

Calendar No. 114

117TH CONGRESS
1ST SESSION

S. 2604

[Report No. 117–35]

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2022, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2021

Mr. HEINRICH, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2022, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for
5 military construction, the Department of Veterans Affairs,

1 and related agencies for the fiscal year ending September
2 30, 2022, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF DEFENSE

5 MILITARY CONSTRUCTION, ARMY

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, military
8 installations, facilities, and real property for the Army as
9 currently authorized by law, including personnel in the
10 Army Corps of Engineers and other personal services nec-
11 essary for the purposes of this appropriation, and for con-
12 struction and operation of facilities in support of the func-
13 tions of the Commander in Chief, \$991,762,000, to re-
14 main available until September 30, 2026: *Provided*, That,
15 of this amount, not to exceed \$165,619,000 shall be avail-
16 able for study, planning, design, architect and engineer
17 services, and host nation support, as authorized by law,
18 unless the Secretary of the Army determines that addi-
19 tional obligations are necessary for such purposes and no-
20 tifies the Committees on Appropriations of both Houses
21 of Congress of the determination and the reasons therefor:
22 *Provided further*, That of the amount made available
23 under this heading, \$147,070,000 shall be for the projects
24 and activities, and in the amounts, specified under the
25 heading “Military Construction, Army” in the report to

1 accompany this Act, in addition to amounts otherwise
2 available for such purposes.

3 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

4 For acquisition, construction, installation, and equip-
5 ment of temporary or permanent public works, naval in-
6 stallations, facilities, and real property for the Navy and
7 Marine Corps as currently authorized by law, including
8 personnel in the Naval Facilities Engineering Command
9 and other personal services necessary for the purposes of
10 this appropriation, \$2,452,247,000, to remain available
11 until September 30, 2026: *Provided*, That, of this amount,
12 not to exceed \$396,652,000 shall be available for study,
13 planning, design, and architect and engineer services, as
14 authorized by law, unless the Secretary of the Navy deter-
15 mines that additional obligations are necessary for such
16 purposes and notifies the Committees on Appropriations
17 of both Houses of Congress of the determination and the
18 reasons therefor: *Provided further*, That of the amount
19 made available under this heading, \$469,145,000 shall be
20 for the projects and activities, and in the amounts, speci-
21 fied under the heading “Military Construction, Navy and
22 Marine Corps” in the report to accompany this Act, in
23 addition to amounts otherwise available for such purposes.

1 MILITARY CONSTRUCTION, AIR FORCE

2 For acquisition, construction, installation, and equip-
3 ment of temporary or permanent public works, military
4 installations, facilities, and real property for the Air Force
5 as currently authorized by law, \$2,106,750,000, to remain
6 available until September 30, 2026: *Provided*, That, of
7 this amount, not to exceed \$262,175,000 shall be available
8 for study, planning, design, and architect and engineer
9 services, as authorized by law, unless the Secretary of the
10 Air Force determines that additional obligations are nec-
11 essary for such purposes and notifies the Committees on
12 Appropriations of both Houses of Congress of the deter-
13 mination and the reasons therefor: *Provided further*, That
14 of the amount made available under this heading,
15 \$269,060,000 shall be for the projects and activities, and
16 in the amounts, specified under the heading “Military
17 Construction, Air Force” in the report to accompany this
18 Act, in addition to amounts otherwise available for such
19 purposes.

20 MILITARY CONSTRUCTION, DEFENSE-WIDE

21 (INCLUDING TRANSFER OF FUNDS)

22 For acquisition, construction, installation, and equip-
23 ment of temporary or permanent public works, installa-
24 tions, facilities, and real property for activities and agen-
25 cies of the Department of Defense (other than the military

1 departments), as currently authorized by law,
 2 \$2,082,663,000, to remain available until September 30,
 3 2026: *Provided*, That such amounts of this appropriation
 4 as may be determined by the Secretary of Defense may
 5 be transferred to such appropriations of the Department
 6 of Defense available for military construction or family
 7 housing as the Secretary may designate, to be merged with
 8 and to be available for the same purposes, and for the
 9 same time period, as the appropriation or fund to which
 10 transferred: *Provided further*, That, of the amount, not to
 11 exceed \$320,887,000 shall be available for study, plan-
 12 ning, design, and architect and engineer services, as au-
 13 thorized by law, unless the Secretary of Defense deter-
 14 mines that additional obligations are necessary for such
 15 purposes and notifies the Committees on Appropriations
 16 of both Houses of Congress of the determination and the
 17 reasons therefor: *Provided further*, That of the amount
 18 made available under this heading, \$89,955,000 shall be
 19 for the projects and activities, and in the amounts, speci-
 20 fied under the heading “Military Construction, Defense-
 21 Wide” in the report to accompany this Act, in addition
 22 to amounts otherwise available for such purposes.

23 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

24 For construction, acquisition, expansion, rehabilita-
 25 tion, and conversion of facilities for the training and ad-

1 ministration of the Army National Guard, and contribu-
2 tions therefor, as authorized by chapter 1803 of title 10,
3 United States Code, and Military Construction Authoriza-
4 tion Acts, \$315,893,000, to remain available until Sep-
5 tember 30, 2026: *Provided*, That, of the amount, not to
6 exceed \$37,725,000 shall be available for study, planning,
7 design, and architect and engineer services, as authorized
8 by law, unless the Director of the Army National Guard
9 determines that additional obligations are necessary for
10 such purposes and notifies the Committees on Appropria-
11 tions of both Houses of Congress of the determination and
12 the reasons therefor: *Provided further*, That of the amount
13 made available under this heading, \$49,790,000 shall be
14 for the projects and activities, and in the amounts, speci-
15 fied under the heading “Military Construction, Army Na-
16 tional Guard” in the report to accompany this Act, in ad-
17 dition to amounts otherwise available for such purposes.

18 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

19 For construction, acquisition, expansion, rehabilita-
20 tion, and conversion of facilities for the training and ad-
21 ministration of the Air National Guard, and contributions
22 therefor, as authorized by chapter 1803 of title 10, United
23 States Code, and Military Construction Authorization
24 Acts, \$298,550,000, to remain available until September
25 30, 2026: *Provided*, That, of the amount, not to exceed

1 \$23,682,000 shall be available for study, planning, design,
 2 and architect and engineer services, as authorized by law,
 3 unless the Director of the Air National Guard determines
 4 that additional obligations are necessary for such purposes
 5 and notifies the Committees on Appropriations of both
 6 Houses of Congress of the determination and the reasons
 7 therefor: *Provided further*, That of the amount made avail-
 8 able under this heading, \$97,780,000 shall be for the
 9 projects and activities, and in the amounts, specified
 10 under the heading “Military Construction, Air National
 11 Guard” in the report to accompany this Act, in addition
 12 to amounts otherwise available for such purposes.

13 MILITARY CONSTRUCTION, ARMY RESERVE

14 For construction, acquisition, expansion, rehabilita-
 15 tion, and conversion of facilities for the training and ad-
 16 ministration of the Army Reserve as authorized by chapter
 17 1803 of title 10, United States Code, and Military Con-
 18 struction Authorization Acts, \$94,111,000, to remain
 19 available until September 30, 2026: *Provided*, That, of the
 20 amount, not to exceed \$7,167,000 shall be available for
 21 study, planning, design, and architect and engineer serv-
 22 ices, as authorized by law, unless the Chief of the Army
 23 Reserve determines that additional obligations are nec-
 24 essary for such purposes and notifies the Committees on
 25 Appropriations of both Houses of Congress of the deter-

1 mination and the reasons therefor: *Provided further*, That
 2 of the amount made available under this heading,
 3 \$29,200,000 shall be for the projects and activities, and
 4 in the amounts, specified under the heading “Military
 5 Construction, Army Reserve” in the report to accompany
 6 this Act, in addition to amounts otherwise available for
 7 such purposes.

8 MILITARY CONSTRUCTION, NAVY RESERVE

9 For construction, acquisition, expansion, rehabilita-
 10 tion, and conversion of facilities for the training and ad-
 11 ministration of the reserve components of the Navy and
 12 Marine Corps as authorized by chapter 1803 of title 10,
 13 United States Code, and Military Construction Authoriza-
 14 tion Acts, \$71,804,000, to remain available until Sep-
 15 tember 30, 2026: *Provided*, That, of the amount, not to
 16 exceed \$6,005,000 shall be available for study, planning,
 17 design, and architect and engineer services, as authorized
 18 by law, unless the Secretary of the Navy determines that
 19 additional obligations are necessary for such purposes and
 20 notifies the Committees on Appropriations of both Houses
 21 of Congress of the determination and the reasons therefor.

22 MILITARY CONSTRUCTION, AIR FORCE RESERVE

23 For construction, acquisition, expansion, rehabilita-
 24 tion, and conversion of facilities for the training and ad-
 25 ministration of the Air Force Reserve as authorized by

1 chapter 1803 of title 10, United States Code, and Military
2 Construction Authorization Acts, \$111,374,000, to remain
3 available until September 30, 2026: *Provided*, That, of the
4 amount, not to exceed \$5,830,000 shall be available for
5 study, planning, design, and architect and engineer serv-
6 ices, as authorized by law, unless the Chief of the Air
7 Force Reserve determines that additional obligations are
8 necessary for such purposes and notifies the Committees
9 on Appropriations of both Houses of Congress of the de-
10 termination and the reasons therefor: *Provided further*,
11 That of the amount made available under this heading,
12 \$33,000,000 shall be for the projects and activities, and
13 in the amounts, specified under the heading “Military
14 Construction, Air Force Reserve” in the report to accom-
15 pany this Act, in addition to amounts otherwise available
16 for such purposes.

17 NORTH ATLANTIC TREATY ORGANIZATION

18 SECURITY INVESTMENT PROGRAM

19 For the United States share of the cost of the North
20 Atlantic Treaty Organization Security Investment Pro-
21 gram for the acquisition and construction of military fa-
22 cilities and installations (including international military
23 headquarters) and for related expenses for the collective
24 defense of the North Atlantic Treaty Area as authorized
25 by section 2806 of title 10, United States Code, and Mili-

1 tary Construction Authorization Acts, \$205,853,000, to
2 remain available until expended.

3 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

4 For deposit into the Department of Defense Base
5 Closure Account, established by section 2906(a) of the De-
6 fense Base Closure and Realignment Act of 1990 (10
7 U.S.C. 2687 note), \$334,639,000, to remain available
8 until expended.

9 FAMILY HOUSING CONSTRUCTION, ARMY

10 For expenses of family housing for the Army for con-
11 struction, including acquisition, replacement, addition, ex-
12 pansion, extension, and alteration, as authorized by law,
13 \$99,849,000, to remain available until September 30,
14 2026.

15 FAMILY HOUSING OPERATION AND MAINTENANCE,

16 ARMY

17 For expenses of family housing for the Army for op-
18 eration and maintenance, including debt payment, leasing,
19 minor construction, principal and interest charges, and in-
20 surance premiums, as authorized by law, \$391,227,000.

21 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE

22 CORPS

23 For expenses of family housing for the Navy and Ma-
24 rine Corps for construction, including acquisition, replace-
25 ment, addition, expansion, extension, and alteration, as

1 authorized by law, \$77,616,000, to remain available until
2 September 30, 2026.

3 FAMILY HOUSING OPERATION AND MAINTENANCE,
4 NAVY AND MARINE CORPS

5 For expenses of family housing for the Navy and Ma-
6 rine Corps for operation and maintenance, including debt
7 payment, leasing, minor construction, principal and inter-
8 est charges, and insurance premiums, as authorized by
9 law, \$357,341,000.

10 FAMILY HOUSING CONSTRUCTION, AIR FORCE

11 For expenses of family housing for the Air Force for
12 construction, including acquisition, replacement, addition,
13 expansion, extension, and alteration, as authorized by law,
14 \$115,716,000, to remain available until September 30,
15 2026.

16 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
17 FORCE

18 For expenses of family housing for the Air Force for
19 operation and maintenance, including debt payment, leas-
20 ing, minor construction, principal and interest charges,
21 and insurance premiums, as authorized by law,
22 \$325,445,000.

8 DEPARTMENT OF DEFENSE

For the Department of Defense Family Housing Improvement Fund, \$6,081,000, 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.

16 DEPARTMENT OF DEFENSE

17 MILITARY UNACCOMPANIED HOUSING IMPROVEMENT
18 FUND

For the Department of Defense Military Unaccompanied Housing Improvement Fund, \$494,000, to remain available until expended, for unaccompanied housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military unaccompanied housing and supporting facilities.

1 ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 not apply to contract awards for military construction on
2 Kwajalein Atoll for which the lowest responsive and re-
3 sponsible bid is submitted by a Marshallese contractor.

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

11 SEC. 114. Funds appropriated to the Department of
12 Defense for construction in prior years shall be available
13 for construction authorized for each such military depart-
14 ment by the authorizations enacted into law during the
15 current session of Congress.

16 SEC. 115. For military construction or family housing
17 projects that are being completed with funds otherwise ex-
18 pired or lapsed for obligation, expired or lapsed funds may
19 be used to pay the cost of associated supervision, inspec-
20 tion, overhead, engineering and design on those projects
21 and on subsequent claims, if any.

22 SEC. 116. Notwithstanding any other provision of
23 law, any funds made available to a military department
24 or defense agency for the construction of military projects
25 may be obligated for a military construction project or

1 contract, or for any portion of such a project or contract,
2 at any time before the end of the fourth fiscal year after
3 the fiscal year for which funds for such project were made
4 available, if the funds obligated for such project: (1) are
5 obligated from funds available for military construction
6 projects; and (2) do not exceed the amount appropriated
7 for such project, plus any amount by which the cost of
8 such project is increased pursuant to law.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 117. Subject to 30 days prior notification, or
11 14 days for a notification provided in an electronic me-
12 dium pursuant to sections 480 and 2883 of title 10,
13 United States Code, to the Committees on Appropriations
14 of both Houses of Congress, such additional amounts as
15 may be determined by the Secretary of Defense may be
16 transferred to: (1) the Department of Defense Family
17 Housing Improvement Fund from amounts appropriated
18 for construction in “Family Housing” accounts, to be
19 merged with and to be available for the same purposes
20 and for the same period of time as amounts appropriated
21 directly to the Fund; or (2) the Department of Defense
22 Military Unaccompanied Housing Improvement Fund
23 from amounts appropriated for construction of military
24 unaccompanied housing in “Military Construction” ac-
25 counts, to be merged with and to be available for the same

1 purposes and for the same period of time as amounts ap-
 2 propriated directly to the Fund: *Provided*, That appropria-
 3 tions made available to the Funds shall be available to
 4 cover the costs, as defined in section 502(5) of the Con-
 5 gressional Budget Act of 1974, of direct loans or loan
 6 guarantees issued by the Department of Defense pursuant
 7 to the provisions of subchapter IV of chapter 169 of title
 8 10, United States Code, pertaining to alternative means
 9 of acquiring and improving military family housing, mili-
 10 tary unaccompanied housing, and supporting facilities.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 118. In addition to any other transfer authority
 13 available to the Department of Defense, amounts may be
 14 transferred from the Department of Defense Base Closure
 15 Account to the fund established by section 1013(d) of the
 16 Demonstration Cities and Metropolitan Development Act
 17 of 1966 (42 U.S.C. 3374) to pay for expenses associated
 18 with the Homeowners Assistance Program incurred under
 19 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall
 20 be merged with and be available for the same purposes
 21 and for the same time period as the fund to which trans-
 22 ferred.

23 SEC. 119. Notwithstanding any other provision of
 24 law, funds made available in this title for operation and
 25 maintenance of family housing shall be the exclusive

1 source of funds for repair and maintenance of all family
2 housing units, including general or flag officer quarters:
3 *Provided*, That not more than \$35,000 per unit may be
4 spent annually for the maintenance and repair of any gen-
5 eral or flag officer quarters without 30 days prior notifica-
6 tion, or 14 days for a notification provided in an electronic
7 medium pursuant to sections 480 and 2883 of title 10,
8 United States Code, to the Committees on Appropriations
9 of both Houses of Congress, except that an after-the-fact
10 notification shall be submitted if the limitation is exceeded
11 solely due to costs associated with environmental remedi-
12 ation that could not be reasonably anticipated at the time
13 of the budget submission: *Provided further*, That the
14 Under Secretary of Defense (Comptroller) is to report an-
15 nually to the Committees on Appropriations of both
16 Houses of Congress all operation and maintenance ex-
17 penditures for each individual general or flag officer quar-
18 ters for the prior fiscal year.

19 SEC. 120. Amounts contained in the Ford Island Im-
20 provement Account established by subsection (h) of sec-
21 tion 2814 of title 10, United States Code, are appro-
22 priated and shall be available until expended for the pur-
23 poses specified in subsection (i)(1) of such section or until
24 transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. 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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

1 SEC. 123. None of the funds made available in this
2 title may be obligated or expended for planning and design
3 and construction of projects at Arlington National Ceme-
4 tery.

5 SEC. 124. For an additional amount for the accounts
6 and in the amounts specified, to remain available until
7 September 30, 2026:

8 “Military Construction, Army”, \$27,000,000;

9 “Military Construction, Navy and Marine Corps”,
10 \$28,000,000;

11 “Military Construction, Defense-Wide”,
12 \$36,100,000;

13 “Military Construction, Army National Guard”,
14 \$11,000,000; and

15 “Military Construction, Air National Guard”,
16 \$19,200,000:

17 *Provided*, That such funds may only be obligated to carry
18 out construction projects identified in the respective mili-
19 tary department’s unfunded priority list for fiscal year
20 2022 submitted to Congress: *Provided further*, That such
21 projects are subject to authorization prior to obligation
22 and expenditure of funds to carry out construction: *Pro-*
23 *vided further*, That not later than 30 days after enactment
24 of this Act, the Secretary of the military department con-
25 cerned, or his or her designee, shall submit to the Commit-

tees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

SEC. 125. All amounts appropriated to the “Department of Defense—Military Construction, Army”, “Department of Defense—Military Construction, Navy and Marine Corps”, “Department of Defense—Military Construction, Air Force”, and “Department of Defense—Military Construction, Defense-Wide” accounts pursuant to the authorization of appropriations in a National Defense Authorization Act specified for fiscal year 2022 in the funding table in section 4601 of that Act shall be immediately available and allotted to contract for the full scope of authorized projects.

SEC. 126. Notwithstanding section 116 of this Act and similar provisions in previous Military Construction, Veterans Affairs, and Related Agencies appropriations Acts, funds made available in this Act or any available unobligated balances from prior appropriations Acts may be obligated before October 1, 2023 for fiscal year 2017 military construction projects for which project authorization has not lapsed or for which authorization is extended for fiscal year 2022 by a National Defense Authorization Act: *Provided*, That no amounts may be obligated pursuant to this section from amounts that were designated by the Congress as an emergency requirement pursuant to

1 a concurrent resolution on the budget or the Balanced
2 Budget and Emergency Deficit Control Act of 1985.

3 (RESCISSION OF FUNDS)

4 SEC. 127. Of the unobligated balances available to
5 the Department of Defense from prior appropriations Acts
6 under the heading “Military Construction, Defense-Wide”,
7 \$131,000,000 is hereby rescinded: *Provided*, That no
8 amounts may be rescinded from amounts that were des-
9 ignated by the Congress for Overseas Contingency Oper-
10 ations/Global War on Terrorism or as an emergency re-
11 quirement pursuant to a concurrent resolution on the
12 budget or the Balanced Budget and Emergency Deficit
13 Control Act of 1985.

14 SEC. 128. For the purposes of this Act, the term
15 “congressional defense committees” means the Commit-
16 tees on Armed Services of the House of Representatives
17 and the Senate, the Subcommittee on Military Construc-
18 tion and Veterans Affairs of the Committee on Appropria-
19 tions of the Senate, and the Subcommittee on Military
20 Construction and Veterans Affairs of the Committee on
21 Appropriations of the House of Representatives.

22 SEC. 129. For an additional amount for “Family
23 Housing Construction, Army”, \$17,500,000 to remain
24 available until September 30, 2024: *Provided*, That such
25 funds may only be obligated to carry out construction

1 projects identified in the Army’s cost to complete projects
2 list of previously appropriated projects submitted to Con-
3 gress: *Provided further*, That such projects are subject to
4 authorization prior to obligation and expenditure of funds
5 to carry out construction: *Provided further*, That not later
6 than 30 days after enactment of this Act, the Secretary
7 of the Army, or his or her designee, shall submit to the
8 Committees on Appropriations of both Houses of Congress
9 an expenditure plan for funds provided under this section.

10 SEC. 130. For an additional amount for the accounts
11 and in the amounts specified for planning and design, un-
12 specified minor construction, and authorized major con-
13 struction projects, for construction improvements to De-
14 partment of Defense laboratory facilities, to remain avail-
15 able until September 30, 2026:

16 “Military Construction, Army”, \$30,000,000;

17 “Military Construction, Navy and Marine Corps”,
18 \$15,000,000; and

19 “Military Construction, Air Force”, \$30,000,000:

20 *Provided*, That not later than 30 days after enactment of
21 this Act, the Secretary of the military department con-
22 cerned, or his or her designee, shall submit to the Commit-
23 tees on Appropriations of both Houses of Congress an ex-
24 penditure plan for funds provided under this section: *Pro-*
25 *vided further*, That the Secretary of the military depart-

1 ment concerned may not obligate or expend any funds
2 prior to approval by the Committees on Appropriations of
3 both Houses of Congress of the expenditure plan required
4 by this section.

5 SEC. 131. For an additional amount for “Military
6 Construction, Navy and Marine Corps”, \$225,000,000, to
7 remain available until September 30, 2026, for Shipyard
8 Infrastructure Optimization Plan unspecified worldwide
9 construction: *Provided*, That such funds may only be obli-
10 gated to carry out construction projects identified in the
11 respective military department’s unfunded priority list for
12 fiscal year 2022 submitted to Congress: *Provided further*,
13 That not later than 60 days after enactment of this Act,
14 the Secretary of the Navy, or her or her designee, shall
15 submit to the Committees on Appropriations of both
16 Houses of Congress an expenditure plan for funds pro-
17 vided under this section.

18 SEC. 132. For an additional amount for “Military
19 Construction, Defense-Wide”, \$153,000,000, to remain
20 available until September 30, 2026: *Provided*, That such
21 funds may only be obligated to carry out construction
22 projects specified in a National Defense Authorization Act
23 for fiscal year 2022 in the funding table in section 4601
24 of that Act: *Provided further*, That not later than 30 days
25 after enactment of this Act, the Secretary of Defense, or

1 his or her designee, shall submit to the Committees on
2 Appropriations of both Houses of Congress an expenditure
3 plan for funds provided under this section.

4 SEC. 133. For an additional amount for the accounts
5 and in the amounts specified for planning and design and
6 unspecified minor construction, for improving military in-
7 stallation resilience, to remain available until September
8 30, 2026:

9 “Military Construction, Army”, \$10,000,000;

10 “Military Construction, Navy and Marine Corps”,
11 \$25,000,000; and

12 “Military Construction, Air Force”, \$15,000,000:

13 *Provided*, That not later than 60 days after enactment of
14 this Act, the Secretary of the military department con-
15 cerned, or his or her designee, shall submit to the Commit-
16 tees on Appropriations of both Houses of Congress an ex-
17 penditure plan for funds provided under this section: *Pro-*
18 *vided further*, That the Secretary of the military depart-
19 ment concerned may not obligate or expend any funds
20 prior to approval by the Committees on Appropriations of
21 both Houses of Congress of the expenditure plan required
22 by this section.

1 TITLE II
2 DEPARTMENT OF VETERANS AFFAIRS
3 VETERANS BENEFITS ADMINISTRATION
4 COMPENSATION AND PENSIONS
5 (INCLUDING TRANSFER OF FUNDS)

6 For the payment of compensation benefits to or on
7 behalf of veterans and a pilot program for disability ex-
8 aminations as authorized by section 107 and chapters 11,
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
10 pension benefits to or on behalf of veterans as authorized
11 by chapters 15, 51, 53, 55, and 61 of title 38, United
12 States Code; and burial benefits, the Reinstated Entitle-
13 ment Program for Survivors, emergency and other offi-
14 cers' retirement pay, adjusted-service credits and certifi-
15 cates, payment of premiums due on commercial life insur-
16 ance policies guaranteed under the provisions of title IV
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.
18 541 et seq.) and for other benefits as authorized by sec-
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
20 53, 55, and 61 of title 38, United States Code,
21 \$7,347,837,000, which shall be in addition to funds pre-
22 viously appropriated under this heading that become avail-
23 able on October 1, 2021, to remain available until ex-
24 pended; and, in addition, \$147,569,474,000, which shall
25 become available on October 1, 2022, to remain available

1 until expended: *Provided*, That not to exceed \$20,115,000
 2 of the amount made available for fiscal year 2023 under
 3 this heading shall be reimbursed to “General Operating
 4 Expenses, Veterans Benefits Administration”, and “Infor-
 5 mation Technology Systems” for necessary expenses in
 6 implementing the provisions of chapters 51, 53, and 55
 7 of title 38, United States Code, the funding source for
 8 which is specifically provided as the “Compensation and
 9 Pensions” appropriation: *Provided further*, That such
 10 sums as may be earned on an actual qualifying patient
 11 basis, shall be reimbursed to “Medical Care Collections
 12 Fund” to augment the funding of individual medical facili-
 13 ties for nursing home care provided to pensioners as au-
 14 thorized.

15 READJUSTMENT BENEFITS

16 For the payment of readjustment and rehabilitation
 17 benefits to or on behalf of veterans as authorized by chap-
 18 ters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and
 19 61 of title 38, United States Code, \$8,906,851,000, which
 20 shall become available on October 1, 2022, to remain
 21 available until expended: *Provided*, That expenses for re-
 22 habilitation program services and assistance which the
 23 Secretary is authorized to provide under subsection (a) of
 24 section 3104 of title 38, United States Code, other than

1 under paragraphs (1), (2), (5), and (11) of that sub-
 2 section, shall be charged to this account.

3 VETERANS INSURANCE AND INDEMNITIES

4 For military and naval insurance, national service life
 5 insurance, servicemen's indemnities, service-disabled vet-
 6 erans insurance, and veterans mortgage life insurance as
 7 authorized by chapters 19 and 21 of title 38, United
 8 States Code, \$109,865,000, which shall become available
 9 on October 1, 2022, to remain available until expended.

10 VETERANS HOUSING BENEFIT PROGRAM FUND

11 For the cost of direct and guaranteed loans, such
 12 sums as may be necessary to carry out the program, as
 13 authorized by subchapters I through III of chapter 37 of
 14 title 38, United States Code: *Provided*, That such costs,
 15 including the cost of modifying such loans, shall be as de-
 16 fined in section 502 of the Congressional Budget Act of
 17 1974: *Provided further*, That, during fiscal year 2022,
 18 within the resources available, not to exceed \$500,000 in
 19 gross obligations for direct loans are authorized for spe-
 20 cially adapted housing loans.

21 In addition, for administrative expenses to carry out
 22 the direct and guaranteed loan programs, \$229,500,000.

23 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

24 For the cost of direct loans, \$2,838, as authorized
 25 by chapter 31 of title 38, United States Code: *Provided*,

1 That such costs, including the cost of modifying such
 2 loans, shall be as defined in section 502 of the Congres-
 3 sional Budget Act of 1974: *Provided further*, That funds
 4 made available under this heading are available to sub-
 5 sidize gross obligations for the principal amount of direct
 6 loans not to exceed \$1,662,758.

7 In addition, for administrative expenses necessary to
 8 carry out the direct loan program, \$429,467, which may
 9 be paid to the appropriation for “General Operating Ex-
 10 penses, Veterans Benefits Administration”.

11 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

12 ACCOUNT

13 For administrative expenses to carry out the direct
 14 loan program authorized by subchapter V of chapter 37
 15 of title 38, United States Code, \$1,300,000.

16 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

17 ADMINISTRATION

18 For necessary operating expenses of the Veterans
 19 Benefits Administration, not otherwise provided for, in-
 20 cluding hire of passenger motor vehicles, reimbursement
 21 of the General Services Administration for security guard
 22 services, and reimbursement of the Department of De-
 23 fense for the cost of overseas employee mail,
 24 \$3,486,000,000: *Provided*, That expenses for services and
 25 assistance authorized under paragraphs (1), (2), (5), and

1 (11) of section 3104(a) of title 38, United States Code,
 2 that the Secretary of Veterans Affairs determines are nec-
 3 essary to enable entitled veterans: (1) to the maximum ex-
 4 tent feasible, to become employable and to obtain and
 5 maintain suitable employment; or (2) to achieve maximum
 6 independence in daily living, shall be charged to this ac-
 7 count: *Provided further*, That, of the funds made available
 8 under this heading, not to exceed 10 percent shall remain
 9 available until September 30, 2023.

10 VETERANS HEALTH ADMINISTRATION

11 MEDICAL SERVICES

12 For necessary expenses for furnishing, as authorized
 13 by law, inpatient and outpatient care and treatment to
 14 beneficiaries of the Department of Veterans Affairs and
 15 veterans described in section 1705(a) of title 38, United
 16 States Code, including care and treatment in facilities not
 17 under the jurisdiction of the Department, and including
 18 medical supplies and equipment, bioengineering services,
 19 food services, and salaries and expenses of healthcare em-
 20 ployees hired under title 38, United States Code, assist-
 21 ance and support services for caregivers as authorized by
 22 section 1720G of title 38, United States Code, loan repay-
 23 ments authorized by section 604 of the Caregivers and
 24 Veterans Omnibus Health Services Act of 2010 (Public
 25 Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note),

1 monthly assistance allowances authorized by section
2 322(d) of title 38, United States Code, grants authorized
3 by section 521A of title 38, United States Code, and ad-
4 ministrative expenses necessary to carry out sections
5 322(d) and 521A of title 38, United States Code, and hos-
6 pital care and medical services authorized by section 1787
7 of title 38, United States Code; \$70,323,116,000, plus re-
8 imbursements, shall become available on October 1, 2022,
9 and shall remain available until September 30, 2023: *Pro-*
10 *vided*, That, of the amount made available on October 1,
11 2022, under this heading, \$1,500,000,000 shall remain
12 available until September 30, 2024: *Provided further*,
13 That, notwithstanding any other provision of law, the Sec-
14 retary of Veterans Affairs shall establish a priority for the
15 provision of medical treatment for veterans who have serv-
16 ice-connected disabilities, lower income, or have special
17 needs: *Provided further*, That, notwithstanding any other
18 provision of law, the Secretary of Veterans Affairs shall
19 give priority funding for the provision of basic medical
20 benefits to veterans in enrollment priority groups 1
21 through 6: *Provided further*, That, notwithstanding any
22 other provision of law, the Secretary of Veterans Affairs
23 may authorize the dispensing of prescription drugs from
24 Veterans Health Administration facilities to enrolled vet-
25 erans with privately written prescriptions based on re-

1 quirements established by the Secretary: *Provided further*,
 2 That the implementation of the program described in the
 3 previous proviso shall incur no additional cost to the De-
 4 partment of Veterans Affairs: *Provided further*, That the
 5 Secretary of Veterans Affairs shall ensure that sufficient
 6 amounts appropriated under this heading for medical sup-
 7 plies and equipment are available for the acquisition of
 8 prosthetics designed specifically for female veterans.

9 MEDICAL COMMUNITY CARE

10 For necessary expenses for furnishing health care to
 11 individuals pursuant to chapter 17 of title 38, United
 12 States Code, at non-Department facilities,
 13 \$3,269,000,000, which shall be in addition to funds pre-
 14 viously appropriated under this heading that become avail-
 15 able on October 1, 2021; and, in addition,
 16 \$24,156,659,000, plus reimbursements, shall become
 17 available on October 1, 2022, and shall remain available
 18 until September 30, 2023: *Provided*, That, of the amount
 19 made available on October 1, 2022, under this heading,
 20 \$2,000,000,000 shall remain available until September 30,
 21 2024.

22 MEDICAL SUPPORT AND COMPLIANCE

23 For necessary expenses in the administration of the
 24 medical, hospital, nursing home, domiciliary, construction,
 25 supply, and research activities, as authorized by law; ad-

1 ministrative expenses in support of capital policy activi-
 2 ties; and administrative and legal expenses of the Depart-
 3 ment for collecting and recovering amounts owed the De-
 4 partment as authorized under chapter 17 of title 38,
 5 United States Code, and the Federal Medical Care Recov-
 6 ery Act (42 U.S.C. 2651 et seq.), \$9,673,409,000, plus
 7 reimbursements, shall become available on October 1,
 8 2022, and shall remain available until September 30,
 9 2023: *Provided, That*, of the amount made available on
 10 October 1, 2022, under this heading, \$200,000,000 shall
 11 remain available until September 30, 2024.

12 MEDICAL FACILITIES

13 For necessary expenses for the maintenance and op-
 14 eration of hospitals, nursing homes, domiciliary facilities,
 15 and other necessary facilities of the Veterans Health Ad-
 16 ministration; for administrative expenses in support of
 17 planning, design, project management, real property ac-
 18 quisition and disposition, construction, and renovation of
 19 any facility under the jurisdiction or for the use of the
 20 Department; for oversight, engineering, and architectural
 21 activities not charged to project costs; for repairing, alter-
 22 ing, improving, or providing facilities in the several hos-
 23 pitals and homes under the jurisdiction of the Depart-
 24 ment, not otherwise provided for, either by contract or by
 25 the hire of temporary employees and purchase of mate-

1 rials; for leases of facilities; and for laundry services;
 2 \$7,133,816,000, plus reimbursements, shall become avail-
 3 able on October 1, 2022, and shall remain available until
 4 September 30, 2023: *Provided*, That, of the amount made
 5 available on October 1, 2022, under this heading,
 6 \$350,000,000 shall remain available until September 30,
 7 2024.

8 MEDICAL AND PROSTHETIC RESEARCH

9 For necessary expenses in carrying out programs of
 10 medical and prosthetic research and development as au-
 11 thorized by chapter 73 of title 38, United States Code,
 12 \$882,000,000, plus reimbursements, shall remain avail-
 13 able until September 30, 2023: *Provided*, That the Sec-
 14 retary of Veterans Affairs shall ensure that sufficient
 15 amounts appropriated under this heading are available for
 16 prosthetic research specifically for female veterans, and
 17 for toxic exposure research.

18 NATIONAL CEMETERY ADMINISTRATION

19 For necessary expenses of the National Cemetery Ad-
 20 ministration for operations and maintenance, not other-
 21 wise provided for, including uniforms or allowances there-
 22 for; cemeterial expenses as authorized by law; purchase
 23 of one passenger motor vehicle for use in cemeterial oper-
 24 ations; hire of passenger motor vehicles; and repair, alter-
 25 ation or improvement of facilities under the jurisdiction

1 of the National Cemetery Administration, \$394,000,000,
 2 of which not to exceed 10 percent shall remain available
 3 until September 30, 2023.

4 DEPARTMENTAL ADMINISTRATION

5 GENERAL ADMINISTRATION

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary operating expenses of the Department
 8 of Veterans Affairs, not otherwise provided for, including
 9 administrative expenses in support of Department-wide
 10 capital planning, management and policy activities, uni-
 11 forms, or allowances therefor; not to exceed \$25,000 for
 12 official reception and representation expenses; hire of pas-
 13 senger motor vehicles; and reimbursement of the General
 14 Services Administration for security guard services,
 15 \$401,200,000, of which not to exceed 10 percent shall re-
 16 main available until September 30, 2023: *Provided*, That
 17 funds provided under this heading may be transferred to
 18 “General Operating Expenses, Veterans Benefits Adminis-
 19 tration”.

20 BOARD OF VETERANS APPEALS

21 For necessary operating expenses of the Board of
 22 Veterans Appeals, \$228,000,000, of which not to exceed
 23 10 percent shall remain available until September 30,
 24 2023.

1 INFORMATION TECHNOLOGY SYSTEMS

2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses for information technology
4 systems and telecommunications support, including devel-
5 opmental information systems and operational information
6 systems; for pay and associated costs; and for the capital
7 asset acquisition of information technology systems, in-
8 cluding management and related contractual costs of said
9 acquisitions, including contractual costs associated with
10 operations authorized by section 3109 of title 5, United
11 States Code, \$4,842,800,000, plus reimbursements: *Pro-*
12 *vided*, That \$1,414,215,000 shall be for pay and associ-
13 ated costs, of which not to exceed 3 percent shall remain
14 available until September 30, 2023: *Provided further*, That
15 \$3,131,585,000 shall be for operations and maintenance,
16 of which not to exceed 5 percent shall remain available
17 until September 30, 2023: *Provided further*, That
18 \$297,000,000 shall be for information technology systems
19 development, and shall remain available until September
20 30, 2023: *Provided further*, That amounts made available
21 for salaries and expenses, operations and maintenance,
22 and information technology systems development may be
23 transferred among the three subaccounts after the Sec-
24 retary of Veterans Affairs requests from the Committees
25 on Appropriations of both Houses of Congress the author-

1 ity to make the transfer and an approval is issued: *Pro-*
 2 *vided further*, That amounts made available for the “Infor-
 3 mation Technology Systems” account for development
 4 may be transferred among projects or to newly defined
 5 projects: *Provided further*, That no project may be in-
 6 creased or decreased by more than \$2,000,000 of cost
 7 prior to submitting a request to the Committees on Appro-
 8 priations of both Houses of Congress to make the transfer
 9 and an approval is issued, or absent a response, a period
 10 of 30 days has elapsed: *Provided further*, That the funds
 11 made available under this heading for information tech-
 12 nology systems development shall be for the projects, and
 13 in the amounts, specified under this heading in the report
 14 accompanying this Act.

15 VETERANS ELECTRONIC HEALTH RECORD

16 For activities related to implementation, preparation,
 17 development, interface, management, rollout, and mainte-
 18 nance of a Veterans Electronic Health Record system, in-
 19 cluding contractual costs associated with operations au-
 20 thorized by section 3109 of title 5, United States Code,
 21 and salaries and expenses of employees hired under titles
 22 5 and 38, United States Code, \$2,500,000,000, to remain
 23 available until September 30, 2024: *Provided*, That the
 24 Secretary of Veterans Affairs shall submit to the Commit-
 25 tees on Appropriations of both Houses of Congress quar-

1 terly reports detailing obligations, expenditures, and de-
 2 ployment implementation by facility, including any
 3 changes from the deployment plan or schedule: *Provided*
 4 *further*, That the funds provided in this account shall only
 5 be available to the Office of the Deputy Secretary, to be
 6 administered by that Office: *Provided further*, That 25
 7 percent of the funds made available under this heading
 8 shall not be available until July 1, 2022, and are contin-
 9 gent upon the Secretary of Veterans Affairs providing a
 10 plan with benchmarks and measureable metrics for deploy-
 11 ment, and a plan for addressing all required infrastructure
 12 upgrades, no later than 30 days prior to that date to the
 13 Committees on Appropriations.

14 OFFICE OF INSPECTOR GENERAL

15 For necessary expenses of the Office of Inspector
 16 General, to include information technology, in carrying out
 17 the provisions of the Inspector General Act of 1978 (5
 18 U.S.C. App.), \$239,000,000, of which not to exceed 10
 19 percent shall remain available until September 30, 2023.

20 CONSTRUCTION, MAJOR PROJECTS

21 For constructing, altering, extending, and improving
 22 any of the facilities, including parking projects, under the
 23 jurisdiction or for the use of the Department of Veterans
 24 Affairs, or for any of the purposes set forth in sections
 25 316, 2404, 2406 and chapter 81 of title 38, United States

1 Code, not otherwise provided for, including planning, ar-
2 chitectural and engineering services, construction manage-
3 ment services, maintenance or guarantee period services
4 costs associated with equipment guarantees provided
5 under the project, services of claims analysts, offsite utility
6 and storm drainage system construction costs, and site ac-
7 quisition, where the estimated cost of a project is more
8 than the amount set forth in section 8104(a)(3)(A) of title
9 38, United States Code, or where funds for a project were
10 made available in a previous major project appropriation,
11 \$1,611,000,000, of which \$911,000,000 shall remain
12 available until September 30, 2026, and of which
13 \$700,000,000 shall remain available until expended, of
14 which \$100,000,000 shall be available for seismic improve-
15 ment projects and seismic program management activities,
16 including for projects that would otherwise be funded by
17 the Construction, Minor Projects, Medical Facilities or
18 National Cemetery Administration accounts: *Provided*,
19 That except for advance planning activities, including
20 needs assessments which may or may not lead to capital
21 investments, and other capital asset management related
22 activities, including portfolio development and manage-
23 ment activities, and planning, cost estimating, and design
24 for major medical facility projects and major medical facil-
25 ity leases and investment strategy studies funded through

1 the advance planning fund and the planning and design
2 activities funded through the design fund, staffing ex-
3 penses, and funds provided for the purchase, security, and
4 maintenance of land for the National Cemetery Adminis-
5 tration through the land acquisition line item, none of the
6 funds made available under this heading shall be used for
7 any project that has not been notified to Congress through
8 the budgetary process or that has not been approved by
9 the Congress through statute, joint resolution, or in the
10 explanatory statement accompanying such Act and pre-
11 sented to the President at the time of enrollment: *Provided*
12 *further*, That such sums as may be necessary shall be
13 available to reimburse the “General Administration” ac-
14 count for payment of salaries and expenses of all Office
15 of Construction and Facilities Management employees to
16 support the full range of capital infrastructure services
17 provided, including minor construction and leasing serv-
18 ices: *Provided further*, That funds made available under
19 this heading for fiscal year 2022, for each approved
20 project shall be obligated: (1) by the awarding of a con-
21 struction documents contract by September 30, 2022; and
22 (2) by the awarding of a construction contract by Sep-
23 tember 30, 2023: *Provided further*, That the Secretary of
24 Veterans Affairs shall promptly submit to the Committees
25 on Appropriations of both Houses of Congress a written

1 report on any approved major construction project for
 2 which obligations are not incurred within the time limita-
 3 tions established above: *Provided further*, That notwith-
 4 standing the requirements of section 8104(a) of title 38,
 5 United States Code, amounts made available under this
 6 heading for seismic improvement projects and seismic pro-
 7 gram management activities shall be available for the com-
 8 pletion of both new and existing seismic projects of the
 9 Department.

10 CONSTRUCTION, MINOR PROJECTS

11 For constructing, altering, extending, and improving
 12 any of the facilities, including parking projects, under the
 13 jurisdiction or for the use of the Department of Veterans
 14 Affairs, including planning and assessments of needs
 15 which may lead to capital investments, architectural and
 16 engineering services, maintenance or guarantee period
 17 services costs associated with equipment guarantees pro-
 18 vided under the project, services of claims analysts, offsite
 19 utility and storm drainage system construction costs, and
 20 site acquisition, or for any of the purposes set forth in
 21 sections 316, 2404, 2406 and chapter 81 of title 38,
 22 United States Code, not otherwise provided for, where the
 23 estimated cost of a project is equal to or less than the
 24 amount set forth in section 8104(a)(3)(A) of title 38,
 25 United States Code, \$553,000,000, of which

1 \$497,700,000 shall remain available until September 30,
 2 2026, and of which \$55,300,000 shall remain available
 3 until expended, along with unobligated balances of pre-
 4 vious “Construction, Minor Projects” appropriations
 5 which are hereby made available for any project where the
 6 estimated cost is equal to or less than the amount set forth
 7 in such section: *Provided*, That funds made available
 8 under this heading shall be for: (1) repairs to any of the
 9 nonmedical facilities under the jurisdiction or for the use
 10 of the Department which are necessary because of loss or
 11 damage caused by any natural disaster or catastrophe;
 12 and (2) temporary measures necessary to prevent or to
 13 minimize further loss by such causes.

14 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
 15 FACILITIES

16 For grants to assist States to acquire or construct
 17 State nursing home and domiciliary facilities and to re-
 18 model, modify, or alter existing hospital, nursing home,
 19 and domiciliary facilities in State homes, for furnishing
 20 care to veterans as authorized by sections 8131 through
 21 8137 of title 38, United States Code, \$50,000,000, to re-
 22 main available until expended.

23 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

24 For grants to assist States and tribal organizations
 25 in establishing, expanding, or improving veterans ceme-

1 teries as authorized by section 2408 of title 38, United
 2 States Code, \$50,000,000, to remain available until ex-
 3 pended.

4 ASSET INFRASTRUCTURE REVIEW COMMISSION

5 For carrying out the VA Asset and Infrastructure
 6 Review Act of 2018 (subtitle A of title II of Public Law
 7 115–182), \$5,000,000, to remain available until Sep-
 8 tember 30, 2023.

9 ADMINISTRATIVE PROVISIONS

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 201. Any appropriation for fiscal year 2022 for
 12 “Compensation and Pensions”, “Readjustment Benefits”,
 13 and “Veterans Insurance and Indemnities” may be trans-
 14 ferred as necessary to any other of the mentioned appro-
 15 priations: *Provided*, That, before a transfer may take
 16 place, the Secretary of Veterans Affairs shall request from
 17 the Committees on Appropriations of both Houses of Con-
 18 gress the authority to make the transfer and such Com-
 19 mittees issue an approval, or absent a response, a period
 20 of 30 days has elapsed.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 202. Amounts made available for the Depart-
 23 ment of Veterans Affairs for fiscal year 2022, in this or
 24 any other Act, under the “Medical Services”, “Medical
 25 Community Care”, “Medical Support and Compliance”,

1 and “Medical Facilities” accounts may be transferred
2 among the accounts: *Provided*, That any transfers among
3 the “Medical Services”, “Medical Community Care”, and
4 “Medical Support and Compliance” accounts of 1 percent
5 or less of the total amount appropriated to the account
6 in this or any other Act may take place subject to notifica-
7 tion from the Secretary of Veterans Affairs to the Com-
8 mittees on Appropriations of both Houses of Congress of
9 the amount and purpose of the transfer: *Provided further*,
10 That any transfers among the “Medical Services”, “Med-
11 ical Community Care”, and “Medical Support and Compli-
12 ance” accounts in excess of 1 percent, or exceeding the
13 cumulative 1 percent for the fiscal year, may take place
14 only after the Secretary requests from the Committees on
15 Appropriations of both Houses of Congress the authority
16 to make the transfer and an approval is issued: *Provided*
17 *further*, That any transfers to or from the “Medical Facili-
18 ties” account may take place only after the Secretary re-
19 quests from the Committees on Appropriations of both
20 Houses of Congress the authority to make the transfer
21 and an approval is issued.

22 SEC. 203. Appropriations available in this title for
23 salaries and expenses shall be available for services au-
24 thorized by section 3109 of title 5, United States Code;
25 hire of passenger motor vehicles; lease of a facility or land

1 or both; and uniforms or allowances therefore, as author-
2 ized by sections 5901 through 5902 of title 5, United
3 States Code.

4 SEC. 204. No appropriations in this title (except the
5 appropriations for “Construction, Major Projects”, and
6 “Construction, Minor Projects”) shall be available for the
7 purchase of any site for or toward the construction of any
8 new hospital or home.

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

20 SEC. 206. Appropriations available in this title for
21 “Compensation and Pensions”, “Readjustment Benefits”,
22 and “Veterans Insurance and Indemnities” shall be avail-
23 able for payment of prior year accrued obligations re-
24 quired to be recorded by law against the corresponding

1 prior year accounts within the last quarter of fiscal year
2 2021.

3 SEC. 207. Appropriations available in this title shall
4 be available to pay prior year obligations of corresponding
5 prior year appropriations accounts resulting from sections
6 3328(a), 3334, and 3712(a) of title 31, United States
7 Code, except that if such obligations are from trust fund
8 accounts they shall be payable only from “Compensation
9 and Pensions”.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 208. Notwithstanding any other provision of
12 law, during fiscal year 2022, the Secretary of Veterans
13 Affairs shall, from the National Service Life Insurance
14 Fund under section 1920 of title 38, United States Code,
15 the Veterans’ Special Life Insurance Fund under section
16 1923 of title 38, United States Code, and the United
17 States Government Life Insurance Fund under section
18 1955 of title 38, United States Code, reimburse the “Gen-
19 eral Operating Expenses, Veterans Benefits Administra-
20 tion” and “Information Technology Systems” accounts for
21 the cost of administration of the insurance programs fi-
22 nanced through those accounts: *Provided*, That reimburse-
23 ment shall be made only from the surplus earnings accu-
24 mulated in such an insurance program during fiscal year
25 2022 that are available for dividends in that program after

1 claims have been paid and actuarially determined reserves
 2 have been set aside: *Provided further*, That if the cost of
 3 administration of such an insurance program exceeds the
 4 amount of surplus earnings accumulated in that program,
 5 reimbursement shall be made only to the extent of such
 6 surplus earnings: *Provided further*, That the Secretary
 7 shall determine the cost of administration for fiscal year
 8 2022 which is properly allocable to the provision of each
 9 such insurance program and to the provision of any total
 10 disability income insurance included in that insurance pro-
 11 gram.

12 SEC. 209. Amounts deducted from enhanced-use
 13 lease proceeds to reimburse an account for expenses in-
 14 curred by that account during a prior fiscal year for pro-
 15 viding enhanced-use lease services shall be available until
 16 expended.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 210. Funds available in this title or funds for
 19 salaries and other administrative expenses shall also be
 20 available to reimburse the Office of Resolution Manage-
 21 ment, Diversity and Inclusion, the Office of Employment
 22 Discrimination Complaint Adjudication, and the Alter-
 23 native Dispute Resolution function within the Office of
 24 Human Resources and Administration for all services pro-
 25 vided at rates which will recover actual costs but not to

1 exceed \$78,417,225 for the Office of Resolution Manage-
2 ment, Diversity and Inclusion, \$6,609,000 for the Office
3 of Employment Discrimination Complaint Adjudication,
4 and \$3,822,000 for the Alternative Dispute Resolution
5 function within the Office of Human Resources and Ad-
6 ministration: *Provided*, That payments may be made in
7 advance for services to be furnished based on estimated
8 costs: *Provided further*, That amounts received shall be
9 credited to the “General Administration” and “Informa-
10 tion Technology Systems” accounts for use by the office
11 that provided the service.

12 SEC. 211. No funds of the Department of Veterans
13 Affairs shall be available for hospital care, nursing home
14 care, or medical services provided to any person under
15 chapter 17 of title 38, United States Code, for a non-serv-
16 ice-connected disability described in section 1729(a)(2) of
17 such title, unless that person has disclosed to the Sec-
18 retary of Veterans Affairs, in such form as the Secretary
19 may require, current, accurate third-party reimbursement
20 information for purposes of section 1729 of such title: *Pro-*
21 *vided*, That the Secretary may recover, in the same man-
22 ner as any other debt due the United States, the reason-
23 able charges for such care or services from any person who
24 does not make such disclosure as required: *Provided fur-*
25 *ther*, That any amounts so recovered for care or services

1 provided in a prior fiscal year may be obligated by the
 2 Secretary during the fiscal year in which amounts are re-
 3 ceived.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 212. Notwithstanding any other provision of
 6 law, proceeds or revenues derived from enhanced-use leas-
 7 ing activities (including disposal) may be deposited into
 8 the “Construction, Major Projects” and “Construction,
 9 Minor Projects” accounts and be used for construction
 10 (including site acquisition and disposition), alterations,
 11 and improvements of any medical facility under the juris-
 12 diction or for the use of the Department of Veterans Af-
 13 fairs. Such sums as realized are in addition to the amount
 14 provided for in “Construction, Major Projects” and “Con-
 15 struction, Minor Projects”.

16 SEC. 213. Amounts made available under “Medical
 17 Services” are available—

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

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

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 214. Such sums as may be deposited into the
 25 Medical Care Collections Fund pursuant to section 1729A

1 of title 38, United States Code, may be transferred to the
2 “Medical Services” and “Medical Community Care” ac-
3 counts to remain available until expended for the purposes
4 of these accounts.

5 SEC. 215. The Secretary of Veterans Affairs may
6 enter into agreements with Federally Qualified Health
7 Centers in the State of Alaska and Indian tribes and tribal
8 organizations which are party to the Alaska Native Health
9 Compact with the Indian Health Service, to provide
10 healthcare, including behavioral health and dental care, to
11 veterans in rural Alaska. The Secretary shall require par-
12 ticipating veterans and facilities to comply with all appro-
13 priate rules and regulations, as established by the Sec-
14 retary. The term “rural Alaska” shall mean those lands
15 which are not within the boundaries of the municipality
16 of Anchorage or the Fairbanks North Star Borough.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 216. Such sums as may be deposited into the
19 Department of Veterans Affairs Capital Asset Fund pur-
20 suant to section 8118 of title 38, United States Code, may
21 be transferred to the “Construction, Major Projects” and
22 “Construction, Minor Projects” accounts, to remain avail-
23 able until expended for the purposes of these accounts.

24 SEC. 217. Not later than 30 days after the end of
25 each fiscal quarter, the Secretary of Veterans Affairs shall

1 submit to the Committees on Appropriations of both
2 Houses of Congress a report on the financial status of the
3 Department of Veterans Affairs for the preceding quarter:
4 *Provided*, That, at a minimum, the report shall include
5 the direction contained in the paragraph entitled “Quar-
6 terly reporting”, under the heading “General Administra-
7 tion” in the joint explanatory statement accompanying
8 Public Law 114–223.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 218. Amounts made available under the “Med-
11 ical Services”, “Medical Community Care”, “Medical Sup-
12 port and Compliance”, “Medical Facilities”, “General Op-
13 erating Expenses, Veterans Benefits Administration”,
14 “Board of Veterans Appeals”, “General Administration”,
15 and “National Cemetery Administration” accounts for fis-
16 cal year 2022 may be transferred to or from the “Informa-
17 tion Technology Systems” account: *Provided*, That such
18 transfers may not result in a more than 10 percent aggre-
19 gate increase in the total amount made available by this
20 Act for the “Information Technology Systems” account:
21 *Provided further*, That, before a transfer may take place,
22 the Secretary of Veterans Affairs shall request from the
23 Committees on Appropriations of both Houses of Congress
24 the authority to make the transfer and an approval is
25 issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2022 for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, “Medical Facilities”, “Construction, Minor Projects”, and “Information Technology Systems”, up to \$379,009,000, 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: *Provided further*, That section 220 of title II of division J of Public Law 116–260 is repealed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2022, for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities”, up to \$323,242,000, 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. 221. Such sums as may be deposited into the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided

1 at facilities designated as combined Federal medical facili-
 2 ties as described by section 706 of the Duncan Hunter
 3 National Defense Authorization Act for Fiscal Year 2009
 4 (Public Law 110–417; 122 Stat. 4500) shall also be avail-
 5 able: (1) for transfer to the Joint Department of De-
 6 fense—Department of Veterans Affairs Medical Facility
 7 Demonstration Fund, established by section 1704 of the
 8 National Defense Authorization Act for Fiscal Year 2010
 9 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-
 10 ations of the facilities designated as combined Federal
 11 medical facilities as described by section 706 of the Dun-
 12 can Hunter National Defense Authorization Act for Fiscal
 13 Year 2009 (Public Law 110–417; 122 Stat. 4500): *Pro-*
 14 *vided*, That, notwithstanding section 1704(b)(3) of the
 15 National Defense Authorization Act for Fiscal Year 2010
 16 (Public Law 111–84; 123 Stat. 2573), amounts trans-
 17 ferred to the Joint Department of Defense—Department
 18 of Veterans Affairs Medical Facility Demonstration Fund
 19 shall remain available until expended.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 222. Of the amounts available in this title for
 22 “Medical Services”, “Medical Community Care”, “Medical
 23 Support and Compliance”, and “Medical Facilities”, a
 24 minimum of \$15,000,000 shall be transferred to the
 25 DOD–VA Health Care Sharing Incentive Fund, as au-

1 thorized by section 8111(d) of title 38, United States
2 Code, to remain available until expended, for any purpose
3 authorized by section 8111 of title 38, United States Code.

4 SEC. 223. None of the funds available to the Depart-
5 ment of Veterans Affairs, in this or any other Act, may
6 be used to replace the current system by which the Vet-
7 erans Integrated Service Networks select and contract for
8 diabetes monitoring supplies and equipment.

9 SEC. 224. The Secretary of Veterans Affairs shall no-
10 tify the Committees on Appropriations of both Houses of
11 Congress of all bid savings in a major construction project
12 that total at least \$5,000,000, or 5 percent of the pro-
13 grammed amount of the project, whichever is less: *Pro-*
14 *vided*, That such notification shall occur within 14 days
15 of a contract identifying the programmed amount: *Pro-*
16 *vided further*, That the Secretary shall notify the Commit-
17 tees on Appropriations of both Houses of Congress 14
18 days prior to the obligation of such bid savings and shall
19 describe the anticipated use of such savings.

20 SEC. 225. None of the funds made available for
21 “Construction, Major Projects” may be used for a project
22 in excess of the scope specified for that project in the origi-
23 nal justification data provided to the Congress as part of
24 the request for appropriations unless the Secretary of Vet-

1 erans Affairs receives approval from the Committees on
2 Appropriations of both Houses of Congress.

3 SEC. 226. Not later than 30 days after the end of
4 each fiscal quarter, the Secretary of Veterans Affairs shall
5 submit to the Committees on Appropriations of both
6 Houses of Congress a quarterly report containing perform-
7 ance measures and data from each Veterans Benefits Ad-
8 ministration Regional Office: *Provided*, That, at a min-
9 imum, the report shall include the direction contained in
10 the section entitled “Disability claims backlog”, under the
11 heading “General Operating Expenses, Veterans Benefits
12 Administration” in the joint explanatory statement accom-
13 panying Public Law 114–223: *Provided further*, That the
14 report shall also include information on the number of ap-
15 peals pending at the Veterans Benefits Administration as
16 well as the Board of Veterans Appeals on a quarterly
17 basis.

18 SEC. 227. The Secretary of Veterans Affairs shall
19 provide written notification to the Committees on Appro-
20 priations of both Houses of Congress 15 days prior to or-
21 ganizational changes which result in the transfer of 25 or
22 more full-time equivalents from one organizational unit of
23 the Department of Veterans Affairs to another.

24 SEC. 228. The Secretary of Veterans Affairs shall
25 provide on a quarterly basis to the Committees on Appro-

1 priations of both Houses of Congress notification of any
2 single national outreach and awareness marketing cam-
3 paign in which obligations exceed \$1,000,000.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 229. The Secretary of Veterans Affairs, upon
6 determination that such action is necessary to address
7 needs of the Veterans Health Administration, may trans-
8 fer to the “Medical Services” account any discretionary
9 appropriations made available for fiscal year 2022 in this
10 title (except appropriations made to the “General Oper-
11 ating Expenses, Veterans Benefits Administration” ac-
12 count) or any discretionary unobligated balances within
13 the Department of Veterans Affairs, including those ap-
14 propriated for fiscal year 2022, that were provided in ad-
15 vance by appropriations Acts: *Provided*, That transfers
16 shall be made only with the approval of the Office of Man-
17 agement and Budget: *Provided further*, That the transfer
18 authority provided in this section is in addition to any
19 other transfer authority provided by law: *Provided further*,
20 That no amounts may be transferred from amounts that
21 were designated by Congress as an emergency requirement
22 pursuant to a concurrent resolution on the budget or the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985: *Provided further*, That such authority to transfer
25 may not be used unless for higher priority items, based

1 on emergent healthcare requirements, than those for
2 which originally appropriated and in no case where the
3 item for which funds are requested has been denied by
4 Congress: *Provided further*, That, upon determination that
5 all or part of the funds transferred from an appropriation
6 are not necessary, such amounts may be transferred back
7 to that appropriation and shall be available for the same
8 purposes as originally appropriated: *Provided further*,
9 That before a transfer may take place, the Secretary of
10 Veterans Affairs shall request from the Committees on
11 Appropriations of both Houses of Congress the authority
12 to make the transfer and receive approval of that request.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 230. Amounts made available for the Depart-
15 ment of Veterans Affairs for fiscal year 2022, under the
16 “Board of Veterans Appeals” and the “General Operating
17 Expenses, Veterans Benefits Administration” accounts
18 may be transferred between such accounts: *Provided*, That
19 before a transfer may take place, the Secretary of Vet-
20 erans Affairs shall request from the Committees on Appro-
21 priations of both Houses of Congress the authority to
22 make the transfer and receive approval of that request.

23 SEC. 231. The Secretary of Veterans Affairs may not
24 reprogram funds among major construction projects or
25 programs if such instance of reprogramming will exceed

1 \$7,000,000, unless such reprogramming is approved by
2 the Committees on Appropriations of both Houses of Con-
3 gress.

4 SEC. 232. (a) The Secretary of Veterans Affairs shall
5 ensure that the toll-free suicide hotline under section
6 1720F(h) of title 38, United States Code—

7 (1) provides to individuals who contact the hot-
8 line immediate assistance from a trained profes-
9 sional; and

10 (2) adheres to all requirements of the American
11 Association of Suicidology.

12 (b)(1) None of the funds made available by this Act
13 may be used to enforce or otherwise carry out any Execu-
14 tive action that prohibits the Secretary of Veterans Affairs
15 from appointing an individual to occupy a vacant civil
16 service position, or establishing a new civil service position,
17 at the Department of Veterans Affairs with respect to
18 such a position relating to the hotline specified in sub-
19 section (a).

20 (2) In this subsection—

21 (A) the term “civil service” has the meaning
22 given such term in section 2101(1) of title 5, United
23 States Code; and

24 (B) the term “Executive action” includes—

- 1 (i) any Executive order, presidential memo-
2 randum, or other action by the President; and
3 (ii) any agency policy, order, or other di-
4 rective.

5 (c)(1) The Secretary of Veterans Affairs shall con-
6 duct a study on the effectiveness of the hotline specified
7 in subsection (a) during the 5-year period beginning on
8 January 1, 2016, based on an analysis of national suicide
9 data and data collected from such hotline.

10 (2) At a minimum, the study required by paragraph
11 (1) shall—

12 (A) determine the number of veterans who con-
13 tact the hotline specified in subsection (a) and who
14 receive follow up services from the hotline or mental
15 health services from the Department of Veterans Af-
16 fairs thereafter;

17 (B) determine the number of veterans who con-
18 tact the hotline who are not referred to, or do not
19 continue receiving, mental health care who commit
20 suicide; and

21 (C) determine the number of veterans described
22 in subparagraph (A) who commit or attempt suicide.

23 SEC. 233. Effective during the period beginning on
24 October 1, 2018 and ending on January 1, 2024, none
25 of the funds made available to the Secretary of Veterans

1 Affairs by this or any other Act may be obligated or ex-
2 pended in contravention of the “Veterans Health Adminis-
3 tration Clinical Preventive Services Guidance Statement
4 on the Veterans Health Administration’s Screening for
5 Breast Cancer Guidance” published on May 10, 2017, as
6 issued by the Veterans Health Administration National
7 Center for Health Promotion and Disease Prevention.

8 SEC. 234. (a) Notwithstanding any other provision
9 of law, the amounts appropriated or otherwise made avail-
10 able to the Department of Veterans Affairs for the “Med-
11 ical Services” account may be used to provide—

12 (1) fertility counseling and treatment using as-
13 sisted reproductive technology to a covered veteran
14 or the spouse of a covered veteran; or

15 (2) adoption reimbursement to a covered vet-
16 eran.

17 (b) In this section:

18 (1) The term “service-connected” has the
19 meaning given such term in section 101 of title 38,
20 United States Code.

21 (2) The term “covered veteran” means a vet-
22 eran, as such term is defined in section 101 of title
23 38, United States Code, who has a service-connected
24 disability that results in the inability of the veteran
25 to procreate without the use of fertility treatment.

1 (3) The term “assisted reproductive tech-
2 nology” means benefits relating to reproductive as-
3 sistance provided to a member of the Armed Forces
4 who incurs a serious injury or illness on active duty
5 pursuant to section 1074(c)(4)(A) of title 10, United
6 States Code, as described in the memorandum on
7 the subject of “Policy for Assisted Reproductive
8 Services for the Benefit of Seriously or Severely Ill/
9 Injured (Category II or III) Active Duty Service
10 Members” issued by the Assistant Secretary of De-
11 fense for Health Affairs on April 3, 2012, and the
12 guidance issued to implement such policy, including
13 any limitations on the amount of such benefits avail-
14 able to such a member except that—

15 (A) the time periods regarding embryo
16 cryopreservation and storage set forth in part
17 III(G) and in part IV(H) of such memorandum
18 shall not apply; and

19 (B) such term includes embryo
20 cryopreservation and storage without limitation
21 on the duration of such cryopreservation and
22 storage.

23 (4) The term “adoption reimbursement” means
24 reimbursement for the adoption-related expenses for
25 an adoption that is finalized after the date of the en-

1 actment of this Act under the same terms as apply
2 under the adoption reimbursement program of the
3 Department of Defense, as authorized in Depart-
4 ment of Defense Instruction 1341.09, including the
5 reimbursement limits and requirements set forth in
6 such instruction.

7 (c) Amounts made available for the purposes speci-
8 fied in subsection (a) of this section are subject to the
9 requirements for funds contained in section 508 of division
10 H of the Consolidated Appropriations Act, 2018 (Public
11 Law 115–141).

12 SEC. 235. None of the funds appropriated or other-
13 wise made available by this Act or any other Act for the
14 Department of Veterans Affairs may be used in a manner
15 that is inconsistent with: (1) section 842 of the Transpor-
16 tation, Treasury, Housing and Urban Development, the
17 Judiciary, the District of Columbia, and Independent
18 Agencies Appropriations Act, 2006 (Public Law 109–115;
19 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
20 United States Code.

21 SEC. 236. Section 842 of Public Law 109–115 shall
22 not apply to conversion of an activity or function of the
23 Veterans Health Administration, Veterans Benefits Ad-
24 ministration, or National Cemetery Administration to con-
25 tractor performance by a business concern that is at least

1 51 percent owned by one or more Indian tribes as defined
2 in section 5304(e) of title 25, United States Code, or one
3 or more Native Hawaiian Organizations as defined in sec-
4 tion 637(a)(15) of title 15, United States Code.

5 SEC. 237. (a) Except as provided in subsection (b),
6 the Secretary of Veterans Affairs, in consultation with the
7 Secretary of Defense and the Secretary of Labor, shall dis-
8 continue using Social Security account numbers to identify
9 individuals in all information systems of the Department
10 of Veterans Affairs as follows:

11 (1) For all veterans submitting to the Secretary
12 of Veterans Affairs new claims for benefits under
13 laws administered by the Secretary, not later than
14 March 23, 2023.

15 (2) For all individuals not described in para-
16 graph (1), not later than March 23, 2026.

17 (b) The Secretary of Veterans Affairs may use a So-
18 cial Security account number to identify an individual in
19 an information system of the Department of Veterans Af-
20 fairs if and only if the use of such number is required
21 to obtain information the Secretary requires from an in-
22 formation system that is not under the jurisdiction of the
23 Secretary.

24 (c) The matter in subsections (a) and (b) shall super-
25 sede section 238 of Public Law 116–94.

1 SEC. 238. For funds provided to the Department of
2 Veterans Affairs for each of fiscal year 2022 and 2023
3 for “Medical Services”, section 239 of division A of Public
4 Law 114–223 shall apply.

5 SEC. 239. None of the funds appropriated in this or
6 prior appropriations Acts or otherwise made available to
7 the Department of Veterans Affairs may be used to trans-
8 fer any amounts from the Filipino Veterans Equity Com-
9 pensation Fund to any other account within the Depart-
10 ment of Veterans Affairs.

11 SEC. 240. Of the funds provided to the Department
12 of Veterans Affairs for each of fiscal year 2022 and fiscal
13 year 2023 for “Medical Services”, funds may be used in
14 each year to carry out and expand the child care program
15 authorized by section 205 of Public Law 111–163, not-
16 withstanding subsection (e) of such section.

17 SEC. 241. None of the funds appropriated or other-
18 wise made available in this title may be used by the Sec-
19 retary of Veterans Affairs to enter into an agreement re-
20 lated to resolving a dispute or claim with an individual
21 that would restrict in any way the individual from speak-
22 ing to members of Congress or their staff on any topic
23 not otherwise prohibited from disclosure by Federal law
24 or required by Executive order to be kept secret in the

1 interest of national defense or the conduct of foreign af-
2 fairs.

3 SEC. 242. For funds provided to the Department of
4 Veterans Affairs for each of fiscal year 2022 and 2023,
5 section 258 of division A of Public Law 114–223 shall
6 apply.

7 SEC. 243. (a) None of the funds appropriated or oth-
8 erwise made available by this Act may be used to deny
9 an Inspector General funded under this Act timely access
10 to any records, documents, or other materials available to
11 the department or agency over which that Inspector Gen-
12 eral has responsibilities under the Inspector General Act
13 of 1978 (5 U.S.C. App.), or to prevent or impede the ac-
14 cess of the Inspector General to such records, documents,
15 or other materials, under any provision of law, except a
16 provision of law that expressly refers to such Inspector
17 General and expressly limits the right of access.

18 (b) A department or agency covered by this section
19 shall provide its Inspector General access to all records,
20 documents, and other materials in a timely manner.

21 (c) Each Inspector General shall ensure compliance
22 with statutory limitations on disclosure relevant to the in-
23 formation provided by the establishment over which that
24 Inspector General has responsibilities under the Inspector
25 General Act of 1978 (5 U.S.C. App.).

1 (d) Each Inspector General covered by this section
2 shall report to the Committee on Appropriations of the
3 Senate and the Committee on Appropriations of the House
4 of Representatives within 5 calendar days of any failure
5 by any department or agency covered by this section to
6 comply with this requirement.

7 SEC. 244. None of the funds made available in this
8 Act may be used in a manner that would increase wait
9 times for veterans who seek care at medical facilities of
10 the Department of Veterans Affairs.

11 SEC. 245. None of the funds appropriated or other-
12 wise made available by this Act to the Veterans Health
13 Administration may be used in fiscal year 2022 to convert
14 any program which received specific purpose funds in fis-
15 cal year 2021 to a general purpose funded program unless
16 the Secretary of Veterans Affairs submits written notifica-
17 tion of any such proposal to the Committees on Appropria-
18 tions of both Houses of Congress at least 30 days prior
19 to any such action and an approval is issued by the Com-
20 mittees.

21 SEC. 246. For funds provided to the Department of
22 Veterans Affairs for each of fiscal year 2022 and 2023,
23 section 248 of division A of Public Law 114–223 shall
24 apply.

1 SEC. 247. (a) None of the funds appropriated or oth-
2 erwise made available by this Act may be used to conduct
3 research commencing on or after October 1, 2019, that
4 uses any canine, feline, or non-human primate unless the
5 Secretary of Veterans Affairs approves such research spe-
6 cifically and in writing pursuant to subsection (b).

7 (b)(1) The Secretary of Veterans Affairs may approve
8 the conduct of research commencing on or after October
9 1, 2019, using canines, felines, or non-human primates if
10 the Secretary determines that—

11 (A) the scientific objectives of the research can
12 only be met by using such canines, felines, or non-
13 human primates;

14 (B) such scientific objectives are directly related
15 to an illness or injury that is combat-related; and

16 (C) the research is consistent with the revised
17 Department of Veterans Affairs canine research pol-
18 icy document dated December 15, 2017, including
19 any subsequent revisions to such document.

20 (2) The Secretary may not delegate the authority
21 under this subsection.

22 (c) If the Secretary approves any new research pursu-
23 ant to subsection (b), not later than 30 days before the
24 commencement of such research, the Secretary shall sub-

1 mit to the Committees on Appropriations of the Senate
2 and House of Representatives a report describing—

3 (1) the nature of the research to be conducted
4 using canines, felines, or non-human primates;

5 (2) the date on which the Secretary approved
6 the research;

7 (3) the justification for the determination of the
8 Secretary that the scientific objectives of such re-
9 search could only be met using canines, felines, or
10 non-human primates;

11 (4) the frequency and duration of such re-
12 search; and

13 (5) the protocols in place to ensure the neces-
14 sity, safety, and efficacy of the research.

15 (d) Not later than 180 days after the date of the en-
16 actment of this Act, and biannually thereafter, the Sec-
17 retary shall submit to such Committees a report describ-
18 ing—

19 (1) any research being conducted by the De-
20 partment of Veterans Affairs using canines, felines,
21 or non-human primates as of the date of the sub-
22 mittal of the report;

23 (2) the circumstances under which such re-
24 search was conducted using canines, felines, or non-
25 human primates;

1 (3) the justification for using canines, felines,
2 or non-human primates to conduct such research;
3 and

4 (4) the protocols in place to ensure the neces-
5 sity, safety, and efficacy of such research.

6 (e) The Department shall implement a plan under
7 which the Secretary will eliminate or reduce the research
8 conducted using canines, felines, or non-human primates
9 by not later than 5 years after the date of enactment of
10 Public Law 116–94.

11 SEC. 248. (a) The Secretary of Veterans Affairs may
12 use amounts appropriated or otherwise made available in
13 this title to ensure that the ratio of veterans to full-time
14 employment equivalents within any program of rehabilita-
15 tion conducted under chapter 31 of title 38, United States
16 Code, does not exceed 125 veterans to one full-time em-
17 ployment equivalent.

18 (b) Not later than 180 days after the date of the en-
19 actment of this Act, the Secretary shall submit to Con-
20 gress a report on the programs of rehabilitation conducted
21 under chapter 31 of title 38, United States Code, includ-
22 ing—

23 (1) an assessment of the veteran-to-staff ratio
24 for each such program; and

1 (2) recommendations for such action as the
2 Secretary considers necessary to reduce the veteran-
3 to-staff ratio for each such program.

4 SEC. 249. Amounts made available for the “Veterans
5 Health Administration, Medical Community Care” ac-
6 count in this or any other Act for fiscal years 2022 and
7 2023 may be used for expenses that would otherwise be
8 payable from the Veterans Choice Fund established by
9 section 802 of the Veterans Access, Choice, and Account-
10 ability Act, as amended (38 U.S.C. 1701 note).

11 SEC. 250. Obligations and expenditures applicable to
12 the “Medical Services” account in fiscal years 2017
13 through 2019 for aid to state homes (as authorized by
14 section 1741 of title 38, United States Code) shall remain
15 in the “Medical Community Care” account for such fiscal
16 years.

17 SEC. 251. Of the amounts made available for the De-
18 partment of Veterans Affairs for fiscal year 2022, in this
19 or any other Act, under the “Veterans Health Administra-
20 tion—Medical Services”, “Veterans Health Administra-
21 tion—Medical Community Care”, “Veterans Health Ad-
22 ministration—Medical Support and Compliance”, and
23 “Veterans Health Administration—Medical Facilities” ac-
24 counts, \$820,446,000 shall be made available for gender-

1 specific care and programmatic efforts to deliver care for
2 women veterans.

3 SEC. 252. Funds made available in this or any other
4 Act for any department or agency for fiscal year 2022 that
5 are received by the Secretary of Veterans Affairs for the
6 conduct of research or education at a Department medical
7 center or centers, other than funds appropriated to the
8 Department of Veterans Affairs, and are transferred to
9 and administered by a corporation established under sub-
10 chapter IV of title 38, United States Code, for such pur-
11 poses pursuant to section 7364(b)(1) of title 38, United
12 States Code, shall remain available until expended.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 253. Amounts made available for the Depart-
15 ment of Veterans Affairs for “Medical Facilities” and
16 “General Administration” in this Act or prior Acts that
17 remain available for obligation in fiscal year 2022 may be
18 transferred as necessary to the “Asset and Infrastructure
19 Review” account for the purposes of carrying out the VA
20 Asset and Infrastructure Review Act of 2018 (subtitle A
21 of title II of Public Law 115–182): *Provided*, That the
22 total amounts transferred may not increase the account
23 by more than \$2,000,000: *Provided further*, That in ad-
24 vance of any such transfer, the Secretary of Veterans Af-
25 fairs shall request from the Committees on Appropriations

1 of both Houses of Congress the authority to make the
2 transfer and such Committees issue an approval, or absent
3 a response, a period of 30 days has elapsed.

4 (RESCISSION OF FUNDS)

5 SEC. 254. (a) Any remaining unobligated balances in
6 the “Recurring Expenses Transformational Fund” estab-
7 lished in section 243 of division J of Public Law 114-113
8 are hereby rescinded immediately upon enactment of this
9 Act.

10 (b) An amount of additional new budget authority
11 equivalent to the amount rescinded pursuant to subsection
12 (a) is hereby appropriated, to remain available until ex-
13 pended, for facilities infrastructure improvements, includ-
14 ing non-recurring maintenance, at existing hospitals and
15 clinics of the Veterans Health Administration, and infor-
16 mation technology systems improvements and
17 sustainment, in addition to such other funds as may be
18 available for such purposes, as follows:

19 (1) 80 percent of the additional new budget au-
20 thority shall be made available for an additional
21 amount for “Departmental Administration—Infor-
22 mation Technology Systems”; and

23 (2) 20 percent of the additional new budget au-
24 thority shall be made available for an additional

1 amount for “Departmental Administration—Con-
2 struction, Minor Projects”:

3 *Provided*, That prior to obligation of any of the funds pro-
4 vided in this subsection, the Secretary of Veterans Affairs
5 must provide a plan for the execution of the funds appro-
6 priated in this subsection to the Committees on Appropria-
7 tions of both Houses of Congress and such Committees
8 issue an approval, or absent a response, a period of 30
9 days has elapsed.

10 SEC. 255. Not later than 30 days after the end of
11 each fiscal quarter, the Secretary of Veterans Affairs shall
12 submit to the Committees on Appropriations of both
13 Houses of Congress a quarterly report on the status of
14 the “Veterans Medical Care and Health Fund”, estab-
15 lished to execute section 8002 of the American Rescue
16 Plan Act of 2021 (Public Law 117-2): *Provided*, That, at
17 a minimum, the report shall include an update on obliga-
18 tions by program, project or activity and a plan for ex-
19 pending the remaining funds; *Provided further*, That the
20 Secretary of Veterans Affairs must submit notification of
21 any plans to reallocate funds from the current apporportion-
22 ment categories of “Medical Services”, “Medical Support
23 and Compliance”, “Medical Facilities”, “Medical Commu-
24 nity Care”, or “Medical and Prosthetics Research”, in-
25 cluding the amount and purpose of each reallocation to

1 the Committees on Appropriations of both Houses of Con-
2 gress and such Committees issue an approval, or absent
3 a response, a period of 30 days has elapsed.

4 SEC. 256. None of the funds appropriated or other-
5 wise made available to the Department of Veterans Affairs
6 in this Act may be used in a manner that would—

7 (1) interfere with the ability of a veteran to
8 participate in a medicinal marijuana program ap-
9 proved by a State;

10 (2) deny any services from the Department to
11 a veteran who is participating in such a program; or

12 (3) limit or interfere with the ability of a health
13 care provider of the Department to make appro-
14 priate recommendations, fill out forms, or take steps
15 to comply with such a program.

16 TITLE III

17 RELATED AGENCIES

18 AMERICAN BATTLE MONUMENTS COMMISSION

19 SALARIES AND EXPENSES

20 For necessary expenses, not otherwise provided for,
21 of the American Battle Monuments Commission, including
22 the acquisition of land or interest in land in foreign coun-
23 tries; purchases and repair of uniforms for caretakers of
24 national cemeteries and monuments outside of the United
25 States and its territories and possessions; rent of office

1 and garage space in foreign countries; purchase (one-for-
2 one replacement basis only) and hire of passenger motor
3 vehicles; not to exceed \$15,000 for official reception and
4 representation expenses; and insurance of official motor
5 vehicles in foreign countries, when required by law of such
6 countries, \$87,500,000, to remain available until ex-
7 pended.

8 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

9 For necessary expenses, not otherwise provided for,
10 of the American Battle Monuments Commission, such
11 sums as may be necessary, to remain available until ex-
12 pended, for purposes authorized by section 2109 of title
13 36, United States Code.

14 UNITED STATES COURT OF APPEALS FOR VETERANS

15 CLAIMS

16 SALARIES AND EXPENSES

17 For necessary expenses for the operation of the
18 United States Court of Appeals for Veterans Claims as
19 authorized by sections 7251 through 7298 of title 38,
20 United States Code, \$41,700,000: *Provided*, That
21 \$3,385,104 shall be available for the purpose of providing
22 financial assistance as described and in accordance with
23 the process and reporting procedures set forth under this
24 heading in Public Law 102-229.

1 DEPARTMENT OF DEFENSE—CIVIL

2 CEMETERIAL EXPENSES, ARMY

3 SALARIES AND EXPENSES

4 For necessary expenses for maintenance, operation,
5 and improvement of Arlington National Cemetery and Sol-
6 diers' and Airmen's Home National Cemetery, including
7 the purchase or lease of passenger motor vehicles for re-
8 placement on a one-for-one basis only, and not to exceed
9 \$2,000 for official reception and representation expenses,
10 \$87,000,000, of which not to exceed \$15,000,000 shall re-
11 main available until September 30, 2024. In addition,
12 such sums as may be necessary for parking maintenance,
13 repairs and replacement, to be derived from the "Lease
14 of Department of Defense Real Property for Defense
15 Agencies" account.

16 CONSTRUCTION

17 For necessary expenses for planning and design and
18 construction at Arlington National Cemetery and Soldiers'
19 and Airmen's Home National Cemetery, \$141,000,000, to
20 remain available until expended, for planning and design
21 and construction associated with the Southern Expansion
22 project at Arlington National Cemetery.

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, \$76,300,000, to remain available until September 30, 2023, of which \$8,300,000 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: *Provided*, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, \$25,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

ADMINISTRATIVE PROVISION

SEC. 301. Amounts deposited into the special account established under 10 U.S.C. 7727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

1 TITLE IV

2 GENERAL PROVISIONS

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

6 SEC. 402. None of the funds made available in this
7 Act may be used for any program, project, or activity,
8 when it is made known to the Federal entity or official
9 to which the funds are made available that the program,
10 project, or activity is not in compliance with any Federal
11 law relating to risk assessment, the protection of private
12 property rights, or unfunded mandates.

13 SEC. 403. All departments and agencies funded under
14 this Act are encouraged, within the limits of the existing
15 statutory authorities and funding, to expand their use of
16 “E-Commerce” technologies and procedures in the con-
17 duct of their business practices and public service activi-
18 ties.

19 SEC. 404. Unless stated otherwise, all reports and no-
20 tifications required by this Act shall be submitted to the
21 Subcommittee on Military Construction and Veterans Af-
22 fairs, and Related Agencies of the Committee on Appro-
23 priations of the House of Representatives and the Sub-
24 committee on Military Construction and Veterans Affairs,

1 and Related Agencies of the Committee on Appropriations
2 of the Senate.

3 SEC. 405. None of the funds made available in this
4 Act may be transferred to any department, agency, or in-
5 strumentality of the United States Government except
6 pursuant to a transfer made by, or transfer authority pro-
7 vided in, this or any other appropriations Act.

8 SEC. 406. (a) Any agency receiving funds made avail-
9 able in this Act, shall, subject to subsections (b) and (c),
10 post on the public Web site of that agency any report re-
11 quired to be submitted by the Congress in this or any
12 other Act, upon the determination by the head of the agen-
13 cy that it shall serve the national interest.

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

15 (1) the public posting of the report com-
16 promises national security; or

17 (2) the report contains confidential or propri-
18 etary information.

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

23 SEC. 407. (a) None of the funds made available in
24 this Act may be used to maintain or establish a computer

1 network unless such network blocks the viewing,
2 downloading, and exchanging of pornography.

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

7 SEC. 408. None of the funds made available in this
8 Act may be used by an agency of the executive branch
9 to pay for first-class travel by an employee of the agency
10 in contravention of sections 301–10.122 through 301–
11 10.124 of title 41, Code of Federal Regulations.

12 SEC. 409. None of the funds made available in this
13 Act may be used to execute a contract for goods or serv-
14 ices, including construction services, where the contractor
15 has not complied with Executive Order No. 12989.

16 SEC. 410. None of the funds made available by this
17 Act may be used in contravention of section 101(e)(8) of
18 title 10, United States Code.

19 This Act may be cited as the “Military Construction,
20 Veterans Affairs, and Related Agencies Appropriations
21 Act, 2022”.

Calendar No. 114

117TH CONGRESS
1ST Session

S. 2604

[Report No. 117-35]

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2022, and for other purposes.

August 4, 2021

Read twice and placed on the calendar