



Legislative Bulletin.....May 31, 2012

H.R. 5854 — FY 2013 Military Construction-Veterans Affairs Appropriations Act

BY THE NUMBERS:

In Millions of Dollars

	FY12	FY13 Request	FY13 Committee	Cmte v. Request	Cmte v. FY12
Appropriations	71,747	72,440	71,747	-693	0
<i>Emergency Approps</i>	0	0	0	0	0
Total	71,747	72,440	71,747	-693	0

Excluding Emergency Appropriations, the Committee Bill is:

- **\$693 million or 0.96% less than the request**
- **The same as last year**

Spending Discussion: The bill provides a spending level of \$71.7 billion, the same as last year. The House Appropriations Committee approved the 302(b) allocations for the twelve appropriations bills that totals \$1.028 trillion—consistent with the 302(a) allocations provided under the FY 2013 [OHHouse-passed budget resolution](#). This allocation is a \$19 billion cut compared to the *cap* under the Budget Control Act, and a \$15 billion cut compared to last year. The RSC budget’s 302(a) allocation would have been \$931 billion (\$97 billion lower).

Advance Appropriations: The bill provides advance appropriations of \$52.5 billion for fiscal year 2014 medical programs of the Department of Veterans Affairs.

Overseas Contingency Operations (OCO) Funding: The bill provides \$150.8 million of Military Construction, Navy and Marine Corps OCO funding. It also provides \$150.8 million of rescissions of previously appropriated funding.

Order of Business: H.R. 5854 is expected to be considered, beginning May 31, 2012, under an open rule providing for consideration of germane amendments under the five minute rule.

Funding Summaries:

In Thousands

	FY 12 Enacted	FY 13 Request	FY 13 Cmte	Cmte v FY 12	Cmte v Request	% Over FY 12	% Over Request
Department of Defense							
Military Construction, Army	3,006,491	1,923,323	1,820,323	-1,188,168	-103,000	-39.5%	-5.3%
Military Construction, Navy	2,112,823	1,701,985	1,551,217	-561,606	-150,768	-26.5%	-8.9%
Military Construction, Air Force	1,227,058	388,200	388,200	-838,858	----	-68.4%	----
Military Construction, Defense-Wide	3,431,957	3,654,623	3,569,623	137,666	-85,000	4.0%	-2.3%
Military Construction, Reserve Components	1,230,306	1,022,542	1,022,542	-207,764	----	-16.9%	----
NATO Security Investment	247,611	254,163	254,163	6,552	----	2.6%	----
Family Housing, Total	1,682,946	1,650,781	1,650,781	-32,165	----	-1.9%	----
Base Realignment & Closure	582,319	476,093	476,093	-106,226	----	-18.2%	----
Chemical Demilitarization Construction	75,312	151,000	151,000	75,688	----	100.5%	----
Department of Veterans Affairs							
Compensation and Pensions	51,237,567	61,741,232	61,741,232	10,503,665	----	20.5%	----
Medical Services	41,354,000	43,722,000	43,557,000	2,203,000	-165,000	5.3%	-0.4%
Medical Facilities	5,441,000	4,872,000	4,872,000	-569,000	----	-10.5%	----
Medical and Prosthetic Research	581,000	582,674	582,674	1,674	----	0.3%	----
General Operating Expenses	416,737	416,737	416,737	----	----	----	----
Medical Support and Compliance	5,746,000	6,033,000	6,033,000	287,000	----	5.0%	----
National Cemetery Administration	250,934	258,284	258,284	7,350	----	2.9%	----
Information Technology Systems	3,111,376	3,327,444	3,327,444	216,068	----	6.9%	----
Inspector General	112,391	113,000	113,000	609	----	0.5%	----
Construction, Major Projects	589,604	532,470	532,470	-57,134	----	-9.7%	----
Construction, Minor Projects	482,386	607,530	607,530	125,144	----	25.9%	----
Grants, Construct State Extended Facilities	85,000	85,000	85,000	----	----	----	----
Grants, Construct State Veterans Cemeteries	46,000	46,000	46,000	----	----	----	----
Related Agencies							
American Battle Monuments Commission	77,100	73,600	74,490	-2,610	890	-3.4%	1.2%
U.S. Court of Appeals for Veterans Claims	30,770	32,481	31,187	417	-1,294	1.4%	-4.0%
Armed Forces Retirement Home	82,330	67,590	67,590	-14,740	----	-17.9%	----

**Note: The individual items listed above include \$71.6 billion of mandatory spending, which does not count toward the subcommittee's spending allocation, as this spending is not subject to appropriation.*

Other Items of Note:

American Steel: The legislation prevents funding from being 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.

Property Rights: The bill prohibits funds appropriated or otherwise made available in this Act from being 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.

Property Taxes in Foreign Nations: The bill prohibits funds from being used for military construction or family housing during the current fiscal year to pay for real property taxes in any foreign nation.

Prohibition on New Bases: The legislation prohibits funding under the bill from being used for construction of new bases (for which specific appropriations have not been made).

Guantanamo Bay: The legislation prohibits funds appropriated or otherwise made available to the Department of Defense from being used to renovate, expand, or construct any facility in the continental United States for the purpose of housing any individual who is detained at United States Naval Station, Guantanamo Bay, Cuba.

ACORN: Section 509 prohibits funding in the bill from being made available to ACORN or its subsidiaries.

Project Labor Agreements: Section 517 of the bill prohibits the use of funds in this Act for enforcement of Administration efforts to require project labor agreements. This amendment was added to the bill in full committee by an amendment authored by Rep. Jeff Flake.

Prohibition on Funding for Projects Named for Members: The legislation prohibits funding for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

First Class Travel: Section 513 prohibits funding for first class travel where federal law does not authorize it.

Pinon Canyon Maneuver Site: The legislation prohibits funds made available by this bill from being used for any action that relates to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

Earmarks: According to the Committee Report, “Neither the bill nor the report contains any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.”

Committee Action: H.R. 5854 was reported out of the House Appropriations Committee as an original measure on May 23, 2012.

Cost to Taxpayers: The bill appropriates a total of \$71.7 billion in FY 2013. This is the same as last year.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO score is available listing any possible mandates.

Constitutional Authority: The [Committee Report](#) states:

“The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ‘No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .’ in addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ‘The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States’ Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.”

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