

AMENDMENTS ADOPTED TO THE
MILITARY CONSTRUCTION/VA APPROPRIATIONS BILL
FOR FY 2013

Full Committee Markup
House Appropriations Committee
Wednesday, May 16, 2012

#1

MilCon/Culberson
CHAIRMAN
MANAGER'S

Military Construction, Veterans Affairs and Related Agencies
FY 2013 Appropriations Act

AGREED TO
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Managers' Amendment

Offered by Mr. Culberson of Texas

In the report:

On page 18 in the report, replace the last paragraph before the header, "Military Construction, Army" with the following new paragraph:

Foreign Materiel Exploitation Labs.--The Committee is concerned that Department of Defense intelligence facilities that serve multiple agencies and our allies have been neglected over the years and funding for military construction has been deferred to the out years of budget submissions. Many of the labs are deteriorating, in temporary facilities, and lack appropriate space. Therefore, the Committee urges the Deputy Under Secretary for Installations and Environment to assess these aging lab facilities, reassess the funding priorities for these facilities and request funding in earlier fiscal years. To address the alarming threats faced by the United States, the Committee urges the Deputy Under Secretary to prioritize funding for these facilities in a much more timely manner. The Committee believes that these facilities are valuable national security assets that the Department of Defense should maintain in a manner that will ensure their vital role in protecting U.S. national security interests.

On page 20 in the report, insert the following new paragraph before the header, "Military Construction, Army National Guard":

The Committee has been in the forefront of ensuring that our military beneficiaries are provided "world class" medical facilities as a result of the fiscal year 2005 BRAC consolidation of Walter Reed Army Medical Center (WRAMC) and the National Naval Medical Center (NNMC). The Committee would observe that the new community hospital at Fort Belvoir meets the expectation of a "world class" facility however the Committee is disappointed in some of the facilities at Walter Reed National Military Medical Center. A most notable deficiency is the 3rd floor of Building 19 where the various cancer clinics are located as well as the chemotherapy treatment area. These facilities are nowhere close to being equal to the facilities at the old Walter Reed Army Medical Center. The Committee notes that the waiting areas and treatment areas are impersonal and not "patient

friendly,” and thus are not conducive to a positive healing environment. In addition, there are insufficient facilities for patients undergoing chemotherapy treatment. The Committee is aware that there are unobligated balances available in the BRAC 2005 account, and strongly encourages the Department of Defense to reprogram sufficient funds to correct these deficiencies.

At the appropriate place in the report, insert the following new paragraph:

Center of Excellence for Research and Graduate-level Studies. --The Committee is concerned that Air Force facilities for graduate-level research have been neglected over the years and funding for military construction has been deferred to the out years of budget submissions. Many of the research facilities have unsafe and limited lab space, inoperable HVAC systems, outdated plumbing, water damage and leaks in the roof. These deplorable working conditions are hindering the personnel conducting research in these facilities. Therefore, the Committee urges the Deputy Under Secretary for Installations and Environment to assess these aging facilities, how they are prioritized for funding and request funding in earlier fiscal years.

At the appropriate place in the report, insert the following new paragraph:

Increased Fuel and Training Efficiency. --The Committee is aware of proposals by the Department of Defense to use military construction funding to construct specialized training runways near existing aircraft locations. By constructing these specialized runways, the Department of Defense will save taxpayer dollars by decreasing the amount of transient flight hours required for aircraft to reach their training locations. Therefore, the Committee urges the Deputy Under Secretary for Installations and Environment to conduct a cost-benefit analysis regarding the construction of specialized training runways near existing aircraft locations and report back to the Committee within 180 days of enactment of this Act.

At the appropriate place in the report, insert the following new paragraph:

Maintenance of Aircraft Hangars. --The Committee recognizes the strategic importance of the Air National Guard components of the Aerospace Control Alert (ACA) mission and their role in our country’s homeland defense. The Committee urges the Secretary of the Air Force to reprioritize its investments and place the maintenance facilities for legacy F-16 fighter aircraft with ACA missions that are

responsible for high-value metropolitan areas at the top of the military construction list.

On page 40 in the report, insert the following new paragraph before the header, “Medical Support and Compliance”:

Medical equipment purchases. --The Committee understands that the number of veterans who require healthcare services is increasing due to both advances in medical care that are increasing longevity and the continued length of active war engagement. As the cost for providing medical services for veterans continues to rise, the VA should explore new options for cost savings without reducing the quality of medical care for veterans. The Committee encourages the VA to develop a pilot program using competitive bidding for parts replacement for various types of medical equipment, similar to what is used by private sector hospitals and health systems. Currently, replacement parts are purchased by the VA via long term contracts which may not reflect prices on the open market. This pilot would help the VA analyze if savings can be realized by purchasing replacement equipment parts from alternative sources through competitive bidding. The pilot should be evaluated two years after the start date by comparing the costs of equipment parts purchased in geographic areas selected for the pilot versus costs in an equivalent number of geographic areas using standard acquisition methods. The VA should include estimates of potential savings nationwide if competitive bidding were used to acquire replacement parts.

On page 42 in the report, insert the following new paragraph before the header, “Medical Care Collections Fund”:

Federal neuroscience working group. --The Committee is aware that the Office of Science and Technology Policy, within the Executive Office of the President, is establishing an interagency working group under the auspices of the National Science and Technology Council (NSTC) to coordinate investments in neuroscience research across the Federal government and leverage the potential for significant, transformative advances in our fundamental understanding of learning, brain development, and brain health and recovery. The goal of the working group is to help coordinate, focus and enhance Federal efforts related to neuroscience, including efforts to develop future clinical treatments for traumatic and acquired brain injuries; increase our understanding of cognition and apply that knowledge to the improvement of education and learning; and improve our understanding of, and develop better therapies for neurodegenerative diseases, childhood developmental disorders, and other neurological conditions. The Committee supports the

activities of the NSTC neuroscience working group and urges the Department of Veterans Affairs to play an active role in it.

On page 46 in the report, insert the following new paragraph before the header, “General Operating Expenses, Veterans Benefits Administration”:

VA contracting issues. --The Committee continues to be concerned about the contracting practices of the Department of Veteran Affairs. The Committee believes that the VA should work to ensure it is contracting with reputable contractors that fulfill their contracts on time, within scope and with full payment to subcontractors. The Committee requests a report not later than 30 days after enactment of this Act that describes the number of active, ongoing contracts with contractors who are currently involved in litigation or legal disputes regarding non-payment of their obligations related to VA contracts.

On page 46 in the report, insert the following three new paragraphs before the paragraph beginning, “Education transition programs”:

Backlog at the Oakland, CA and other VA regional offices. --The Committee remains very concerned about the backlog of claims and accuracy of processing at Veterans Affairs Regional Offices (VAROs). For example, in May, 2012, the Office of Inspector General (OIG) submitted a report on the Oakland, CA VARO and found that it lacked effective controls and accuracy in processing some disability claims. In addition, the OIG report found that the Oakland VARO management did not certify that the staff completed all elements of the Systematic Technical Accuracy Review (STAR), which is the VBA’s multi-faceted quality assurance program to ensure that veterans and other beneficiaries receive accurate and consistent compensation and pension benefits. The Committee encourages the VA to follow the recommendations outlined in the May, 2012, OIG report for the Oakland VARO. The Committee also encourages the VA to direct necessary resources to address the backlog and provide a report to the Committee, within 30 days following enactment of this Act, detailing the efforts to eliminate the backlog and improve the accuracy of claims processing within six months.

Furthermore, the Committee is concerned that these problems are not limited to the Oakland VARO. The Committee is also aware of long delays in claims processing at the Houston and Waco, TX and Seattle, WA VAROs. Recognizing that the paperless claims system is designed to address the severe backlogs in regional offices like these, the Committee directs the VA OIG to conduct an analysis of the VA paperless initiative, including whether the paperless system has been tested with enough claims (original and supplemental) for the VA to be

confident it is accurate and whether the VA's goals of eliminating the disability claims backlog and increasing the accuracy rate of processing claims to 98 percent by 2015 are still attainable. This report shall be submitted no later than 90 days after enactment of this Act.

Claims transformation initiatives. -- The Committee is also concerned that several regional offices with the highest levels of backlogs failed to be included in the initial rollout of the "Claims Transformation Initiatives" and directs the VA to ensure that consideration of the size of each regional office's backlog is a primary factor in deciding which regional offices are slated for a "Claims Transformation Initiative".

On page 58 in the report, insert the following new paragraph before the header, "Foreign Currency Fluctuations Account":

Manila American Cemetery. --The Committee strongly supports the American Battle Monuments Commission's (ABMC) commitment to the promise made by the first ABMC Chairman, General Pershing - that "time will not dim the glory of their deeds". The Committee believes that the ABMC is doing an outstanding job of telling the stories of service and sacrifice in the European theater through interpretive center projects at the Cambridge American Cemetery in England, Sicily-Rome American Cemetery in Italy, and at the Pointe du Hoc Ranger Monument in Normandy, France. The Committee believes that the story of the Pacific Theater is just as significant and is pleased to see that the ABMC recognizes this as well. The Committee has included funding, as proposed in the budget request, for a perimeter wall and building improvements at the Manila American Cemetery. The Committee also understands that the ABMC is in the process of developing a master plan for the Manila American Cemetery that will improve the infrastructure of the cemetery and establish an enhanced interpretation program. The Committee is committed to telling the story of the Pacific theater and looks forward to the completion of the Manila master plan.

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**AMENDMENT TO MILITARY CONSTRUCTION/VA
APPROPRIATIONS BILL
OFFERED BY MR. FLAKE OF ARIZONA**

At the end of the bill (before the spending reduction account), insert the following:

1 SEC. ____ . None of the funds made available by this
2 Act may be used by any Government authority or agent
3 thereof awarding a construction contract on behalf of the
4 Government, in any solicitations, bid specifications,
5 project agreements, or other controlling documents, to re-
6 quire or prohibit bidders, offerors, contractors, or sub-
7 contractors to enter into or adhere to agreements with one
8 or more labor organizations; nor shall such funds be used
9 to discriminate against or give preference to such bidders,
10 offerors, contractors, or subcontractors based on their en-
11 tering or refusing to enter into such agreements. The pre-
12 vious sentence does not apply to construction contracts
13 awarded before the date of the enactment of this Act.

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