece of legislation that I've introduced, H.R. 2305, the Memorialize Our Guardsmen and Reservists Act, and that would correct this inequity by making available for purchase, through the Department of Veterans Affairs, headstones or markers for members of the Reserve components who did not serve on active duty.

A government memorial may cost less than other headstones. This particular one would seem to be a modest monument, but it's more than a simple appearance. It's a symbol of service and sacrifice for our Nation. Our servicemen and -women, active and inactive, have contributed or sacrificed their time and efforts for our Nation, and they've been separated from their families, friends, and civilian lives. Our Reserve components deserve the opportunity to be recognized for the commitment they have made to serve and defend our country. They share the same spirit of patriotism as the millions of soldiers who came before them and served in hopes that no others would be needed to serve in time of war.

Headstones or markers for our guardsmen or reservists would be paid for by the individual or family member at no additional cost to taxpayers. This has been endorsed by the National Guard Association of the United States, Reserve Officers Association, and the Association of the United States Navy.

This issue deserves our attention as we consider this legislation, and I look forward to working with my colleagues to address it.

With that, Madam Chairman, I yield back the balance of my time.

□ 1740

The CHAIR. Does anyone seek time in opposition?

If not, the question is on the amendment offered by the gentlewoman from New York (Ms. HAYWORTH).

The amendment was agreed to.

The CHAIR. The Clerk will read.

The Clerk read as follows:

READJUSTMENT BENEFITS

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

VETERANS INSURANCE AND INDEMNITIES

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

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as 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 health care employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, and loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note); $43,557,000,000, plus reimbursements, shall become available on October 1, 2013, and shall remain available until September 30, 2014: *Provided further*, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

MEDICAL SUPPORT AND COMPLIANCE

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

MEDICAL FACILITIES

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

MEDICAL AND PROSTHETIC RESEARCH

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

NATIONAL CEMETERY ADMINISTRATION

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

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, 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, $416,737,000, of which not to exceed $20,837,000 shall remain available until September 30, 2014: *Provided*, That funds provided under this heading may be transferred to ''General operating expenses, Veterans Benefits Administration''.

AMENDMENT OFFERED BY MR. WELCH

Mr. WELCH. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 34, line 2, insert before the period at the end the following:

: *Provided further*, That of the funds made available under this heading, such sums as may be necessary shall be available to the Secretary of Veterans Affairs to comply with the Department's energy management requirements under section 543(f)(7) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)(7))

The CHAIR. The gentleman from Vermont is recognized for 5 minutes.

Mr. WELCH. Madam Chair, this amendment, offered by my colleague from Colorado (Mr. GARDNER) and I, does something straightforward. It forces, really encourages, the VA to do something that it has been required to do, and that's report on energy efficiency.

One of the goals I think all of us have, regardless of our point of view about what is the best fuel source, is to do everything we can to make sure that we use less, not more. One of the best places for us to save on energy is in our Federal buildings. Anything we can do to encourage them, to do the inventory, so that they know what steps can be taken to use less energy means we are going to save taxpayers money and help their bottom line budget.

In previous legislation this Congress authorized, actually directed, that our agencies make these reports available. That's a step that would then allow them to participate in energy saving contracts with some of our energy saving companies. This legislation basically says let's get that job done.

I yield to my colleague from Colorado (Mr. GARDNER).

Mr. GARDNER. Thank you, Mr. WELCH, for allowing me to sponsor this amendment with you.

Energy savings performance contracts present a great opportunity for this government to do two of our highest priorities: number one, create jobs and, number two, reduce spending. It's an opportunity that we can all work together, something that has bipartisan support to make sure that we're doing the right thing when it comes to making our government buildings more efficient, and do it in a way that actually creates private sector jobs.

By some estimates the Federal Government can save $20 million or more by implementing energy savings measures in Federal buildings. Again, this is a program that's been approved, it's in law, and it's something that we have seen before used in a way that can create jobs, private sector opportunity, but benefit all taxpayers by reducing spending.

I thank the gentleman from Vermont for the opportunity to work with him and ask and urge the adoption of this amendment.

Mr. CULBERSON. Will the gentleman yield?

Mr. WELCH. I yield to the gentleman from Texas.

Mr. CULBERSON. Madam Chair, we have no objection to the amendment and will be happy to accept it.

Mr. WELCH. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

The CHAIR. The Clerk will read:

The Clerk read as follows:

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

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

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

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

OFFICE OF INSPECTOR GENERAL

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

AMENDMENT NO. 7 OFFERED BY MR. TERRY

Mr. TERRY. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 37, line 15, after the first dollar amount, insert ''(reduced by $1) (increased by $1)''.

The CHAIR. The gentleman from Nebraska is recognized for 5 minutes.

Mr. TERRY. Madam Chair, this is to request a dollar in and a dollar out to be used in that process for the inspector general to look into the VA Office of Acquisition, Logistics, and Construction, which is a subdivision of the Office of Construction and Facilities Management of the VA. This is the organization that builds and remodels new clinics and hospitals.

What I have discovered, because of experiences in Omaha, Nebraska, regarding a proposed new facility to replace a very obsolete and decayed facility, is that the Office of Acquisition, Logistics, and Construction of the Office of Construction and Facilities Management hires the engineering firms to do what turns out to be a skeleton request for proposal or bids.

They go out and then they start adding a bunch of stuff on there, because I don't know if it's because they're afraid to put all of the stuff they want in a bid because then it will look really big and too expensive. So what happens then, because they do that, there are literally two pages of projects that are needed for veterans.

But because of their practices and procedures, I don't know if it's purposeful or just competency issues, but the reality then is because of the cost

overruns of these additions and the way that they're doing, it is perhaps increasing the price of the project by 25 percent, 50 percent, even accusations at the Orlando facility of doubling to almost a billion dollar hospital. What that does is it takes money away from future projects to complete the ones that they have miscalculated, again, either purposefully or unintentionally, but it's occurring.

What happens is they start canceling future projects or pushing them out even further. And by doing that what it means is that facilities that are decaying, need replacement, are continuing to be used, and really place the veterans' health in jeopardy. I will guarantee you that if some of these facilities are not replaced in the near future, there will be veterans who die because of the structural and infrastructure problems within these buildings.

□ 1750

So something has to change and an inspection and IG review has to be done to get the VA on the right course to do these in an affordable way without having to raid future funds from other projects.

So with that, Madam Chairman, I have one question, if I can ask the chairman, my friend from Texas.

I understand you're willing to accept this amendment?

Mr. CULBERSON. Will the gentleman yield?

Mr. TERRY. I yield to the gentleman from Texas.

Mr. CULBERSON. We will accept the gentleman's amendment. He raised an important point for the committee's consideration.

Mr. TERRY. I appreciate that very much.

With that assurance, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

Mr. CULBERSON. Madam Chairman, I ask unanimous consent to consider out of order amendment No. 1 by the gentleman from Oregon (Mr. BLUMENAUER) and an amendment by the gentleman from Illinois (Mr. SCHOCK).

The CHAIR. Is there objection to considering the amendments at this point in the reading?

Without objection, that will be the order.

There was no objection.

AMENDMENT NO. 1 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. I offer an amendment.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 31, line 5, after the dollar amount, insert ''(reduced by $35,000,000) (increased by $35,000,000)''.

The CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy. This is such a well-oiled machine, the subcommittee galloping ahead, and I apologize that I turned my head. I think it is worthy to go back and deal with this amendment offered on behalf of my colleague, CATHY MCMORRIS RODGERS, and myself.

Today, America stands on the precipice of discovery when it comes to understanding how the human brain operates. These discoveries have huge implications for taxpayers—who cumulatively spend over a half trillion dollars a year on treatments for brain-related issues—and for some of the most pressing medical challenges we face.

Scientific breakthroughs in neuroscience research have led to a higher quality of life for the 50 million Americans who are affected by neurological illnesses every year. Two of the most pressing examples of how outside trauma and events can drastically alter the structure and function of our brain are under the purview of this subcommittee: posttraumatic stress disorder and traumatic brain injury.

These injuries can often be hidden from the naked eye. Almost one in five soldiers in the previous decade suffered a traumatic brain injury, and 15 percent of veterans are diagnosed with posttraumatic stress disorder. That represents hundreds of thousands of cases of cognitive and physical impairment due to TBI and PTSD that impact the lives and the loved ones of our servicemen and -women.

Today, Congresswoman MCMORRIS RODGERS and I, as cochairs of the Congressional Neuroscience Caucus, are offering an amendment to the Military Construction and Veterans Appropriations Act to ensure that the Veterans Administration continues to have the resources it needs to find innovative new medicines and enhanced diagnostics for what can truly be termed an epidemic. The amendment does not increase or decrease any accounts in the appropriations bill. It simply requires that no fewer than $35 million of the medical and prosthetic research account go towards posttraumatic stress disorder and traumatic brain injury so that we can expedite a cure for active duty personnel and veterans suffering the effects of brain and psychological trauma incurred during their service.

We are keenly aware that translating research into effective treatments and therapeutics is a long and difficult process. Every area of research undertaken by the VA to help our veterans must be a priority. But we believe that TBI and PTSD research must be further prioritized in this bill because we are so close to the finish line in our race to find the right treatments for these brain injuries that now is the time to dig deep and make the final push.

Also, these items demand our special attention because their effects can so easily harm a soldier's family and loved ones if not properly diagnosed. Early detection and prevention preempts chaos, hardship and, indeed, in some cases, further loss of life.

We must commit to better understand how the brain's 100 billion nerve cells grow, interact, and are altered by our environment. It's hard to think of a more fitting gesture from this body a few days after Memorial Day than supporting this amendment to demonstrate our commitment to finding effective treatments and therapies for these neurological impacts which plague our military personnel who dutifully serve our country. We must remember our duty to the wounded warriors who face a long journey to recovery. These harms may not be as visible as a missing limb but can be even more damaging to a veteran's future and relationships.

I urge my colleagues to support this amendment, a commitment from Congress to our servicemembers that we will continue to do all we can to develop new medicines and technologies to improve the lives for those in need.

Again, I appreciate the extraordinary courtesy of the subcommittee and respectfully urge adoption of this amendment.

I yield back the balance of my time.

Mr. CULBERSON. I rise in support of the gentleman's amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. The gentleman brings to the attention of the Congress and the country an extraordinarily important issue that the committee is focused on. Post-traumatic stress disorder is so extraordinarily important and difficult to diagnosis in many cases.

I appreciate the gentleman's amendment. We welcome it and will continue to do everything we can to help make sure to alleviate the suffering of a lot of our veterans and what they go through as they return from serving this great Nation.

We accept the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHOCK

Mr. SCHOCK. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 28, line 23, insert after the dollar amount the following: ''(reduced by $16,000,000) (increased by $16,000,000)''.

The CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. SCHOCK. First, let me say thank you to my good friend from the great State of Washington for his cooperation in allowing me to offer this amendment at this time.

This amendment specifically dedicates $16 million within the Office of Rural Health to expand the current rural veterans' access to covered health services through qualifying non-VA health providers to a new area within each VISN they currently operate and new VISNs altogether. This

came about in talking to veterans who live, in many cases, hours away from the qualified VA facility. It expands a very popular program within the VA that allows these veterans who are in need of health services to visit an approved health care provider closer to them, limiting their cost, the time and travel required to get their needed benefits.

At this time, I yield to my friend from Illinois, Congressman SCHILLING, who's been working tirelessly on this effort of expanding health care for rural veterans.

Mr. SCHILLING. I believe in the concept of allowing our veterans to receive medical care closer to home. I remember taking care of my dad during the last few months of his life and driving him back and forth from Iowa City hospitals several hours at a time for my dad to get the care he needed.

While we appreciated the service and the care provided through the VA, I believe that we must continue to make improvements to the care our veterans receive. I talked to many constituents in the Illinois 17th District who feel the same way.

In 2008, a law was passed that created a pilot program called Access Received Closer to Home, also known as Project ARCH. This program helps veterans who are more than 60 minutes away from the nearest VA health care facility to receive primary care for services at non-VA health centers that contract with the VA. I believe this is a very promising program for our veterans, and this amendment would allow Project ARCH to serve more veterans, and here's how:

A 2011 audit of the Office of Rural Health found that, at the end of fiscal year 2010, the Office of Rural Health had obligated $16 million of its budget.

□ 1800

The audit went on to find examples of lapsed funding that ''constituted missing opportunities for the Office of Rural Health to improve access and quality of care for rural veterans.''

This amendment would help turn these missed opportunities into more veterans served. This amendment by Representative SCHOCK and myself would take unused and unobligated funds from the Office of Rural Health and devote this money to Project ARCH so that it can serve more of our veterans. I support Project ARCH's goals of improving access for veterans in cost-effective ways and provide an easing of travel requirements for the care that our servicemembers receive.

I also support another program similar to Project ARCH. In 2006, Congress directed the Veterans Health Administration to implement a contracting pilot program to better manage the fee-basis care program that the VA runs for veterans seeking care outside the VA system. That pilot project is called Project HERO. The VA has stated that Project HERO has resulted in annual savings of $16 million in the four VISNs it operates in with less than 20 percent of the potential workload. This means that the savings figure will be much higher if Project HERO is utilized across all of the VISNs and at a higher workload level.

That is why I believe that we should support this program and provide it funding so it can help more veterans who do not have easy access to facilities across the United States of America.

Mr. SCHOCK. With that, I would just say I urge my colleagues to support this amendment to increase funding for rural health care.

I yield back the balance of my time.

The Acting CHAIR (Mr. WOODALL). Does any Member seek the time in opposition?

If not, the question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, $532,470,000, to remain available until September 30, 2017, of which $5,000,000 shall be to make reimbursements as provided in section 7108 of title 41, United States Code, for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the 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 construction contract by September 30, 2014: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above.

CONSTRUCTION, MINOR PROJECTS

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

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

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

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

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

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2013, in this Act or any other Act, under the ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'' accounts may be transferred among the accounts: *Provided*, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees

on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the ''Medical facilities'' account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

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

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

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

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

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

(INCLUDING TRANSFER OF FUNDS)

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution 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 to exceed $42,904,000 for the Office of Resolution Management and $3,360,000 for the Office of Employment and Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the ''General administration'' and ''Information technology systems'' accounts for use by the office that provided the service.

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

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the 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.

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 214. Amounts made available under ''Medical services'' are available—

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

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

(INCLUDING TRANSFER OF FUNDS)

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

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

(INCLUDING TRANSFER OF FUNDS)

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

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

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

(INCLUDING TRANSFER OF FUNDS)

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts appropriated to the Department of Veterans Affairs for fiscal

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

(INCLUDING TRANSFER OF FUNDS)

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

(INCLUDING TRANSFER OF FUNDS)

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

(INCLUDING RESCISSIONS OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

(INCLUDING RESCISSIONS OF FUNDS)

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

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

(1) ''Veterans Health Administration--Medical and prosthetic research'', $809,000.

(2) ''National Cemetery Administration'', $360,000.

(3) ''Departmental Administration—General administration'', $1,575,000.

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

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

(6) ''Departmental Administration--Office of Inspector General'', $450,000.

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

TITLE III
RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $59,290,000, to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

SALARIES AND EXPENSES

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

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

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

ARMED FORCES RETIREMENT HOME

TRUST FUND

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

TITLE IV
OVERSEAS CONTINGENCY OPERATIONS

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $150,768,000, to remain available until September 30, 2013: *Provided*, That such amount

is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS

(INCLUDING RESCISSION OF FUNDS)

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

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

TITLE V

GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

(2) the report contains confidential or proprietary information.

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

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

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

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

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

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

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

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

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

(2) is—

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

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

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

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

SEC. 515. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to any corporation that was convicted (or had an officer or agent of such corporation acting on behalf of the corporation convcited) of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation, or such officer or agent, and made a determination that this further action is not necessary to protect the interests of the Government.

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

Mr. CULBERSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 65, line 16, be considered as read, printed in the RECORD, and open for amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Acting CHAIR. Are there any amendments to that portion of the bill?

The Clerk will read.

The Clerk read as follows:

SEC. 517. None of the funds made available by this Act may be used by any Government authority or agent thereof awarding a construction contract on behalf of the Government, in any solicitations, bid specifications, project agreements, or other controlling documents, to require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations; nor shall such funds be used to discriminate against or give preference to such bidders, offerors, contractors, or subcontractors based on their entering or refusing to enter into such agreements. The previous sentence does not apply to construction contracts awarded before the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. GRIMM

Mr. GRIMM. I offer my amendment to strike the anti-Project Labor Agreement language in section 517.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, beginning on line 17, strike section 517.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. GRIMM. Mr. Chairman, construction is an inherently complex endeavor. Any owner funding a construction project faces a variety of challenges, such as time and cost constraints, maintaining quality control, safety, and of course recruiting a skilled workforce. Public and private project owners are always looking for effective ways to meet demand and manage risks to the financial investors of those projects, whether they're funded through private investors or by the taxpayers, as is the case here with military construction projects.

Project labor agreements are a proven tool to accomplish these objectives. The PLA is a pre-hire agreement and business model that increases efficiency and quality while decreasing the overall cost of a construction project since it is based on employing skilled craftsmen and -women. Use of a PLA increases the chance that a project will be done right the first time, on time, and on budget. This also helps to ensure future building maintenance costs are reduced, providing long-term benefits to the taxpayer.

However, section 517 in practical terms would deny the DOD and other Agencies the option to use a PLA business model even if they determine that using one would best serve the interest of taxpayers. At a time when Federal Agencies are required to do more with less, it does not make sense to remove this proven, cost-effective, and efficient option that saves taxpayers money.

Also, enacting a strict prohibition on the use of PLAs represents a regulatory barrier imposed by the Federal Government on free market participation. Companies like Wal-Mart, Toyota, Boeing, just to name a few, all currently use this type of business model because of these very same advantages that I mentioned.

Recently, I toured the 75-story Beekman building in New York City which, without the use of a PLA, would have been capped at 40 stories. And since we're talking about public projects, according to an audit commissioned by the New York City School Construction Authority, these agreements saved taxpayers over $221 million—$221 million—from 2005 to 2009. In 2009, Mayor Bloomberg projected that PLAs would save New York City over $300 million.

And as a veteran myself, I have to point out that this is one of the only business models that guarantees the hiring of military veterans and results in career job training. Taking this option away would disadvantage the DOD, the VA, and, most importantly, our returning servicemen and -women seeking jobs to support themselves and their families.

Therefore, I urge you to vote ''yes'' on this amendment and to strike the language from the bill that disadvantages the DOD, VA, American taxpayers, and our military veterans.

I yield to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I stand today with my colleague from New York (Mr. GRIMM) to support the working men and women of this great Nation.

You might take a quick look at section 517 of this legislation, the appropriations bill, and think it doesn't stop the Department of Defense from using a project labor agreement. But you must know, in reality, this confusing language is carefully hiding a back door, a back door opening to do away with PLAs.

Specifically, while currently the Department of Defense can choose whether they want to use a PLA, this language would prohibit even the option of choice whether to use a PLA. That's unacceptable.

This amendment doesn't dictate using PLAs. It just gives the Defense Department back the option to use them. Agencies like the Department of Defense need the flexibility and choice to use PLAs because of the variables they face in doing their job—from security issues, a very critical part of every contract; onsite safety, just as critical; to the skills needed to build unique facilities and structures.

Furthermore, the use of PLAs establishes a required skill level for what the project and the government require or desire, ensuring that these highly sensitive and complex projects are performed on time and on budget.

Let's cut to the chase, Mr. Chairman. The jobs where PLAs are used require higher skill sets.

The Acting CHAIR. The time of the gentleman from New York has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. GRIMM was allowed to proceed for 2 additional minutes.)

Mr. GRIMM. I yield to the gentleman from New Jersey.

□ 1810

Mr. PASCRELL. I thank the gentleman for yielding.

The jobs where PLAs are used require higher skills, higher wages for engineers and laborers. Undercutting their ability to bid on contracts will not only hurt the project and the Department of Defense's bottom line, but it will also hurt the working men and women who are building our future.

I urge a ''yes'' vote on the Grimm amendment.

Mr. GRIMM. Mr. Chairman, I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Mr. Chairman, I'm the first one to be a strong advocate of the 10th Amendment. As a Jeffersonian, I really believe very strongly in the whole idea of individual liberty and letting local governments make local decisions and State governments make decisions at the State level.

In some States, as in New Jersey and New York, certainly the labor union movement is very strong and PLAs may work in those States. It certainly may make sense in New York or New Jersey, but Texas is a right-to-work State, and proudly so. We don't have many labor unions—in fact, very few at all. In the construction industry in particular, there really are no unionized construction firms. There are none.

So if the President's executive order—which he issued almost as soon as he came in, President Obama signed an executive order that said the President of the United States—now, just imagine if you're the head of a local VA and you get an order from the President of the United States saying the President recommends that you, as the head of the VA, hire a construction firm that uses a project labor agreement, you're probably going to follow that advice. It is impossible to do that in the State of Texas.

My friend from Arizona, Arizona is a right-to-work State. Many States across the country are right to work. We don't have labor unions. I believe Georgia is a right-to-work State. We don't have a State income tax in Texas. We don't have many labor unions. Trial lawyers have to really have a good lawsuit before they can go to the courthouse. Taxes are generally low. The streets are safe. We've got, in Texas, a thundering economy.

If I recall right, Texas has created most of the jobs in this Nation over the last 10 years. And one of the reasons Texas' economy is so strong is we don't have many labor unions. But of course that's up to us in Texas. And people have been voting with their feet and moving to Texas. We've had tremendous influx of people from other parts of the country.

The language that is in the bill, my good friend from New York, my friend from New Jersey, the language in the bill does not prohibit the use of project labor agreements; it really doesn't. The language was carefully written so that the government cannot discriminate against or give preference to a construction firm that uses PLAs. Nor can the government—and I'm going to read it here exactly—nor can the government require a contractor to enter into or adhere to a project labor agreement.

A project labor agreement—I need to make sure folks understand what we're talking about—is essentially a requirement that if you want to do business with the Federal Government, you have to unionize your shop. That doesn't make any sense in Texas, it doesn't make any sense in Georgia, it doesn't make any sense in Arizona where we have no unionized contractors—or virtually none, to my knowledge. You can't build a house, you can't build a building in Houston, Texas, if you require the use of a unionized contractor. They don't exist.

Mr. DICKS. Will the gentleman yield?

Mr. CULBERSON. I yield to the gentleman from Washington.

Mr. DICKS. The distinguished chairman—who does a great job, and we're trying to work together—if we understand this, a non-union shop can be considered for work under a project labor agreement. You don't have to be a union shop. So a non-union company can do it. All they have to do is to agree to the terms that are part of the project labor agreement; in other words, that they will use the wages and other standards that the project labor agreement has. If they will abide by that, then they can be considered for

work. So that doesn't mean that there aren't any.

Thank you for yielding.

Mr. CULBERSON. Reclaiming my time, you're right. And that's the problem, my friend, Mr. DICKS, from Washington State. Truly, you're exactly right. The VA can and will require a nonunion contractor in Texas to unionize before they can even——

Mr. DICKS. No, no, no, no. If the gentleman will yield?

Mr. CULBERSON. I yield to the gentleman from Washington.

Mr. DICKS. They don't have to unionize. They just have to agree to the prevailing wage and other things that are part of the project labor agreement, but they don't have to be unionized.

Mr. CULBERSON. Yes, sir. That's correct. I'm about to run out of time.

The Acting CHAIR. The time of the gentleman has expired.

(By unanimous consent, Mr. CULBERSON was allowed to proceed for 2 additional minutes.)

Mr. CULBERSON. If I could point out, the gentleman from Washington is correct; on this vote, they're not required to unionize, but they're required to adopt the higher prevailing wage. They're required to adopt all the other higher, more expensive standards that a union may require. That puts that contractor at an immediate competitive disadvantage with all of the other contractors out there.

There are no unionized—or very few unionized contractors in Houston, Texas—throughout the whole State, and that's the problem. While perhaps in New York, while perhaps in New Jersey, while perhaps in Washington State PLAs may actually wind up saving you money—for reasons mysterious to me as a free market guy, but it may save you money.

This language does not prohibit the use of a unionized contractor in New York. Let me repeat, in the brief time I've got left: none of the funds in this act can be used to discriminate against or give preference to a union shop, and the government cannot require a contractor to enter into an agreement. So, you see, the language, as written, we're all on the same page here, guys. This language does not require unionization. It doesn't force a non-union shop to adopt a prevailing wage, for example. And it enables everyone to bid without discrimination.

Our concern is, with the President's executive order, which says that the President of the United States encourages the local VA to hire a contractor that follows union guidelines, they don't exist in Texas. That makes no sense. That's why the gentleman from Arizona wrote this amendment this way. And that's why it's important that the House defeat this amendment to save taxpayer dollars and to allow non-union contractors in right-to-work States to compete for these government construction projects.

Mr. Chairman, I yield back the balance of my time and thank you for the extra time.

Mr. BISHOP of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. Mr. Chairman, I rise in strong support of this amendment.

The language included in the bill says that none of the funds made available by this act may be used by any government authority or agent thereof awarding a construction contract on behalf of the government, and any solicitations, bids, specifications, project agreements, or other controlling documents, to require or prohibit bidders, offerers, contractors, and subcontractors to enter into or adhere to agreements with one or more labor organizations. Language currently included essentially nullifies the decisionmaking ability of not only the Department of Defense, but also the Department of Veterans Affairs, the American Battle Monuments Commission, the Court of Appeals for Veterans Claims, and Arlington National Cemetery to use a PLA business model.

To put it another way, all of these agencies currently have two choices: yes, we want to use a PLA, or no, we don't want to use a PLA. Without this amendment, the agencies will no longer be able to make that yes or no choice. If this language is maintained, then every agency in this bill will literally not be able to make a decision on the business model that they want to use for their construction projects.

The language is a backdoor way to ensure that the project labor agreement business model is not available as an option for the Federal Government to even consider using on any of the construction projects in the bill.

Keeping this language would be a mistake since PLAs ensure that construction projects are built correctly the first time, on time, and as a result, on budget for the end-user. Furthermore, PLAs prevent costly delays that usually result from an unskilled workforce's lack of knowledge regarding the use of building materials or tools, as well as job site safety measures.

Furthermore, Mr. Chairman, we don't know the effect this language could have on VA projects. And I don't believe that this Congress should include any language that could further delay vital Veterans Affairs projects.

I find this language to be unclear and believe it will only add uncertainty and confusion to the construction process. I don't understand why we would take this option off the table. If a project labor agreement is good for Toyota, or Boeing, or Wal-Mart, why isn't it good enough for the Federal Government?

□ 1820

I urge all the Members to vote ''yes'' on the Grimm amendment. It's sound, and it will help us to get our construction done on time and on budget and safely.

I yield back the balance of my time.

Mr. FLAKE. I move to strike the last word.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. Mr. Chairman, I have enjoyed hearing this, and I would say, if the gentleman from New York, if what he were saying were correct, he would be right and I think all of us would vote for this amendment. But he's not. He's not right.

The amendment, the language he seeks to strike does not forbid or prohibit the use of PLAs. You don't have to take my word for it. I was the author of the amendment, and we expressly did it so as not to prohibit or allow or anything. It would simply be neutral.

And this is what CRS said. So you can say all you want about motives or anything else, but this is what CRS said. They wrote back to us and said:

> Based on the plain language of the amendment's text, PLAs for military construction projects would not be forbidden.

Again, ''would not be forbidden.'' It is expressly—let me read that again so I'll be clear.

> Based on the plain language of the amendment's text, PLAs for military construction projects would not be forbidden, as it expressly provides that ''[n]one of the funds made available by this act may be used by any government authority . . . to require or prohibit . . . bidders . . . to enter into . . . agreements with one or more labor organizations.''

Here we have it. It's neutral. That's what we're intending to do. The problem is what we sought to correct with the amendment in committee was when the President issued this executive order. The executive order, in itself, does not expressly prohibit nonunion organizations or shops from getting a contract. But what Federal agencies have interpreted it as meaning is that they should favor PLAs. And so certain Federal agencies have written guidance, based on the President's executive order, that actually favor PLAs. And that's wrong.

And so all the amendment seeks to do is put it back on neutral ground, to keep the thumb of the President or this body or Republicans or Democrats or anybody off the scale in this regard. That's what this language that the gentleman is seeking to strike does. It brings neutrality that has been missing after the President's executive order.

Again, when the President issued his executive order, some Federal agencies took that to mean that they would have to or could require the use of PLAs, and that means that the thumb is placed on the scale in favor of PLAs. So this language was drafted to make it neutral again. That's what it does.

If this amendment here is adopted, it will put a thumb back on the scale, and we can't have that. So you can say all you want about motives, what they really want to do, or this is a back door or whatever. But if you look at the amendment, again, from CRS, not from

me, says that it doesn't require or prohibit, so it's neutral.

Mr. GRIMM. Will the gentleman yield?

Mr. FLAKE. I will yield first to the gentleman from Washington, but only briefly.

Mr. DICKS. It will be very brief.

The Office of General Counsel of the Department of Defense says about the gentleman's amendment:

> If enacted, the attached provision would prohibit the Department from soliciting bids for FY13-funded construction contracts where, as a mandatory condition of award, the awardee must negotiate a project labor agreement with one or more labor organizations for the term of the resulting construction contract.

Mr. FLAKE. Reclaiming my time.

Mr. DICKS. That means they can't do it.

Mr. FLAKE. No. There's an important word there, ''mandatory.'' It wouldn't allow the mandatory use. It's back to neutrality.

Mr. DICKS. That's not what they think. They think that if your language does what I think you——

Mr. FLAKE. That's what you just read.

Mr. DICKS. Well, that's not how they interpret it.

Mr. FLAKE. I'm not sure if they know what they're interpreting then. But CRS, which looks at this, says it's neutral, so make no mistake——

Mr. GRIMM. Will the gentleman yield for a question on CRS?

Mr. DICKS. If it's neutral, what does it do then?

Mr. GRIMM. Did CRS actually speak to these agencies?

Mr. FLAKE. If they spoke to the agency——

Mr. GRIMM. Does the gentleman know if they spoke to the agencies? Did the gentleman speak to these agencies to see how they would interpret it?

Mr. FLAKE. We don't have to because the agencies have issued guidance that we can look at where they have interpreted the President's executive order as to require the use of PLAs. That's why we offered the amendment.

Mr. GRIMM. Exactly. And the amendment that you have in is going to be interpreted to preclude them from using PLAs.

Mr. FLAKE. No, it doesn't.

Mr. DICKS. Well, what does it do then?

Mr. FLAKE. It simply takes the thumb off the scale that's there right now because these agencies have issued guidance. Now, you can say that the agencies may take this as a thumb on the other side of the scale.

Mr. GRIMM. That's exactly what I'm saying.

Mr. FLAKE. Nobody can control what they're doing. But this language simply makes it neutral, and that's what I'm trying to correct here.

I yield back the balance of my time.

Mr. LATOURETTE. I move to strike the last word.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Chairman, I hadn't planned on speaking on this amendment—there are plenty of other voices to do it—but I argued against this amendment in committee. I repeatedly argue against this amendment. I really don't know why we have to repeat this exercise, other than it won by one vote the other time, and we're going to correct that mistake tonight, I will tell you.

But the author of the amendment—the amendment is a wolf in sheep's clothing in that the gentleman offering the amendment isn't in favor of project labor agreements. As a matter of fact, all the people who have spoken——

Are you in favor of project labor agreements? I don't want to slight you if you are.

I yield to the gentleman.

Mr. FLAKE. Wherever they make sense, that's fine. I just don't want a finger on the scale either way.

Mr. LATOURETTE. I hear you. And if that was true, the wording of your amendment would be——

Mr. DICKS. Will the gentleman yield just briefly on that point?

Mr. LATOURETTE. I yield to the gentleman from Washington.

Mr. DICKS. Just briefly, the President doesn't require that they use a project labor agreement. He just suggests that they might be able to use it. That's pretty neutral.

Mr. LATOURETTE. Reclaiming my time, well, let me say this. You know, I do agree with the gentleman from Arizona, which I very rarely do, that, in fact, under this administration, there's sort of a feeling that we should have PLAs, which I happen to think is a good thing into my part of the world. However, this language is almost identical to the Bartlett amendment that was in the defense authorization.

To my belief, this was written by the Associated Builders and Contractors, and the Associated Builders and Contractors are not in favor of project labor agreements. Neither are most of the people, including Mr. CULBERSON. He's very proud of the fact that they don't have any unions in Texas. Well, we've got them in Ohio.

And I'll tell you, here's the difficulty with this and why this is a wolf in sheep's clothing. What the problem is is, if an agency determines that they want to proceed with a project labor agreement, this language prohibits them from doing it because it prohibits any contractor or subcontractor who may bid a piece of that job to be required to enter into a union contract. And that's the difficulty, because if the agency, independent, without any thumbs on the scale, says, You know what—well, I've got to tell you, CRS is wrong. CRS is flat-out wrong. They're a great organization. They're flat-out wrong.

But what this does is say that if the agency, and let's just take one that's in the news here in Washington, D.C. So the Metropolitan Airport Authority that controls the three airports in this area decides they want to do a project labor agreement, the board votes that way to do a project labor agreement on the silver line which is going out to Dulles Airport and it's covered by this bill, they cannot do a project labor agreement because this language isn't neutrality. This language says you can't have a project labor agreement because nobody, subcontractors can't be required to the terms and conditions that would be in a project labor agreement.

So make no mistake about it, CRS notwithstanding, this is to kill project labor agreements. And if you have that position, that's a great position. You can have that position. Mr. CULBERSON, I believe, has that position.

Mr. CULBERSON. I do.

Mr. LATOURETTE. He does. I know he does, and we've talked about this. And you know what? He can have that position.

But what you can't do is bring an amendment to the floor that pretends to do one thing and, in fact, does another.

If you don't want project labor agreements to even be considered, vote against Mr. GRIMM's amendment. If you think that they should be in the mix, you need to vote for it.

Mr. CULBERSON. Will the gentleman yield?

Mr. LATOURETTE. I am happy to yield to my friend from Texas.

Mr. CULBERSON. Our point was that in right-to-work States where we have virtually no labor unions, we don't want contractors to be required to adopt prevailing wages or adopt union guidelines in order to bid on a contract. And in States like yours, Ohio, New York, New Jersey, you should be free to do so.

And I think the way, truly, if I may, the way the amendment is written, we have obviously a difference of opinion, but it is written very clearly that the government cannot require or prohibit contractors from adopting these PLAs, so it leaves it really up to the local VA to decide whether they're going to bid it out to a nonunion shop or a union shop, depending on the State. In your State, fine. In Texas, you know, we're a nonunion State.

Mr. LATOURETTE. Let me take back my time and say that I think it's unfortunate that Texas doesn't feel they have to pay living wages for construction jobs. But beyond that, let me say that, if the language said that, we wouldn't be having this discussion. But the language doesn't say that.

□ 1830

So let's say the VA down in Texas makes a determination that they want to do a project in Texas under a project labor agreement. They can't do it. They can't do it under this language. They are deprived of doing it because, to have a project labor agreement, they would be forced to require the contractors and subcontractors to abide by the

terms and conditions of that agreement. I'm telling you that that's what it says, JOHN, honest to gosh. There is a better way to write this. This wasn't written by friends of PLAs, and it needs to be passed.

The Acting CHAIR. The time of the gentleman has expired.

(By unanimous consent, Mr. LATOURETTE was allowed to proceed for 2 additional minutes.)

Mr. LATOURETTE. I yield to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. I think we're headed in the same place, which is that you'd like to preserve the ability to hire union contractors in Ohio, New York, and New Jersey. We share that. I have no objection. Under the 10th Amendment, if that's what you guys want to do, God bless you.

So what I would ask is that perhaps we could postpone the consideration of this amendment briefly. Would you guys come up with some language to amend Mr. FLAKE's language to make it even clearer in your mind; so let New Jersey run New Jersey and New York run New York and Ohio run New York, and let Texans run Texas?

Mr. LATOURETTE. We don't want Ohio to run New York. I think the gentleman misspoke.

Mr. CULBERSON. I want Ohio to run Ohio.

Mr. LATOURETTE. We've got enough stuff going on in Ohio.

Mr. CULBERSON. Will you offer an amendment, because you're a very capable legislator, and may we postpone the consideration of this amendment briefly so that you could amend his language to let Texans run Texas and Arizona run Arizona and Ohio run Ohio?

Mr. LATOURETTE. And you're a gifted orator.

A couple of things. One, I appreciate the gentleman's invitation, but I don't want to postpone the consideration of the amendment.

Mr. CULBERSON. We've got other work.

Mr. LATOURETTE. There is going to be a rolled vote, I assume. You're not going to take extra real time.

Mr. CULBERSON. No, but we could fix this, though. Let's fix this.

Mr. LATOURETTE. There is going to be a rolled vote, and I will be happy to work with the gentleman; but we're going to stand on the Grimm amendment in case we can't come to some accomodation, which I hope we can, not written by the ABC.

I yield back the balance of my time.

Mr. LYNCH. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. LYNCH. In my own experience before coming to Congress, I was actually an ironworker for about 18 years. I have actually run work on projects with PLAs. I've been a general foreman on a large, complex construction project such as the ones that are covered by this bill. These large projects are $25 million and over, so it's not somebody who's throwing up a house here or there. I also worked in Louisiana, and we had a PLA where half the job was union and half the job was nonunion. There are situations in which PLAs are extremely important and extremely helpful. This bill would prohibit that from happening.

The gentleman from Ohio (Mr. LATOURETTE) is absolutely correct in his interpretation of the language of the bill. For instance, if the VA, which is right now considering building a spinal cord injury hospital in Brockton, Massachusetts, would like to put an agreement on that project that says they want 30 percent of the workers or 50 percent of the workers on this job to be United States veterans, they would not be able to put that language into effect because they would not be able to require a contractor to sign an agreement to hire veterans on a VA project. That's exactly what's wrong with the bill.

Mr. GRIMM has a very good amendment. It is on point. He is absolutely right. I know this from my own work on PLA projects. This amendment seeks to strike a provision from the underlying bill which would prevent any Federal agency from requiring contractors to sign a project labor agreement.

Now, PLAs have been highly efficient in coordinating many, many contractors on these complex construction projects. Despite the arguments of some, PLAs are not a guarantee of union employment. Under a PLA agreement, construction contractors can hire people regardless of union or nonunion status. What it does do is requires that contractors abide by the law. There is also great scrutiny on these projects. They are required to properly classify their workers, as the gentleman from Texas pointed out, on some jobs where there otherwise might be illegal immigrant workers on those projects. That doesn't happen on a PLA project because they've all got to be citizens.

We have a Helmets to Hardhats program that's run by the building trades. They actually make sure that especially our returning veterans from Iraq and Afghanistan get the first crack at those jobs—Helmets to Hardhats, from the military right into those apprenticeship programs—so that we train our young men and women coming back from Afghanistan and Iraq a skilled trade. The PLAs are most commonly used on large, multiyear projects that are complex and that present considerable difficulty for contractors to bid those jobs.

The key here is that under current law Federal agencies—the VA at the spinal cord injury hospital or the DOD if they're building a defense complex—can use a PLA when appropriate. They can put an agreement together that makes sure, if you've got a plumber on the job, he's properly licensed, or if you've got an electrician on the job, he's properly licensed; and they abide by a drug-free workplace program. They can put in a lot of good things that make sure that that project comes in on budget and ahead of schedule. What this would do would be to prevent the VA or the DOD from requiring that on a job.

It's the worst contractors who are afraid of this agreement because they would be required to comply with the law. They would be required to have workers' comp. They would be required to meet with the OSHA and safety regulations. The construction industry—I worked in it for 18 years—is a very dangerous industry, and sometimes it costs more to run a safe job.

Look, PLAs are a good idea. We should continue, when appropriate, to allow these Federal agencies to use them on these construction projects. They're a good idea, and up to now they've been evenly administered. This bill would change that dynamic. It would basically ban the VA from requiring that veterans be used on those projects or ban the DOD from saying, Look, we want to have veterans on this project; 50 percent of the workers on this project we want to be veterans. It's entirely appropriate for the VA or the DOD to do that. They would be prohibited from doing that under the language in this bill.

I yield back the balance of my time.

Mr. WALBERG. I move to strike the last word.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. WALBERG. Before I let a train of thought go, I yield 30 seconds to my good friend from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I just want to say first that the gentleman mentioned that he thought that this bill had been written by the Associated Builders and Contractors. That's not the case. This issue was first brought to my attention after a meeting my office had with the Army Corps of Engineers. So a government agency brought it to our attention.

Second, we are trying to bring back the same neutrality that existed during the Bush administration, which was before this President put the finger on the scale. During the Bush administration, during that 8 years in which we had the neutrality like this amendment of mine returns to, there were contracts awarded with project labor agreements and there were contracts awarded without them. That's what neutrality does. Where it makes sense to use a PLA, it's used. When it doesn't make sense, it isn't. It's neutrality. That's what this bill returns to. That's why this amendment should be rejected.

Mr. WALBERG. I thank the gentleman from Arizona, and I thank him for his amendment. I support it, but I respectfully do not support the Grimm amendment.

I'm from Michigan. Michigan takes no backseat in this country to union labor. It is the returning auto capital of the world. It's a proud union State, and there is a proud, solid union workforce in Michigan. Just this past summer, the State legislature, in majority with the Governor's concurring and signing, signed into law a prohibition against the mandatory requirement of PLAs in government contracts. The State of Michigan, with its 10th Amendment responsibilities, did that.

Now, unlike what took place under the past Bush administration, as the gentleman from Arizona correctly pointed out, the Federal appellate court ruled in favor of doing away with the mandate and leaving neutrality there. That's all the provision of this section 517 does. It simply restores the neutrality. That's all we're asking: that when PLAs make sense and ultimately bring about a better project and an outcome, fine; but when they don't, for whatever reason that is, there should be no mandate, and there ought to be the opportunity within these contracts and within a State like Michigan to make a decision not to go with a PLA if that's the best outcome or result.

□ 1840

Again, this provision in the bill does not prohibit PLAs. It is neutrality. Studies have found that PLA mandates increase the cost of construction between 12 percent and 18 percent compared to non-PLA projects subject to prevailing wage laws. That's a decisionmaking process. That's a point that ought to be considered. It doesn't do away with PLAs, but it says it ought to be considered in the cost. Shouldn't taxpayers have that consideration? Shouldn't quality have that consideration?

PLA mandates typically restrict jobs to construction workers referred from union hiring halls, effectively shutting out in Michigan and other places 86 percent of the Nation's construction workforce. I don't think that's right. However, if it's necessary to have the union workforce with a PLA agreement and it will work better and be more efficient—contrary to these studies—if that's the case, then this provision in the act does not do anything except allow neutrality.

Mr. Chairman, that's what we're asking for, to continue what this Congress put in place by a vote last week in saying we believe that PLAs are good sometimes, may not be as good other times, and there ought to be neutrality and an opportunity for decisionmaking on the local level, at the State level, at the contract-construction level that meets the best of abilities. Federal agencies should not mandate that contractors enter into project labor agreements as a condition of winning Federal contracts.

Again, we're looking at nearly $16 trillion in debt. And when our construction industry still suffers—and I can tell you that's the case in Michigan in my district—from a 14½ percent unemployment rate, we in Congress should not be tying the hands of taxpayers and construction workers by making requirements—with the thumb of the President of the United States on the scale—that really disregard the will and the opportunity of States like Michigan to make their own decisions here.

I thank the Chair for this opportunity, and I yield back.

Ms. KAPTUR. Mr. Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Ohio is recognized for 5 minutes.

Ms. KAPTUR. First, I want to thank Mr. GRIMM for offering this bipartisan amendment.

Last year, we saw the same effort to attack project labor agreements in the military construction appropriations bill. This House on a bipartisan basis made the right choice, and we voted to support negotiated contract labor agreements. Why? It's the American way. It's the American way to respect the dignity of the individual. Yes, we respect their lives, their liberty, and indeed their pursuit of happiness. In northern Ohio, we've seen how important project labor agreements are. We use them to save lives as skilled laborers perform extremely dangerous work that I would dare say almost no one in this House is capable of performing.

These agreements are absolutely essential for workplace safety, for ensuring quality construction, and protecting the lives and rights of those men and women who perform extremely difficult, sophisticated, and superhuman work on a regular basis. I'm reminded in Toledo, Ohio, not so long ago we were replacing a major interstate lift bridge—the largest transportation project in Ohio history—over $400 million over several years.

We knew we needed a project labor agreement to complete the job with as few accidents as possible because we were replacing a lift bridge along one of the region's most important interstate highway systems adjoining three States. We insisted, and I worked so hard, to achieve a project labor agreement for the construction of this complex skyway bridge over the Maumee River, the largest river that flows into the Great Lakes. I didn't want it to be like Mackinaw Bridge, with the names listed for posterity of all the dead workers who were responsible for building that bridge, and whose names are left to history.

We hoped and worked so hard to try to limit the danger to the men and women who would build our bridge. We knew we needed a project labor agreement to write the rules of the road for that construction project. People were literally placing their lives at great risk every single day. If you don't believe me, you should have seen those talented individuals lofted at hundreds of feet in the air and then in bitterly freezing weather trying to put the pieces together above the river to construct the giant spires, physically creating the modern architectural wonder of the Glass City Skyway, which was dedicated to all the veterans of our country. But despite all our noble efforts and the safety precautions, our community still lost precious lives in two separate tragedies that were avoidable.

In the middle of February in 2004, one of the cranes collapsed, killing four workers and injuring four others. Why did they collapse? Because the company decided to cut corners and created a contest between which parts of the roadbed would be built faster by separate teams of workers. All the inspectors missed what was happening. Four workers were killed. I went to every single funeral. I never want to have to do that again. I never want to have to try to comfort the families of the tragedy that happened. Three years later, another man died when the platform he was working on collapsed. I know we would have lost more lives, were it not for the project labor agreement, but we shouldn't have even lost those lives. Yet, we would have lost more lives if there had not been a project labor agreement in place.

I don't believe in neutrality. Some of my colleagues have talked about neutrality. No, there should be no neutrality when it comes to workers lives. These workers were helping to build our country's future for the benefit of us all. They deserve a safe work environment. They deserve to have their lives represented in a contract agreement. The value of a completed project is worth more than the concrete, it's worth more than the spires, and it's worth more than the metal. It should be measured in the dignity of life. But workers were crushed to death. Thank God we had an agreement in place. It wasn't neutral. It defended those workers who lived. It defended the workers whose lives were saved because we knew we were a Nation of laws and that their lives were worth everything to us. That's the American way.

When we as a Nation invest in our physical infrastructure, those that are actually building up our country deserve to have their lives protected through contracts. Values derives not just from the cost of the concrete, but the value of their lives. Support project labor agreements, support this amendment.

I ask my colleagues to vote for the Grimm amendment, and I yield back the balance of my time.

Mr. HARRIS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Maryland is recognized for 5 minutes.

Mr. HARRIS. Mr. Chairman, this discussion is not about safety, and it's not about making projects safe or making them more efficient. This is about politics. This is about an Executive order the President put in place that takes

jobs out of the First Congressional District of Maryland and other districts where there may not be union workforces.

Mr. Chairman, the unemployment rate is high enough in the First Congressional District.

Mr. DICKS. Will the gentleman yield?

Mr. HARRIS. No, I will not yield.

The unemployment rate in the First Congressional District of Maryland—lower shore of Maryland—is higher than the national average, and we don't have union workers. So if some bureaucrat in Washington, because of a Presidential Executive order, says we have to have a project labor agreement on a project under this bill, under this appropriation, unemployed workers in my district aren't going to work on that project, and the hardworking taxpayers in my district, as the gentleman from Michigan has said, will be paying 12 percent to 18 percent more of their hard-earned tax dollars to pay for a project labor agreement in a district that they don't want that some bureaucrat in Washington decided they needed.

Mr. Chairman, we can't afford that. This country can't afford it. We have a $1.3 trillion deficit. We have a debt that approaches $50,000 per person in this United States. And we're debating tonight about whether just to be neutral about language regarding project labor agreements.

□ 1850

The gentleman from Arizona is absolutely right. This is plain English reading. It just says that the bureaucrat, for curing that contract, can't require a project labor agreement. If someone wants to know bid on it, they can bid union labor. They can bid all the union labor they want. It just says you can't require it as a condition of the contract.

Mr. Chairman, we got sent here to do the right thing for our hardworking taxpayers back at home, those who want to have a job, who want to be involved in some of these Federal contracts. Without this provision, if this amendment passes, and this provision is struck from the underlying appropriations bill, people in the First Congressional District, those unemployed workers are not going to have the opportunity to work on those projects for the simple reason that they don't belong to a labor union.

That's what will disqualify them. Not that they're unemployed, not that they don't want to work, not that they don't know all the safety rules, not that they can't do the job, not that they don't have a plumbing license or an electrician's license, because they all have to have that license to hold a job. And the proponents of this amendment know that full well.

It's only because they don't belong to a labor union. That's what this fight is all about.

Mr. Chairman, I hesitate to rise to oppose the amendment of the gentleman from New York, but in the First Congressional District of Maryland this hurts our unemployment situation. This hurts our hardworking taxpayers. I rise to oppose the amendment because in districts around America, just like the First Congressional District of Maryland, this amendment doesn't do justice to those unemployed workers.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Let's get back to some facts here. Under the CRS report that was referenced earlier, the National Labor Relations Act, as we know, gives most private sector workers the right to join or form a labor union and to bargain collectively.

A project labor agreement is a collective bargaining agreement that applies to a specific construction project and lasts only for the duration of that project. In February 2009, President Barack Obama signed an executive order that encourages Federal Agencies to consider requiring the use of project labor agreements on large-scale construction projects.

The EO describes a large-scale project as one where the total cost to the Federal Government is $25 million or more. The order States that Agencies are not required to use project labor agreements. Regulations implementing the executive order went into effect in May 2010.

Now, if that isn't neutrality, what is neutrality? I think this is a big to-do about nothing.

I mean, this amendment is not necessary. The President didn't mandate anybody to do anything. The Agencies decide if it is in the interests of the government to do this in a particular case. This administration has hardly done any project labor agreements as far as my understanding is, at least with the Department of Defense.

Again, I don't quite understand all of this concern, especially when nonunion contractors can be part of the agreement. They can bid, they can be part of the agreement as long as they will abide by the law, but with the prevailing wage agreements or things of that nature.

Mr. FLAKE. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Arizona.

Mr. FLAKE. I thank the gentleman for yielding.

The reason it's needed, as I mentioned, is because some of the Federal Agencies have taken the President's language in the executive order to mean that they can require or should require PLAs.

Mr. DICKS. There is no evidence of that.

Mr. FLAKE. Yes, there is.

Mr. DICKS. Tell me who's done project labor agreements?

Mr. FLAKE. There is. In fact, there was a project in St. Louis, I will mention one specifically, under the stimulus funds, frankly, and that was a shovel-ready project. But then—and a nonunion shop actually offered the low bid, but was refused the contract because the language that the President issued, or the executive order, was taken to mean that they had to look for a PLA, that they should be encouraged to use PLA.

Mr. DICKS. That's not what it says. That's not what the President's statement says.

Mr. FLAKE. But that's how it has been interpreted. That's why we're saying let's make it clear that we can neither forbid nor deny.

Mr. DICKS. Reclaiming my time, I would just point out that the Department of Defense thinks the gentleman from Arizona's language is prohibitive, that it doesn't give them any leeway, that they must not do a project labor agreement.

May I ask the Chair how much time I have remaining.

The Acting CHAIR. The gentleman from Washington has 1½ minutes remaining.

Mr. DICKS. I yield to the gentleman from New York (Mr. GRIMM), the author of the amendment, if he would like to make any further comments here.

Mr. GRIMM. Actually, I would, and I thank the gentleman for yielding.

I think the point is we're both making each other's point that you feel the language of the President is somehow restricting nonunion shops from bidding. I firmly feel and strongly feel that the language in your amendment absolutely prohibits the use of PLAs.

I think what we are both looking for is neutrality; but if language on either side is not working, we need to come up with a way to make this neutral so that everyone can bid and no one is prohibited. I think we're saying the same thing, and I think we're working towards that. I'm going to work with the chairman.

For now, my amendment is going to stand, and we're going to work as quickly with haste to see if we can come up with something that we can all agree with.

Mr. DICKS. The best and safest thing to do is to defeat the Flake amendment. That's kind of a standard. That's the surest way of protecting the executive order.

I yield back the balance of my time.

Mr. CARNAHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Missouri is recognized for 5 minutes.

Mr. CARNAHAN. I want to first say thank you to the gentleman from New York for his efforts on this amendment and also that he has done this in a bipartisan way. I also want to thank President Obama for his executive order in doing this to encourage project labor agreements, not require

them. I think they speak for themselves.

My friends on both sides of the aisle have a responsibility to the American people to get both low cost and high quality in job-creating military construction projects. Project labor agreements have a proven track record to ensure that. We should come together to support the Grimm amendment. We can help create fewer cost overruns, faster project completion and a fair day's wage for an honest day's work for American workers.

I support the Grimm amendment that strikes the anti-PLA measures in the Military Construction appropriations bill.

PLAs are simply rules of the road for workers and management on construction projects. We know they cut taxpayer spending. They save time; they save headaches. They create good, local jobs and better quality and value. Why would we not want that?

Very simply, unions prefer PLAs because they treat workers like human beings instead of investment capital. Some people here think unions are unacceptable. I think those people are wrong. History shows unions have largely helped create America's middle class and workers' rights enjoyed by all Americans, whether they are members of a union or not.

I urge my colleagues on both sides of the aisle, if you want to help cut spending and improve efficiency, stand with American taxpayers and with American workers. Vote for the Grimm amendment. Remove the anti-PLA language to fix this bill. Let's get it right.

I yield back the balance of my time.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. DAVIS of Illinois. The longer I listen to this debate, the more confusing it becomes.

□ 1900

I remember a wise man telling me once, You can't get blood out of a turnip, but you can slice it, you can dice it, whip it, and do everything, but it still ends up being turnip juice.

I rise in strong support of Mr. GRIMM's amendment, and I do so because there seems to be a tremendous lack of clarity. It's amazing how we can all read the same words but arrive at a different meaning. And we can read them over and over and over again. So it would seem to me that the best way to have clarity is to make absolutely certain that these agencies understand that yes, they do in fact have the authority to say yea or nay, yes or no, to entering into project labor agreements.

I'm a strong supporter of organized labor. It doesn't mean that I think labor unions are perfect. Oftentimes, many of the people in the community where I live feel that they cannot access labor unions; that they can't get in, that they can't get membership. Yet and still, I think that project labor agreements are the best way to get the quality and the assurance that we're getting the best bang for the buck.

So, again, I reiterate my support for the Grimm amendment, and I yield back the balance of my time.

Ms. HIRONO. Mr. Chair, I rise today in support of the bipartisan Grimm Amendment on Project Labor Agreements, or PLAs.

In construction, contractors often do not have a permanent workforce.

This makes it hard to predict the length and cost of a project.

On large projects with many employers, a labor dispute with just one can delay the entire project.

PLAs are short-term agreements for the length of a project that can reduce a project's length and cost.

PLAs lead to higher-quality work by spelling out the work requirements, pay, benefits, and dispute resolution in advance.

PLAs prevent worker strikes and reduce turnover.

In 2009, President Obama issued an Executive Order on PLAs.

The Executive Order encouraged Federal agencies to consider requiring PLAs for large Federal construction projects of $25 million or more.

In Hawaii, last week Governor Neil Abercrombie announced a PLA plan for five large state construction projects.

This can help save taxpayer money and create Hawaii jobs, while minimizing project uncertainty.

While PLAs are regarded as cost efficient, sadly, this Majority in Congress has tried again and again to undermine the use of Project Labor Agreements.

Today's FY 2013 MilCon-VA bill forbids military construction contracts from requiring PLAs.

The bipartisan Grimm Amendment would remove this prohibition to allow Federal contractors a choice on PLAs.

Today's amendment vote feels like déjà vu.

Congress has had vote after vote on this issue.

Last year at this time we debated the FY 2012 MilCon-VA bill.

I supported at that time a similar bipartisan amendment to preserve PLAs.

That amendment by Mr. LATOURETTE, Republican of Ohio, passed 204 to 203, with over two dozen Republican votes.

This issue shouldn't be about Democrats and Republicans. It's about supporting flexibility, common sense, and job creation.

We need to put our differences aside and do the right thing.

In Hawaii we call this laulima—cooperation.

I'm proud to stand with Republican Congressman MICHAEL GRIMM and Republican Congressman STEVE LATOURETTE on this issue.

I urge all my colleagues to support the Grimm Amendment today as well.

Mr. LANGEVIN. Mr. Chair, I rise in support of the Grimm Amendment to H.R. 5854, the Military Construction and Veterans Affairs Appropriations Act. This amendment strikes a provision in the underlying bill that would prevent Federal Government agencies, including the Department of Defense and Veterans Affairs, from requiring the use of project labor agreements.

A project labor agreement (PLA) is a prehire agreement that establishes the terms and conditions of employment during a construction project. Any contractor—union or nonunion—can work on projects under a PLA, as long as they abide by the wages, benefits and other terms of employment negotiated in the agreement. They have been used in all 50 states and the District of Columbia on both private and public projects.

In February 2009, President Obama signed an Executive Order that encourages Federal agencies to consider requiring the use of PLAs on large-scale construction projects of $25 million or more. The order states that agencies are not required to use PLAs.

In its current form, H.R. 5854 would strike these regulations, and instead discourage commonsense labor agreements on large-scale construction projects. The Grimm Amendment would allow agencies to require project labor agreements when they determine that it is in their interest to do so, which would follow the path of private businesses.

Successful corporations use PLAs to ensure high-quality, on-time work through good jobs with meaningful training programs for local workers. Boeing, Disney, Harvard University, and Toyota are among the large number of private entities that use PLAs. If the agreements make sense for these successful organizations, why would we compromise Federal agencies' ability to use them, especially when we are looking to reduce government spending?

Mr. Chair, the priority of Congress should not only be to create jobs, but to raise the living standards of the middle class and working families across America. I urge my colleagues to vote for the Grimm Amendment.

Mr. MORAN. Mr. Chair, the amendment before us would correct a fundamental misunderstanding that has been allowed to slip into H.R. 5854, the FY 2013 Military Construction/VA Appropriations bill.

The Grimm Amendment would not have the effect of mandating that public contracting entities adopt Project Labor Agreements, as its opponents claim. In fact, as has been amply pointed out by my colleagues, Section 517 of the bill would prevent the Department of Defense, Veterans Affairs, and related agencies from requiring the use of project labor agreements (PLA).

Similar efforts to bar PLAs have been tried in other venues, including a recent attempt in Michigan which was declared unconstitutional by a U.S. District Judge. The court correctly ruled that federal law explicitly allows for PLAs in the construction industry, when the government entity determines that it is in the best interest—in terms of efficiency, quality, safety or any number of other factors—of the local community.

But it isn't only constitutional; it is also smart. There is ample evidence demonstrating that PLAs can serve as an important tool to manage large construction projects and maximize efficiency by creating collective bargaining benefitting both contractors and workers. Washington Nationals Park, Disney World, and the Trans-Alaska Pipeline all benefited from the use of PLAs.

In Northern Virginia, taxpayer interests were best served by employing a PLA in the first phase of the massive construction project on the rail extension to Dulles Airport. Facilitating better access to Dulles Airport is important to

my constituents in Northern Virginia, and it is important to me that the project makes the most of public money it receives. The PLA utilized has helped to accomplish this goal.

Academic research confirms that PLAs can contribute to the quality of large, complex infrastructure projects. The Cornell School of Industrial Labor Relations released a study stating that PLAs ''make sense for public works projects'' and their use increases the efficiency of planning while reducing labor costs. The Federal Government does not mandate PLAs. Executive Order 13502 specifies that federal agencies may require them to be used on construction projects that are valued at more than $25 million. This is smart policy. It provides flexibility for local norms. At this time of concern over budgets as well as employment, we should retain that flexibility to make use of PLAs.

PLAs can contribute to efficiencies, quality and cost savings. We should not be forcing Federal, State or local governments to rule them out for large construction projects, based on misguided, ideological grounds, which assume that everything that benefits workers must be bad for everyone else.

I support the Grimm Amendment because it will ensure that government contracting authorities are not barred in a disingenuous effort to tie their hands with regard to the use of PLAs where they might be appropriate.

Mr. HOLT. Mr. Chair, I rise in strong support for Project Labor Agreements (PLAs).

Today the Republican majority is again playing politics. They have brought to the House floor a bill to support our Nation's veterans and provide them with the care they earned. This bill should be approved by a unanimous vote; we all support our veterans and want to fully fund the various programs that care for them after they cared for us.

But in a cynical and politically motivated attack on working women and men across the country the Majority has tucked into this bill a ban on the use of PLAs. They are attempting to ban PLAs based on their ideology not based on any evidence. This is one more part of their anti-worker agenda.

I have always supported PLAs. PLAs are important, they have been used for many years and they work. PLAs ensure high skilled workers complete high quality work and provides fair local wages and benefits for all workers. I will be voting to support working women and men by repealing this anti-PLA provision.

On February 6, 2009 President Obama signed Executive Order 13502 encouraging federal agencies to consider requiring the use of PLAs for large-scale construction projects. In the Executive Order, President Obama noted correctly that by setting the terms and conditions of employment and coordinating the various employers, PLAs provide stability and help contribute to the efficient completion of Federal construction projects.

Last year, I joined a majority of my colleagues in the House to beat back this same anti-worker attack on PLAs and I am hopeful that we will be successful again today. President Obama has already indicated that he will veto this bill if the attack on PLAs reaches his desk.

While Republicans play politics today, I will be standing up for and voting for working women and men across the country and opposing this continued attack on them.

Ms. RICHARDSON. Thank you, Mr. Chair, for allowing me to speak on the Grimm Amendment to the Fiscal Year 2013 Military Construction/Veteran Affairs Appropriations bill.

I also want to thank Chairman CULBERSON and Ranking Member BISHOP for their efforts in bringing this bill forward.

Last year, I worked with Congressman LATOURETTE on defeating anti-Project Labor Agreements (PLAs) language in the MilCon/VA Appropriations bill.

This year, I rise in support of the Grimm Amendment. This amendment simply saves taxpayers money!

The Grimm Amendment ensures that funds for large-scale construction projects utilize the most cost-effective and efficient process for the awarding of Federal contracts.

Section 517 of H.R. 5854 prohibits agencies from being able to use all available methods to ensure that federal contracts are cost-efficient.

Section 517 raises the risk of project cost overruns and delays. Section 517 of this legislation fails to protect our workers.

Mr. Chair, however one feels about Project Labor Agreements, the MilCon/VA bill is not the appropriate vehicle to have this debate.

The MilCon/VA bill is intended to reflect our commitment to our veterans and our service members in uniform and should be limited to that purpose.

I would like to inform my colleagues about the benefits of Project Labor Agreements.

There is no credible evidence that Project Labor Agreements decrease the number of bidders on a project, or increase the costs of construction projects.

In fact, Project Labor Agreements promote cost-effectiveness and efficiency in construction projects.

Project Labor Agreements prevent labor disputes and project delays by having an agreement negotiated prior to starting a construction project.

Project Labor Agreements establish working conditions and safety standards for workers.

Project Labor Agreements are used by both union and non-union contractors.

Project Labor Agreements promote providing employment to workers in our local communities and help address the employment situation in many of our economically distressed communities.

Mr. Chair, the Grimm Amendment simply allows Federal agencies to use all tools at their disposal in awarding large-scale contracts that ensure taxpayer funds are used efficiently and that projects are completed on time and on budget.

All of us in Congress are looking at ways to rein in our deficit. This amendment protects workers and taxpayer funds.

Mr. Chair, I urge my colleagues to support the Grimm Amendment.

Mr. CONNOLLY of Virginia. Mr. Chair, the Military Construction and Veterans Affairs Appropriations before us will fund a number of vital infrastructure projects, including a facility at Fort Belvoir in my district. Unfortunately, the bill also inextricably contains language that would actually make it more difficult to deliver this and other projects in a safe, cost-efficient manner.

In today's cost-constrained environment, we ought to be placing a premium on completing infrastructure projects on time and on budget. We ought to place a premium on creating safe working conditions and good relations between management and labor to achieve those results.

Since they were first employed by the Federal Government to help defeat the Germans during World War I, Project Labor Agreements have been used by both the public and private sectors to reduce costs on major infrastructure projects.

Iconic American projects like the Hoover Dam, the Trans-Alaska Pipeline and Walt Disney World were completed under Project Labor Agreements. Wal-Mart and Toyota have touted the benefits of PLAs, and findings from the GAO and Cornell University show PLAs maximize productivity and minimize risk to yield savings. Right here in the National Capital Region, a PLA for the drawbridge on Woodrow Wilson Bridge helped complete that portion of the project 6 months ahead of schedule. Construction on the Dulles Rail project, which will link our Nation's capital with the premier international airport, also is being performed under a PLA.

I urge my colleagues to support the Grimm amendment and strike this restrictive language in the bill so we can make use of this valuable tool to control project costs, promote worker safety and realize savings for taxpayers.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. GRIMM).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. CULBERSON. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

Mr. LYNCH. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. LYNCH. Mr. Chairman, while I strongly support some of the programs supported by this funding bill, it contains a number proposals that I believe are detrimental.

Firstly, H.R. 5854 includes language that will amount to an unwarranted extension of the pay freeze that's currently in effect for Federal employees. Specifically, sections 129, 231, and 232 would freeze the pay for Federal civilian employees across the Departments of Defense and Veterans Affairs through FY 2013 even though these employees, like all Federal employees governmentwide, have already sacrificed their fair share when it comes to reducing the Federal budget deficit. In this Congress alone, Federal employees have given up over $75 billion towards deficit reduction efforts and to offset the costs of unemployment benefits for millions of other workers.

Let us remember that our Federal employees are in the second year of a 2-year Federal pay freeze that will save the Federal Government $5 billion by the end of fiscal year 2012 and an estimated $60 billion over the next 10 years. For the average middle-income

Federal employee, this will amount to a loss of approximately $47,000 in income over a 20-year period that could go toward a child's education or a family's retirement security.

Our Federal employees have already done more than their part to achieve government cost savings, and in recognition of their dedication President Obama recently proposed a modest pay raise of 0.5 percent—a half a percent—in 2013 for Federal workers. This bill, however, rejects the President's funding request for 0.5 percent for civilian employees at DOD and the VA and freezes their salaries for a third consecutive year, even though a 0.5 percent raise will still not adequately protect Federal pay from being eroded by an inflation rate that is currently over 3 percent. So they're still going to get a pay cut, but it would have been a 2½ percent pay cut instead of 3 percent. And we can't live with that.

Mr. Chairman, this is yet another in a series of legislative attacks that have targeted middle class workers in this Congress. It will further erode employee morale and diminish the Federal Government's ability to attract the best and brightest to carry out its work.

I don't know if you read Politico today. They did a survey of job satisfaction among Federal employees in the VA. The docs are doing great work. The nurses are doing fantastic work. The therapists over there are. We all say we're really protective about our veterans. Well, these are the people that take care of our veterans every single day. They clean the bedpans. They do their therapy. They do their surgery. They watch out for them. And we were going to give them a 0.5 percent raise this year. Instead, what this bill does is cuts their pay. It cuts out that 0.5 percent that they would have gotten.

These are the people that are taking care of our veterans. God bless them. A lot of them are veterans themselves. And these are DOD employees. We all say we're pro-military. These are people that are supporting our fighting men and women in Iraq and Afghanistan on a daily basis in a direct way. We were going to give them a 0.5 percent raise. But no, we're going to cut their pay in order to have them help us balance the budget some more. They're already in a 2-year pay freeze.

Our dedicated civil servants play a vital role in many critical areas, especially in the work they do every day to support our military and our veterans. They should not continue to bear a disproportionate burden when it comes to addressing our Nation's budget problems.

I also want to express my strong opposition to section 517, which, again, prohibits the use of project labor agreements, as we said before.

There's a lot of disappointments in this bill. I cannot believe that we're going after VA workers in this bill and against Defense Department workers in this bill. I think they do a lot for this country. They do a lot for the most vulnerable, especially at the VA. They do heroic work there. I have three VA hospitals in my district. I'm blessed with the Brockton Hospital. They're doing tremendous work there with a lot of our World War II veterans, who, for the first time in their lives, have to rely on the VA.

And these are the people that are doing that job, Mr. Chairman. They're doing a tremendous job. They're already working at less wages than they could get at a private hospital. But because they love our veterans and believe in it, they stay there at the VA out of the goodness of their heart. And now we've got them in a 2-year pay freeze. The President was trying to give them a 0.5 percent increase in cost of living, and they're being denied even that.

I yield back the balance of my time.

AMENDMENT OFFERED BY MS. SPEIER

Ms. SPEIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 66, after line 4, insert the following:

SEC. ____. (a) Section 107 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''not'' after ''Army of the United States, shall''; and

(B) by striking '', except benefits under—'' and all that follows in that subsection and inserting a period;

(2) in subsection (b)—

(A) by striking ''not'' after ''Armed Forces Voluntary Recruitment Act of 1945 shall''; and

(B) by striking ''except—'' and all that follows in that subsection and inserting a period;

(3) by amending subsection (c) to read as follows:

''(c) DETERMINATION OF ELIGIBILITY.—

''(1) IN GENERAL.—In determining the eligibility of the service of an individual under this section, the Secretary shall take into account any alternative documentation regarding such service, including documentation other than the Missouri List, that the Secretary determines relevant.

''(2) REPORT.—Not later than March 1 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report that includes—

''(A) the number of individuals applying for benefits pursuant to this section during the previous year; and

''(B) the number of such individuals that the Secretary approved for benefits.''; and

(4) by amending subsection (d) to read as follows:

''(d) RELATION TO FILIPINO VETERANS EQUITY COMPENSATION FUND.—Section 1002(h) of the American Recovery and Reinvestment Act of 2009 (title X of division A of Public Law 111–5; 123 Stat. 200; 38 U.S.C. 107 note) shall not apply to an individual described in subsection (a) or (b) of this section.''.

(b)(1) The heading of such section is amended to read as follows:

''§ 107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts''.

(2) The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

''107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts.''.

(c)(1) The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act.

(2) No benefits shall accrue to any person for any period before the effective date of this section by reason of the amendments made by this section

Mr. CULBERSON (during the reading). Mr. Chairman, I ask that the reading be dispensed with.

The Acting CHAIR. Without objection, the reading is dispensed with.

There was no objection.

Mr. CULBERSON. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. The point of order is reserved.

The gentlewoman from California is recognized for 5 minutes.

Ms. SPEIER. Our Nation is great because in times of trial when we do the wrong thing, we will come back and do the right thing.

What this amendment does is attempt to address a wrong that we did many years ago, and right that wrong by restoring a promise that we made to Filipinos that fought side-by-side with us in World War II. We promised them in no uncertain terms that they would enjoy the same veterans benefits that others received for putting their lives at risk.

More than 200,000 Filipinos fought in defense of the United States in the Pacific theater against the Japanese in World War II, and more than half of them were killed. As citizens of a commonwealth of the United States before and during the war, Filipinos were legally American nationals, and they were promised the same benefits afforded to those serving in the United States Armed Forces.

□ 1910

But in 1946, Congress passed the Rescission Act, a law that stripped Filipinos of the benefits that had been promised them by Franklin Delano Roosevelt. The Rescission Act created a wrong that will not be righted unless our Nation restores the veteran status it promised to Filipino soldiers more than 65 years ago.

Now the irony here, Mr. Chairman, is that there were other countries that provided us with men and women who served during World War II, and they were also promised veterans benefits. In fact, there are 65 countries that provided servicemembers to fight alongside us. Every one of those other soldiers were provided veterans benefits from other countries. And yet the Filipinos, who were part of a commonwealth at the time, who were nationals of this country, who were promised veterans benefits, were denied them by the Rescission Act that was passed in 1946.

What this amendment does is make all Filipino veterans fully eligible for

veterans benefits, similar to those received by U.S. veterans. Specifically, the amendment eliminates the distinction between regular or old Filipino scouts and the other three groups of veterans—Commonwealth Army of the Philippines, Recognized Guerilla Forces, and New Filipino Scouts. Veterans that have received lump sum payments would be eligible for these benefits.

Now, we tried to sort of cover this all up by giving them a $15,000 stipend. Frankly, that's not good enough. And there are about 15,000 living Filipino veterans of World War II right now. They're 85 years old. They're not going to live much longer, but they certainly deserve the benefits that we promised them but we then rescinded with the Rescission Act of 1946.

For these veterans and their families, I believe the time has come to right this horrific wrong, and I yield back the balance of my time.

POINT OF ORDER

Mr. CULBERSON. Mr. Chairman, I insist on my point of order.

I make a point of order against the amendment because it proposes to change existing statutory law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriations bill shall not be in order if changing existing law . . . ''

In this case the amendment directly amends existing law.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that the amendment proposes directly to change existing law, to wit: section 107 of title 38. As such, it constitutes legislation in violation of clause 2(c) of rule XXI.

The point of order is sustained.

The Clerk will read.

The Clerk read as follows:

SPENDING REDUCTION ACCOUNT

SEC. 518. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is $0.

AMENDMENT OFFERED BY MR. FITZPATRICK

Mr. FITZPATRICK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

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

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. FITZPATRICK. Mr. Chairman, I rise this evening to offer an amendment that levels the playing field and promotes fairness for veterans when it comes to contracting with the Federal Government. According to the most recent census, there are almost 22 million veterans living in the United States and over 2.4 million of them now manage their own company. Providing opportunities for veteran-owned small businesses I believe utilizes the talents and training of our Nation's heroes and can help end epidemic levels of veteran unemployment.

Unfortunately, not all of our servicemen and -women have found opportunities upon their return home. The Bureau of Labor Statistics has reported that the unemployment rate among veterans, including those returning from Iraq and Afghanistan, was at a staggering 21.9 percent. These numbers are unacceptable. These brave men and women who have served our country deserve every effort from this body to give them the tools they need to provide for themselves and their families. It should be the explicit policy of this Congress and all government agencies to support our veterans and our veteran entrepreneurs.

Therefore, Mr. Chairman, the amendment I am again offering to the Military Construction and Veterans Affairs Appropriations Act would give veteran-owned small businesses the preference for contracts equal to that of any group eligible for a preferred consideration except for service-disabled veteran-owned small businesses.

The practice of the Federal Government providing preferences to encourage government to do business with certain groups is very well established. This amendment does not look to restrict or change the current preference process. It merely serves to level the playing field for our veterans. This amendment would also preserve the current policy of giving greater preference to service-disabled veteran-owned small businesses.

This exact same amendment was unanimously passed in last year's Military Construction and Veterans Affairs act. It was signed into law as part of last year's budget process.

As our Nation continues to emerge from this Great Recession, we need to create an economic climate that encourages innovation and also rewards hard work. By serving this great Nation nobly, often in far-off and dangerous locations, our Nation's veterans have displayed exceptional determination and leadership skills. Character traits like these are paramount for long-term economic prosperity and for private sector success. I and many of my colleagues have made a commitment to our constituents, and to the American people, to do everything possible to create jobs and to do everything possible to help returning veterans. The self-discipline and innovation of our veterans could lead our economic recovery.

Ultimately, this amendment would give our veterans a level playing field to help spur economic growth and help spur job creation. With many servicemen and -women returning home from their combat missions in Iraq and Afghanistan, and nearly a quarter of veterans saying they are interested in starting or buying their own small businesses, we need to preserve accountability of these contract programs. In order to do so, we define small businesses by using the current definition outlined by the Small Business Administration, and eligible businesses must be registered with the Department of Veteran Affairs where the VA Center for Veteran Enterprises maintains a database of certified and registered veteran-owned businesses.

In addition, this amendment would apply to all Federal contracts authorized by this act and would be applied to any portion of State or local projects receiving Federal funds. In many cases, this law will simply be reinforcing existing practices and ensuring that this will continue to be the policy.

Let this Congress once again bring fairness to the government contracting system and ensure that our veterans, who put their lives on the line and their lives on hold to defend our freedoms, make sure that they are receiving the same preferential contracting status that this Congress has given to others.

I urge my colleagues to support this important amendment, and I yield back the balance of my time.

Mr. BISHOP of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. Mr. Chairman, veteran-owned companies do two really important things: First, they create jobs and provide positive impact on our economy. And most importantly, veteran-owned small businesses provide a great venue for unemployed veterans to find work.

Mr. Chairman, I believe that the government has done poorly in reaching the 3 percent contracting goal for veterans. For example, agency contractor awards are below 1 percent from 2003 to 2006. The most recent figures for 2009 show agencies awarded only 1.98 percent to service-disabled veterans. Agencies need to do better, and I believe this amendment will help the Department of Defense and Veterans Affairs do a better job.

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I support this amendment, and I urge its adoption.

Mr. DICKS. Will the gentleman yield?

Mr. BISHOP of Georgia. I yield to the gentleman from Washington.

Mr. DICKS. I want to join in supporting this amendment and commend the gentleman from Pennsylvania for his hard work on this effort. I hope we can adopt this amendment unanimously. I appreciate the gentleman yielding.

Mr. CULBERSON. Will the gentleman yield?

Mr. BISHOP of Georgia. I yield to the gentleman from Texas.

Mr. CULBERSON. We're pleased to accept the gentleman's amendment. We accepted it last year, and we're proud to accept it this year to help encourage the VA to look to better-known businesses.

Mr. BISHOP of Georgia. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FITZPATRICK).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to hire a director of a national cemetery who is not a veteran.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. POE of Texas. Mr. Chairman, during the hot days of last summer, the Veterans of Foreign Wars went to battle with the Veterans Administration in Houston, Texas. The VFW claimed the Veterans Administration was censoring free speech and preventing the free exercise of religion at the National Cemetery in Houston.

I appreciate the chairman, Mr. CULBERSON's, work on this project after the Veterans of Foreign Wars notified not only me, but notified him as well. The result is this:

This cemetery, Mr. Chairman, is the second largest in the Nation; it's a place where four Medal of Honor recipients are buried. The VA said that the chapel at the cemetery would be closed, and it was closed. The Bible, the cross, and the Star of David were removed by the Veterans Administration and the chapel became a storage shed. The VFW members also said that the director of the cemetery censored the prayers and prohibited the religious ceremony during the burial of America's veterans.

The VFW had to sue the Veterans Administration, and the Veterans Administration naturally denied the whole thing. But, recently, a Federal judge in Texas approved and agreed to an order requiring the chapel to be reopened, the Bible, the cross and the Star of David to be returned to their proper places, and said that the Veterans Administration must not interfere with free speech or the free exercise of religion at burials of America's war veterans.

Mr. Chairman, it's ironic that Americans have gone to war all over the world, fought for the principles of the U.S. Constitution, then when they come home, they face government hostility and the denial of First Amendment rights to the citizens when these veterans are buried in VA cemeteries.

Now the veterans have won a battle against a government that wanted to deny them the American freedoms they fought for in lands far, far away.

Mr. Chairman, a fundamental problem in the Houston case was the director of the cemetery was not a veteran. She did not understand the needs of veterans because she was not a veteran herself. And according to the Veterans of Foreign Wars, she disrespected the veterans and their most fundamental rights. She censored prayers and speeches.

The amendment is simple. It says that any new hires of cemetery directors must be veterans. Eighty percent of current cemetery directors are veterans—on the application, when they apply to be a director, they must state whether they're a veteran or not—so clearly the Veterans Administration agrees that cemetery directors should be veterans themselves. This amendment would not force the remaining 20 percent that are not veterans to be fired. It would say that if the Veterans Administration is going to hire new directors, they will be veterans.

Our veterans need to know the directors of cemeteries understand what veterans and their families go through. They are the ones who best understand the needs of veterans in their time of grief, so they need to be veterans.

And that's just the way it is.

I yield back the balance of my time.

POINT OF ORDER

Mr. DICKS. Mr. Chairman, I raise a point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. DICKS. Which amendment is before the House?

The Acting CHAIR. Without objection, the Clerk will reread the amendment.

The Clerk reread the amendment.

Mr. CULBERSON. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. I agree to the amendment and accept it. I think it's important. Had the cemetery director in Houston been a veteran, this problem never would have arisen.

I also thank the gentleman for bringing both of these amendments to the floor tonight. I have personally witnessed the cemetery director interfering with the funeral services of veterans. It is outrageous, just absolutely unacceptable. I thank the gentleman for his amendments and speaking on this amendment first. I have no objection and will accept this amendment.

Mr. BISHOP of Georgia. Mr. Chairman, I move to strike the last word and to speak in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. Mr. Chairman, I have great empathy for the concerns that the gentleman from Texas has raised in his discussions about the amendment on hiring a national cemetery administration director, but I just want to address some of them because I don't think it's good policy, and I don't think it will make for the best management and operation of our national cemeteries.

Employees of the National Cemetery Administration are proud to serve veterans and to serve veterans' families in their time of need, and they do it with dignity and compassion. While the National Cemetery Administration has one of the highest percentages of veteran employees of any Federal agency—79 percent of the employees and 80 percent of its cemetery directors are veterans—the desire and the passion to serve our Nation's veterans is not limited to just veterans.

VA national cemeteries are nationally recognized for their commitment to excellence and top-rated customer satisfaction. Since 2001, the National Cemetery Administration has earned the American Customer Satisfaction Index's rating as a top-performing public or private organization in the country. This continues to be achieved by dedicated National Cemetery Administration employees, both veterans and nonveterans.

Who says a nonveteran cannot be patriotic and support the United States of America? If such an amendment passes, who would it impact? Most of our nonveteran cemetery directors have family ties with veterans. For example, one of our long-serving national cemetery directors had a father who served in the U.S. Army during World War II and saw combat in the Philippines, a brother who served as an Army infantryman in Vietnam, a husband who served in the Marine Corps during the Vietnam War, and most recently a son-in-law in the Marines who served two tours overseas during Operation Desert Storm.

This bill will result in a child, a sibling, or a spouse of a veteran losing his or her job or being denied the opportunity for a promotion. These individuals supported their family members as they put their lives on the line for our Nation, and now they wish to continue to honor and care for the graves of veterans in their final resting place.

VA follows all Federal laws and OPM regulations requiring hiring preference for eligible veterans. This legislation would make VA vulnerable to litigation by the displaced cemetery directors through the Merit Systems Protection Board.

The NCA requires all new national cemetery directors to have completed a 1-year intensive internship program that provides comprehensive training in all aspects of cemetery operations and management. Even if qualified veterans could be hired within 180 days to

fill these critical positions, they would be coming in without the specific knowledge and skills to effectively run a cemetery to meet the needs of our veterans and their grieving families.

I think this amendment is well-intentioned, but I don't think that it would accomplish what is desired, and I think ultimately it will end up with chaos in our personnel system regarding our national cemeteries. I urge that this amendment be defeated.

Mr. Chairman, I yield back the balance of my time.

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Mr. RUNYAN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. RUNYAN. I yield to the gentleman from Texas.

Mr. POE of Texas. I thank the gentleman for yielding.

I just want to clarify one comment the ranking member made. This amendment would not require the firing of anybody. It's future hires of the veterans cemetery directors. So I just wanted to make that clear. That wouldn't put anybody out of work.

This specific problem at the Houston cemetery was all centered around the director's insensitivity to veterans. And one of the problems that came out during all of the litigation was she had no relationship to veterans, didn't understand veterans, she wasn't a veteran, and therefore, that's why this legislation is important. But it would not require the firing of anybody. It's about future directors.

Mr. RUNYAN. Mr. Chairman, I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The Poe amendment states none of the funds made available by this act may be used for a director of a national cemetery who, after the date that is 180 days, whatever date, however he rephrased it.

According to the VA, compliance with this provision would be extremely disruptive to the NCA operations by requiring 20 percent of VA national cemetery directors to lose their current jobs for no other reason than that they are not a veteran. That is unfair.

The gentleman may have a grievance about one funeral director, but you can't take this out on the rest of these people who are doing a good job. So I would hope that we would defeat this ill-considered amendment.

I yield back the balance of my time.

Mr. POE of Texas. Mr. Chairman, I ask unanimous consent to amend the amendment to insert the word ''new'' before the word ''director.''

The Acting CHAIR. The gentleman will need to submit the modification to the desk.

Mr. DICKS. As I understand it—will the gentleman yield?

Mr. POE of Texas. I yield to the gentleman from Washington.

Mr. DICKS. Is it none of the funds made available by this act may be used to hire a new director of a national cemetery who is not a veteran?

Mr. POE of Texas. The gentleman is correct.

Mr. DICKS. Thank you for clarifying that.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. POE of Texas:

Insert ''new'' between ''a'' and ''director.''

The Acting CHAIR. Is there objection to the modification?

Mr. BISHOP of Georgia. Mr. Chairman, reserving the right to object, is it not true that if we adopt this amendment for new hires, that it still restricts the option of getting the best possible manager for the cemetery?

Mr. POE of Texas. Will the gentleman yield?

Mr. BISHOP of Georgia. I yield to the gentleman.

Mr. POE of Texas. It would require that the person be a veteran for all new hires of the director of a cemetery. You are correct.

Mr. BISHOP of Georgia. That's what I thought. Thank you.

I withdraw my reservation.

The Acting CHAIR. Is there objection to the modification?

Without objection, the amendment is modified.

There was no objection.

The text of the amendment, as modified, is as follows:

At the end of the bill (before the short title), insert the following:

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

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from Texas (Mr. POE).

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

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

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. POE of Texas. Once again I thank Chairman CULBERSON for his work on this situation that occurred at the veterans cemetery in Houston last year. That has been resolved in one specific case.

This amendment does something very simple. It ensures that the First Amendment rights of veterans and their families will not be violated by anyone at burial services at our national cemeteries. It's a free speech issue, and it would not allow what has occurred in the past, the speech police of the Veterans Administration to control the words of those that attend burials of our veterans. It would not allow censorship of religion.

So I urge support of this amendment, which will ensure the constitutional rights that are in the First Amendment to those that will be buried in the future at all of our national cemeteries.

Mr. BISHOP of Georgia. Will the gentleman yield?

Mr. POE of Texas. I yield to the gentleman from Georgia.

Mr. BISHOP of Georgia. We have no objection.

Mr. CULBERSON. Will the gentleman yield?

Mr. POE of Texas. I yield to the gentleman from Texas.

Mr. CULBERSON. I strongly support the gentleman's amendment and thank him for bringing it to the floor tonight, and urge its adoption.

Mr. POE of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RUNYAN

Mr. RUNYAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 66, after line 10, insert the following new section:

SEC. 519. None of the funds made available by this Act may be used to modify, maintain, or manage a structure, building, or barracks for a person, unit, or mission of the Armed Forces or Department of Defense outside of the normal tour or duty restationing or authorized base closure and realignment process.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. RUNYAN. Mr. Chairman, I will be really brief.

My amendment states that none of the funds made available by this Act could be used to do an informal base realignment and closure.

As you may be aware, the Senate version of the National Defense Authorization Act calls for an independent commission that would help determine the Air Force's force structure. I know that many Members of this Chamber also want Congress to have our say on this issue. And my amendment will help ensure that we do.

I thank the chairman and the members of the subcommittee for working with me on this important amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. RUNYAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FLORES

Mr. FLORES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. 519. None of the funds made available by this Act shall be available to enforce section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. FLORES. Mr. Chairman, I rise to offer an amendment which addresses another misguided and restrictive Federal regulation.

Section 526 of the Energy Independence and Security Act prevents Federal agencies from entering into contracts for the procurement of a fuel unless its lifecycle greenhouse gas emissions are less than or equal to emissions from an equivalent conventional fuel produced from conventional petroleum sources. In summary, my amendment would stop the government from enforcing this ban on all Federal agencies funded by the Milcon-VA bill.

The initial purpose of section 526 was to stifle the Defense Department's plans to buy and develop coal-based or coal-to-liquids jet fuel. This restriction was based on the opinion of some environmentalists that coal-based jet fuel might produce more greenhouse gas emissions than traditional petroleum.

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We must ensure that our military has adequate fuel resources and that it can rely on domestic and more stable sources of fuel. Unfortunately, section 526's ban on fuel choice now affects all Federal agencies, not just the Defense Department. This is why I am offering this amendment again today to the MilCon-VA appropriations bill. Federal agencies should not be burdened with wasting their time studying fuel restrictions when there is a simple fix, and that is to not restrict our fuel choices based on extreme environmental views, policies, and misguided regulations like those in section 526.

With increasing competition for energy and fuel resources and with the continued volatility and instability in the Middle East, it is now more important than ever for our country to become more energy independent and to further develop and produce our domestic energy resources. Placing limits on Federal agencies' fuel choices is an unacceptable precedent to set in regard to America's energy policy, independence, and our national security. Mr. Chair, section 526 makes our Nation more dependent on Middle East oil. Stopping the impact of section 526 will help us to promote American energy, improve the American economy and create American jobs.

Let's remember the following facts about section 526: It increases our reliance on Middle Eastern oil. It hurts our military readiness, our national security, and our energy security. It also prevents the potential increased use of some sources of safe, clean, and efficient American oil and gas. It increases the cost of American food and energy. It hurts American jobs and the American economy. Last but certainly not least, it costs our taxpayers more of their hard-earned dollars.

In some circles, there is a misconception that my amendment somehow prevents the Federal Government and the military from being able to produce and use alternative fuels. Mr. Chairman, this viewpoint is categorically false. All my amendment does is to allow the purchasers of these fuels to acquire the fuels that best and most efficiently meet their needs. I offered a similar amendment to the CJS appropriations bill, and it passed with strong bipartisan support. My friend Mr. CONAWAY also had language added to the Defense authorization bill to exempt the Defense Department from this burdensome regulation.

I urge my colleagues to support the passage of this commonsense amendment, and I yield back the balance of my time.

Mr. BISHOP of Georgia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. I rise in opposition to the gentleman's amendment.

Section 526 of the Energy Independence and Security Act of 2007 is intended to ensure that the environmental costs from the use of alternative fuels are at least no worse than the fuels in use today. It requires that the Federal Government do no more harm when it comes to global climate change than it does today through the use of unconventional fuels.

Section 526 precludes the use of fuels, such as coal-to-liquids, as well as unconventional petroleum fuels, such as tar sands and oil shale, unless advanced technologies, such as carbon sequestration, are used to mitigate the greenhouse gas emissions. The corollary is that domestic production could be achieved with carbon sequestration. Further, the EIA predicts that these alternative fuels may well take decades to develop and that the additional fuel production capacity of these alternatives is unlikely to exceed 10 percent of the fuel supply by 2030.

A number of the reports have concluded that the potential adverse national security impacts of climate change, such as political unrest due to famines and droughts, may very well be severe. These consequences can outweigh the security benefits of the domestic production of these fuels.

The Department of Defense alone is the largest single energy consumer in the world. It consumes approximately as much energy as the nation of Nigeria. Its leadership in this area is critical to any credible approach to dealing with energy security issues in a way that will not result in dangerous global climate change. This prohibition provides an opportunity for the DOD to play a substantial role in spurring innovation to produce alternative fuels which will not worsen global climate change.

I urge Members to vote ''no'' on this amendment, and I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I rise in support of the gentleman's amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. We accepted this amendment, and it passed the House last year.

I am happy to yield to my friend from Texas for any further comments he would like to make.

Mr. FLORES. I thank the gentleman from Texas.

Let's restate what this amendment does.

It prevents section 526 from restricting the fuel choices available to our military and to our Federal agencies. It doesn't say that they cannot go ahead and develop alternative fuel sources. We can debate whether or not that's appropriate. The Navy recently made a purchase of biofuel for $27 a gallon, which was five to six times more expensive than traditional fuels. Now, we can debate if that's the appropriate use of taxpayer money. I think it's wrong. This amendment would not affect that whatsoever. All it says is that the Navy or the other branches of the military or any Federal agency affected by MilCon-VA can buy whatever fuel it deems most appropriate for its needs.

Mr. CULBERSON. Mr. Chairman, I urge the adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. FLORES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WEBSTER

Mr. WEBSTER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

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

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. WEBSTER. My amendment is simple. It requires the Department of Veterans Affairs to follow existing law and to insist on having an experienced Director of Construction and Facilities Management. All it requires is that the holder of this position have a degree in

architecture or engineering and have professional experience in construction project management.

Not many people have heard of this position, but it carries enormous responsibility, not only for the stewardship of our tax dollars, but also for ensuring that our veterans have the facilities necessary for the health care and medical treatment we promised them and they earned. The VA manages over 5,000 buildings nationwide. According to the GAO, it has nearly 70 ongoing major construction projects around the country, 33 of which are major medical facilities. Of these 33, many have experienced considerable cost overruns and schedule delays.

Four of the largest projects under construction are full service hospitals designed to provide health care to the hundreds of thousands of American veterans. The VA will spend an estimated $3 billion on these four facilities. One of these sites is in Orlando. The construction of the Orlando VAMC has been a classic example of government waste and inefficiency. The VA broke ground on the site in 2008 with a scheduled completion date of 2010. The estimated completion date now has been pushed back well into 2013.

Several GAO reports and House Veterans Affairs' Committee hearings have sought to determine the root cause of these problems. However, it is increasingly clear that the lack of expertise on the part of the Department of Construction and Facilities Management within the VA bears responsibility. The VA has violated public law by ignoring the required qualifications to occupy a position that oversees these projects. The result is a cost to the taxpayers of an additional $1.1 billion on the four largest projects alone and multiple-year delays in health care services to our veterans.

The qualifications are shockingly simple for a position that oversees the construction of veterans' health care facilities that cost billions of dollars. An individual who holds the position of Director of Construction and Facilities Management, under current law, must meet two qualifications: (1) hold an undergraduate or a master's degree in architectural design or engineering; (2) have professional experience in the area of construction and project management.

My amendment simply requires that the funds used to hire this person meet that criteria. The Director of Construction and Facilities Management will potentially oversee as much as $15 billion in construction and repairs over the next 5 years. We owe it to our Nation's heroes to have qualified, experienced people behind these critical projects.

I urge my colleagues to vote ''yes'' on this Webster amendment to ensure that not only valuable taxpayer dollars are appropriately managed but that our veterans have access to the high-quality health care facilities that they deserve.

I yield back the balance of my time.

□ 1950

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. WEBSTER).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. FRANKS OF ARIZONA

Mr. FRANKS of Arizona. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 66, after line 10, add the following new section:

SEC. 519. None of the funds made available by this Act may be used to implement, administer, or enforce the prevailing wage requirements in subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Chairman, I rise today in support of this amendment to H.R. 5854, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act of 2013. I also want to thank my colleagues—Mr. GOSAR, Mr. STEVE KING, and Mr. AMASH—for joining me in cosponsoring this amendment.

Mr. Chairman, my amendment would ensure that no funds made available by H.R. 5854 could be used to implement, administer, or enforce the Davis-Bacon Act requirements for government contracts.

Mr. Chairman, the Davis-Bacon Act is an anachronistic law that was enacted during the Great Depression to prevent wayfaring contractors from lowballing local construction bids. The sponsors of this act originally intended for it to discriminate against non-unionized black workers in favor of white workers belonging to white-only unions. This vestigial remnant of the Jim Crow era has no place in our military construction contracts and should be abandoned.

Furthermore, the Davis-Bacon Act results in billions of wasted taxpayer dollars every year. The act requires Federal construction contractors to pay their workers higher government-mandated wages, which would be as much as 1½ times greater than their basic pay rate. This results in artificially high costs of construction, Mr. Chairman, which are ultimately shouldered by American taxpayers. Contractors wishing to offer a lower bid would still be required by law to pay their employees the higher government-mandated wage and file a weekly report of the wages paid to each worker. This has a particularly negative effect on small businesses as they are often unable to compete due to the Davis-Bacon wage and benefits requirements, which reduces competition and further inflates contract rates.

Moreover, Mr. Chairman, Davis-Bacon was enacted before the Fair Labor Standards Act and the National Labor Relations Act; and, according to GAO, these acts have rendered Davis-Bacon obsolete and unnecessary. There are a number of laws passed by this body that protect construction workers without the discriminatory intent and effect of Davis-Bacon.

During this time of fiscal austerity and responsibility, Congress must do all it can to lower Federal contract costs and decrease the burden on American taxpayers. This amendment is an attempt to stop the hemorrhage of wasteful spending and rein in our debt.

I urge my colleagues to support this amendment that would ensure no funds are made available by H.R. 5854 that could be used to implement, administer, or enforce the wasteful Davis-Bacon Act, and I yield back the balance of my time, Mr. Chairman.

Mr. BISHOP of Georgia. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. Mr. Chairman, this is a very ill-conceived amendment, and I must stand in opposition to it.

The Davis-Bacon Act requires that workers on federally funded construction projects be paid no less than the wages paid in the community for similar work. It requires that every contract for construction of which the Federal Government is a party in excess of $2,000 contain a provision defining the minimum wages paid to various classes of laborers and mechanics. This is a pretty simple concept, and it is a fair one. What the Davis-Bacon Act does is protect the government, as well as the workers, in carrying out the policy of paying decent wages on government contracts.

I would like to just mention quickly that Davis-Bacon has no effect on the total cost of construction. Study after study reveals productivity makes up for any additional labor costs, essentially eliminating any cost savings if the law were repealed. But this amendment seeks to prevent Federal agencies from administering these requirements in statute. Let me give you a few examples of how this poorly thought-out proposal could actually play out in the real world if it's enacted into law.

The amendment, as is written, could prevent Federal agencies that use funds through this legislation from monitoring, investigating, transmitting conformances, and providing compliance assistance to existing Davis-Bacon covered contracts that were awarded prior to this funding legislation. Contractors requesting H2B visas could conceivably request non-U.S. workers receive permits for employment at wage rates not in concert with the Davis-Bacon wage rates of that locality. Procurement agencies may not be able to proceed with the award of contracts that were solicited in the prior fiscal period but awarded under this funding legislation. During the period covered by this funding, bidders could use wages as a method of undercutting the locally established wage

rates of that community that might promote the use of workers from different geographic areas. The amendment could prevent Federal agencies that use money from this appropriation from advising State, local, and other grant recipients of DBA application to federally assisted programs that would otherwise be subject to the DBA provisions.

This is not responsible legislation, and it's not responsible governing. I urge the defeat of this amendment, and I yield back the balance of my time.

Mr. CULBERSON. Mr. Chairman, I rise in support of the gentleman's amendment.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. I want to say again, as I mentioned earlier—and I think much of this has been said, so I won't belabor it—the State of Texas is a right-to-work State. There are very few, if any, labor unions in the State of Texas. We have them in a few industries, but not many.

We have to be good stewards of the taxpayers' precious dollars, and the gentleman from Arizona's amendment makes good sense. We should pay the free-market wage. We should not force taxpayers to pay an artificially high union wage when a free-market wage is available and you can get a job done well at a far better price. That just makes common sense.

Mr. Chairman, I urge adoption of the gentleman's amendment, and I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, let me just clear up a couple of things, especially what the gentleman from Texas just had to say.

This may be something that will be hard for him to believe, but this is, as I understand it, from the Labor Department. A Davis-Bacon wage usually is not a union wage. The Davis-Bacon prevailing wage is based upon surveys of wages and benefits actually paid to various job classifications of construction workers—an example is iron workers—in the community without regard to union membership.

According to the Department of Labor, a whopping 72 percent of the prevailing wage rates issued in 2000 were based upon nonunion wage rates. A union wage prevails only if the DOL survey determines that the local wages are paid to more than 50 percent of the workers in the job classification. So 72 percent of these prevailing wages are nonunion. I'm sure the gentleman from Texas and the gentleman from Arizona are thrilled to hear that. Sometimes the facts are revealing.

Again, we've defeated this amendment over and over and over again. Mr. Chairman, I urge the House to defeat the Franks amendment this evening, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. FRANKS of Arizona. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

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

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

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Mr. STEARNS. Mr. Chairman, I am not going to take the full 5 minutes. My amendment is pretty simple. It will prohibit funds from being paid as bonuses to employees that are classified in the Senior Executive Service.

What we found when we looked at this, the Veterans' Affairs Committee held a hearing on this, on the budget, in February of this year. The Secretary of the VA testified that their budget request was held accountable for the program results. Of course, one of the issues that came up, Mr. Chairman, was the enormous bonuses and awards that were given out to VA employees.

I think, like many of us here in the House, we are concerned about bonuses when we have so many problems in this economy, high employment, and also we have an unmanageable backlog of cases, an extremely long wait for our veterans to see mental health professionals.

Of course, the VA has a history of poor contracting process and oversight. For example, at the Miami VA Health Center, veterans may have been exposed to HIV/AIDS due to poor sterilization procedures down there. Despite these poor records, they are giving out huge bonuses for simple things like suggestions, foreign language award, travel, savings incentives, referral bonuses.

In fact, on recruitment and relocation retention alone, almost 60,000 recipients received over 450,000 in cash bonuses. My simple amendment is saying enough is enough. What we want to do is say all of government should make a sacrifice, particularly the VA. If they're giving out these huge bonuses, why don't they cut back on their senior, senior employees.

Mr. DICKS. Will the gentleman yield?

Mr. STEARNS. I yield to the gentleman.

Mr. DICKS. Could we work out an agreement here that we could take the savings from the gentleman's amendment and use that to pay the workers, the half of 1 percent raise that is denied in this? Is there a way we could work this out?

Mr. STEARNS. I thank the gentleman for his suggestions. I am just going to go with my amendment at this point. Having an opportunity to look this over, I think we have talked to the veterans committee, and we think it is a viable amendment. I think certainly as we move into conference, we can look at what you're suggesting, but right now I would just like to press this.

Mr. DICKS. I appreciate the gentleman yielding.

Mr. STEARNS. With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The amendment was agreed to.

Mr. CULBERSON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS of New Hampshire) having assumed the chair, Mr. WOODALL, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5854) 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, had come to no resolution thereon.

COMMUNICATION FROM THE HONORABLE VIRGINIA FOXX, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable VIRGINIA FOXX, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Superior Court for the State of North Carolina, Surry County in connection with a criminal prosecution currently pending before that court.

After consultation with the Office of General Counsel, I have determined that because the subpoena is not ''material and relevant,'' compliance with the subpoena is inconsistent with the privileges and precedents of the House.

Sincerely,

VIRGINIA FOXX,
Member of Congress.