

[COMMITTEE PRINT]

NOTICE: This bill is a draft for use of the Committee and its Staff only, in preparation for markup.

Calendar No. 000117TH CONGRESS
1ST SESSION**S. 0000****[Report No. 117-000]**

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 _____, 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,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for
3 military construction, the Department of Veterans Affairs,
4 and related agencies for the fiscal year ending September
5 30, 2022, and for other purposes, namely:

6 TITLE I

7 DEPARTMENT OF DEFENSE

8 MILITARY CONSTRUCTION, ARMY

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

1 under this heading, \$147,070,000 shall be for the projects
2 and activities, and in the amounts, specified under the
3 heading “Military Construction, Army” in the report to
4 accompany this Act, in addition to amounts otherwise
5 available for such purposes.

6 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

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

1 Marine Corps” in the report to accompany this Act, in
2 addition to amounts otherwise available for such purposes.

3 MILITARY CONSTRUCTION, AIR FORCE

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

22 MILITARY CONSTRUCTION, DEFENSE-WIDE

23 (INCLUDING TRANSFER OF FUNDS)

24 For acquisition, construction, installation, and equip-
25 ment of temporary or permanent public works, installa-

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

1 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

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

21 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

22 For construction, acquisition, expansion, rehabilita-
23 tion, and conversion of facilities for the training and ad-
24 ministration of the Air National Guard, and contributions
25 therefor, as authorized by chapter 1803 of title 10, United

1 States Code, and Military Construction Authorization
2 Acts, \$298,550,000, to remain available until September
3 30, 2026: *Provided*, That, of the amount, not to exceed
4 \$23,682,000 shall be available for study, planning, design,
5 and architect and engineer services, as authorized by law,
6 unless the Director of the Air National Guard determines
7 that additional obligations are necessary for such purposes
8 and notifies the Committees on Appropriations of both
9 Houses of Congress of the determination and the reasons
10 therefor: *Provided further*, That of the amount made avail-
11 able under this heading, \$97,780,000 shall be for the
12 projects and activities, and in the amounts, specified
13 under the heading “Military Construction, Air National
14 Guard” in the report to accompany this Act, in addition
15 to amounts otherwise available for such purposes.

16 MILITARY CONSTRUCTION, ARMY RESERVE

17 For construction, acquisition, expansion, rehabilita-
18 tion, and conversion of facilities for the training and ad-
19 ministration of the Army Reserve as authorized by chapter
20 1803 of title 10, United States Code, and Military Con-
21 struction Authorization Acts, \$94,111,000, to remain
22 available until September 30, 2026: *Provided*, That, of the
23 amount, not to exceed \$7,167,000 shall be available for
24 study, planning, design, and architect and engineer serv-
25 ices, as authorized by law, unless the Chief of the Army

1 Reserve determines that additional obligations are nec-
2 essary for such purposes and notifies the Committees on
3 Appropriations of both Houses of Congress of the deter-
4 mination and the reasons therefor: *Provided further*, That
5 of the amount made available under this heading,
6 \$29,200,000 shall be for the projects and activities, and
7 in the amounts, specified under the heading “Military
8 Construction, Army Reserve” in the report to accompany
9 this Act, in addition to amounts otherwise available for
10 such purposes.

11 MILITARY CONSTRUCTION, NAVY RESERVE

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

1 MILITARY CONSTRUCTION, AIR FORCE RESERVE

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

21 NORTH ATLANTIC TREATY ORGANIZATION

22 SECURITY INVESTMENT PROGRAM

23 For the United States share of the cost of the North
24 Atlantic Treaty Organization Security Investment Pro-
25 gram for the acquisition and construction of military fa-

1 cilities and installations (including international military
2 headquarters) and for related expenses for the collective
3 defense of the North Atlantic Treaty Area as authorized
4 by section 2806 of title 10, United States Code, and Mili-
5 tary Construction Authorization Acts, \$205,853,000, to
6 remain available until expended.

7 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

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

13 FAMILY HOUSING CONSTRUCTION, ARMY

14 For expenses of family housing for the Army for con-
15 struction, including acquisition, replacement, addition, ex-
16 pansion, extension, and alteration, as authorized by law,
17 \$99,849,000, to remain available until September 30,
18 2026.

19 FAMILY HOUSING OPERATION AND MAINTENANCE,

20 ARMY

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

1 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
2 CORPS

3 For expenses of family housing for the Navy and Ma-
4 rine Corps for construction, including acquisition, replace-
5 ment, addition, expansion, extension, and alteration, as
6 authorized by law, \$77,616,000, to remain available until
7 September 30, 2026.

8 FAMILY HOUSING OPERATION AND MAINTENANCE,
9 NAVY AND MARINE CORPS

10 For expenses of family housing for the Navy and Ma-
11 rine Corps for operation and maintenance, including debt
12 payment, leasing, minor construction, principal and inter-
13 est charges, and insurance premiums, as authorized by
14 law, \$357,341,000.

15 FAMILY HOUSING CONSTRUCTION, AIR FORCE

16 For expenses of family housing for the Air Force for
17 construction, including acquisition, replacement, addition,
18 expansion, extension, and alteration, as authorized by law,
19 \$115,716,000, to remain available until September 30,
20 2026.

21 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
22 FORCE

23 For expenses of family housing for the Air Force for
24 operation and maintenance, including debt payment, leas-
25 ing, minor construction, principal and interest charges,

12

1 and insurance premiums, as authorized by law,
2 \$325,445,000.

3 FAMILY HOUSING OPERATION AND MAINTENANCE,
4 DEFENSE-WIDE

5 For expenses of family housing for the activities and
6 agencies of the Department of Defense (other than the
7 military departments) for operation and maintenance,
8 leasing, and minor construction, as authorized by law,
9 \$49,785,000.

10 DEPARTMENT OF DEFENSE

11 FAMILY HOUSING IMPROVEMENT FUND

12 For the Department of Defense Family Housing Im-
13 provement Fund, \$6,081,000, to remain available until ex-
14 pended, for family housing initiatives undertaken pursu-
15 ant to section 2883 of title 10, United States Code, pro-
16 viding alternative means of acquiring and improving mili-
17 tary family housing and supporting facilities.

18 DEPARTMENT OF DEFENSE

19 MILITARY UNACCOMPANIED HOUSING IMPROVEMENT
20 FUND

21 For the Department of Defense Military Unaccom-
22 panied Housing Improvement Fund, \$494,000, to remain
23 available until expended, for unaccompanied housing ini-
24 tiatives undertaken pursuant to section 2883 of title 10,
25 United States Code, providing alternative means of acquir-

1 ing and improving military unaccompanied housing and
2 supporting facilities.

3 ADMINISTRATIVE PROVISIONS

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

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

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

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

1 SEC. 105. None of the funds made available in this
2 title shall be used for purchase of land or land easements
3 in excess of 100 percent of the value as determined by
4 the Army Corps of Engineers or the Naval Facilities Engi-
5 neering Command, except: (1) where there is a determina-
6 tion of value by a Federal court; (2) purchases negotiated
7 by the Attorney General or the designee of the Attorney
8 General; (3) where the estimated value is less than
9 \$25,000; or (4) as otherwise determined by the Secretary
10 of Defense to be in the public interest.

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

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

22 SEC. 108. None of the funds made available in this
23 title may be used for the procurement of steel for any con-
24 struction project or activity for which American steel pro-

1 ducers, fabricators, and manufacturers have been denied
2 the opportunity to compete for such steel procurement.

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

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

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

19 SEC. 112. None of the funds made available in this
20 title for military construction in the United States terri-
21 tories and possessions in the Pacific and on Kwajalein
22 Atoll, or in countries bordering the Arabian Gulf, may be
23 used to award any contract estimated by the Government
24 to exceed \$1,000,000 to a foreign contractor: *Provided,*
25 That this section shall not be applicable to contract

1 awards for which the lowest responsive and responsible bid
2 of a United States contractor exceeds the lowest respon-
3 sive and responsible bid of a foreign contractor by greater
4 than 20 percent: *Provided further*, That this section shall
5 not apply to contract awards for military construction on
6 Kwajalein Atoll for which the lowest responsive and re-
7 sponsible bid is submitted by a Marshallese contractor.

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

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

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

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

13 (INCLUDING TRANSFER OF FUNDS)

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

1 Military Unaccompanied Housing Improvement Fund
2 from amounts appropriated for construction of military
3 unaccompanied housing in “Military Construction” ac-
4 counts, to be merged with and to be available for the same
5 purposes and for the same period of time as amounts ap-
6 propriated directly to the Fund: *Provided*, That appropria-
7 tions made available to the Funds shall be available to
8 cover the costs, as defined in section 502(5) of the Con-
9 gressional Budget Act of 1974, of direct loans or loan
10 guarantees issued by the Department of Defense pursuant
11 to the provisions of subchapter IV of chapter 169 of title
12 10, United States Code, pertaining to alternative means
13 of acquiring and improving military family housing, mili-
14 tary unaccompanied housing, and supporting facilities.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 118. In addition to any other transfer authority
17 available to the Department of Defense, amounts may be
18 transferred from the Department of Defense Base Closure
19 Account to the fund established by section 1013(d) of the
20 Demonstration Cities and Metropolitan Development Act
21 of 1966 (42 U.S.C. 3374) to pay for expenses associated
22 with the Homeowners Assistance Program incurred under
23 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall
24 be merged with and be available for the same purposes

1 and for the same time period as the fund to which trans-
2 ferred.

3 SEC. 119. Notwithstanding any other provision of
4 law, funds made available in this title for operation and
5 maintenance of family housing shall be the exclusive
6 source of funds for repair and maintenance of all family
7 housing units, including general or flag officer quarters:
8 *Provided*, That not more than \$35,000 per unit may be
9 spent annually for the maintenance and repair of any gen-
10 eral or flag officer quarters without 30 days prior notifica-
11 tion, or 14 days for a notification provided in an electronic
12 medium pursuant to sections 480 and 2883 of title 10,
13 United States Code, to the Committees on Appropriations
14 of both Houses of Congress, except that an after-the-fact
15 notification shall be submitted if the limitation is exceeded
16 solely due to costs associated with environmental remedi-
17 ation that could not be reasonably anticipated at the time
18 of the budget submission: *Provided further*, That the
19 Under Secretary of Defense (Comptroller) is to report an-
20 nually to the Committees on Appropriations of both
21 Houses of Congress all operation and maintenance ex-
22 penditures for each individual general or flag officer quar-
23 ters for the prior fiscal year.

24 SEC. 120. Amounts contained in the Ford Island Im-
25 provement Account established by subsection (h) of sec-

1 tion 2814 of title 10, United States Code, are appro-
2 priated and shall be available until expended for the pur-
3 poses specified in subsection (i)(1) of such section or until
4 transferred pursuant to subsection (i)(3) of such section.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 121. During the 5-year period after appropria-
7 tions available in this Act to the Department of Defense
8 for military construction and family housing operation and
9 maintenance and construction have expired for obligation,
10 upon a determination that such appropriations will not be
11 necessary for the liquidation of obligations or for making
12 authorized adjustments to such appropriations for obliga-
13 tions incurred during the period of availability of such ap-
14 propriations, unobligated balances of such appropriations
15 may be transferred into the appropriation “Foreign Cur-
16 rency Fluctuations, Construction, Defense”, to be merged
17 with and to be available for the same time period and for
18 the same purposes as the appropriation to which trans-
19 ferred.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 122. Amounts appropriated or otherwise made
22 available in an account funded under the headings in this
23 title may be transferred among projects and activities
24 within the account in accordance with the reprogramming
25 guidelines for military construction and family housing

1 construction contained in Department of Defense Finan-
2 cial Management Regulation 7000.14–R, Volume 3, Chap-
3 ter 7, of March 2011, as in effect on the date of enactment
4 of this Act.

5 SEC. 123. None of the funds made available in this
6 title may be obligated or expended for planning and design
7 and construction of projects at Arlington National Ceme-
8 tery.

9 SEC. 124. For an additional amount for the accounts
10 and in the amounts specified, to remain available until
11 September 30, 2026:

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

13 “Military Construction, Navy and Marine Corps”,
14 \$28,000,000;

15 “Military Construction, Defense-Wide”,
16 \$36,100,000;

17 “Military Construction, Army National Guard”,
18 \$11,000,000; and

19 “Military Construction, Air National Guard”,
20 \$19,200,000:

21 *Provided*, That such funds may only be obligated to carry
22 out construction projects identified in the respective mili-
23 tary department’s unfunded priority list for fiscal year
24 2022 submitted to Congress: *Provided further*, That such
25 projects are subject to authorization prior to obligation

1 and expenditure of funds to carry out construction: *Pro-*
2 *vided further*, That not later than 30 days after enactment
3 of this Act, the Secretary of the military department con-
4 cerned, or his or her designee, shall submit to the Commit-
5 tees on Appropriations of both Houses of Congress an ex-
6 penditure plan for funds provided under this section.

7 SEC. 125. All amounts appropriated to the “Depart-
8 ment of Defense—Military Construction, Army”, “De-
9 partment of Defense—Military Construction, Navy and
10 Marine Corps”, “Department of Defense—Military Con-
11 struction, Air Force”, and “Department of Defense—Mili-
12 tary Construction, Defense-Wide” accounts pursuant to
13 the authorization of appropriations in a National Defense
14 Authorization Act specified for fiscal year 2022 in the
15 funding table in section 4601 of that Act shall be imme-
16 diately available and allotted to contract for the full scope
17 of authorized projects.

18 SEC. 126. Notwithstanding section 116 of this Act
19 and similar provisions in previous Military Construction,
20 Veterans Affairs, and Related Agencies appropriations
21 Acts, funds made available in this Act or any available
22 unobligated balances from prior appropriations Acts may
23 be obligated before October 1, 2023 for fiscal year 2017
24 military construction projects for which project authoriza-
25 tion has not lapsed or for which authorization is extended

1 for fiscal year 2022 by a National Defense Authorization
2 Act: *Provided*, That no amounts may be obligated pursu-
3 ant to this section from amounts that were designated by
4 the Congress as an emergency requirement pursuant to
5 a concurrent resolution on the budget or the Balanced
6 Budget and Emergency Deficit Control Act of 1985.

7 (RESCISSION OF FUNDS)

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

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

1 SEC. 129. For an additional amount for “Family
2 Housing Construction, Army”, \$17,500,000 to remain
3 available until September 30, 2024: *Provided*, That such
4 funds may only be obligated to carry out construction
5 projects identified in the Army’s cost to complete projects
6 list of previously appropriated projects submitted to Con-
7 gress: *Provided further*, That such projects are subject to
8 authorization prior to obligation and expenditure of funds
9 to carry out construction: *Provided further*, That not later
10 than 30 days after enactment of this Act, the Secretary
11 of the Army, or his or her designee, shall submit to the
12 Committees on Appropriations of both Houses of Congress
13 an expenditure plan for funds provided under this section.

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

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

21 “Military Construction, Navy and Marine Corps”,
22 \$15,000,000; and

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

24 *Provided*, That not later than 30 days after enactment of
25 this Act, the Secretary of the military department con-

1 cerned, or his or her designee, shall submit to the Commit-
2 tees on Appropriations of both Houses of Congress an ex-
3 penditure plan for funds provided under this section: *Pro-*
4 *vided further*, That the Secretary of the military depart-
5 ment concerned may not obligate or expend any funds
6 prior to approval by the Committees on Appropriations of
7 both Houses of Congress of the expenditure plan required
8 by this section.

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

22 SEC. 132. For an additional amount for “Military
23 Construction, Defense-Wide”, \$153,000,000, to remain
24 available until September 30, 2026: *Provided*, That such
25 funds may only be obligated to carry out construction

1 projects specified in a National Defense Authorization Act
2 for fiscal year 2022 in the funding table in section 4601
3 of that Act: *Provided further*, That not later than 30 days
4 after enactment of this Act, the Secretary of Defense, or
5 his or her designee, shall submit to the Committees on
6 Appropriations of both Houses of Congress an expenditure
7 plan for funds provided under this section.

8 SEC. 133. For an additional amount for the accounts
9 and in the amounts specified for planning and design and
10 unspecified minor construction, for improving military in-
11 stallation resilience, to remain available until September
12 30, 2026:

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

14 “Military Construction, Navy and Marine Corps”,
15 \$25,000,000; and

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

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

1 both Houses of Congress of the expenditure plan required
2 by this section.

3
4 TITLE II
5 DEPARTMENT OF VETERANS AFFAIRS
6 VETERANS BENEFITS ADMINISTRATION
7 COMPENSATION AND PENSIONS
8 (INCLUDING TRANSFER OF FUNDS)

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

1 pended; and, in addition, \$147,569,474,000, which shall
2 become available on October 1, 2022, to remain available
3 until expended: *Provided*, That not to exceed \$20,115,000
4 of the amount made available for fiscal year 2023 under
5 this heading shall be reimbursed to “General Operating
6 Expenses, Veterans Benefits Administration”, and “Infor-
7 mation Technology Systems” for necessary expenses in
8 implementing the provisions of chapters 51, 53, and 55
9 of title 38, United States Code, the funding source for
10 which is specifically provided as the “Compensation and
11 Pensions” appropriation: *Provided further*, That such
12 sums as may be earned on an actual qualifying patient
13 basis, shall be reimbursed to “Medical Care Collections
14 Fund” to augment the funding of individual medical facili-
15 ties for nursing home care provided to pensioners as au-
16 thorized.

17 READJUSTMENT BENEFITS

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

1 section 3104 of title 38, United States Code, other than
2 under paragraphs (1), (2), (5), and (11) of that sub-
3 section, shall be charged to this account.

4 VETERANS INSURANCE AND INDEMNITIES

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

11 VETERANS HOUSING BENEFIT PROGRAM FUND

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

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

30

1 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

2 For the cost of direct loans, \$2,838, as authorized
3 by chapter 31 of title 38, United States Code: *Provided*,
4 That such costs, including the cost of modifying such
5 loans, shall be as defined in section 502 of the Congres-
6 sional Budget Act of 1974: *Provided further*, That funds
7 made available under this heading are available to sub-
8 sidize gross obligations for the principal amount of direct
9 loans not to exceed \$1,662,758.

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

14 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM
15 ACCOUNT

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

19 GENERAL OPERATING EXPENSES, VETERANS BENEFITS
20 ADMINISTRATION

21 For necessary operating expenses of the Veterans
22 Benefits Administration, not otherwise provided for, in-
23 cluding hire of passenger motor vehicles, reimbursement
24 of the General Services Administration for security guard
25 services, and reimbursement of the Department of De-

1 fense for the cost of overseas employee mail,
2 \$3,486,000,000: *Provided*, That expenses for services and
3 assistance authorized under paragraphs (1), (2), (5), and
4 (11) of section 3104(a) of title 38, United States Code,
5 that the Secretary of Veterans Affairs determines are nec-
6 essary to enable entitled veterans: (1) to the maximum ex-
7 tent feasible, to become employable and to obtain and
8 maintain suitable employment; or (2) to achieve maximum
9 independence in daily living, shall be charged to this ac-
10 count: *Provided further*, That, of the funds made available
11 under this heading, not to exceed 10 percent shall remain
12 available until September 30, 2023.

13 VETERANS HEALTH ADMINISTRATION
14 MEDICAL SERVICES

15 For necessary expenses for furnishing, as authorized
16 by law, inpatient and outpatient care and treatment to
17 beneficiaries of the Department of Veterans Affairs and
18 veterans described in section 1705(a) of title 38, United
19 States Code, including care and treatment in facilities not
20 under the jurisdiction of the Department, and including
21 medical supplies and equipment, bioengineering services,
22 food services, and salaries and expenses of healthcare em-
23 ployees hired under title 38, United States Code, assist-
24 ance and support services for caregivers as authorized by
25 section 1720G of title 38, United States Code, loan repay-

1 ments authorized by section 604 of the Caregivers and
2 Veterans Omnibus Health Services Act of 2010 (Public
3 Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note),
4 monthly assistance allowances authorized by section
5 322(d) of title 38, United States Code, grants authorized
6 by section 521A of title 38, United States Code, and ad-
7 ministrative expenses necessary to carry out sections
8 322(d) and 521A of title 38, United States Code, and hos-
9 pital care and medical services authorized by section 1787
10 of title 38, United States Code; \$70,323,116,000, plus re-
11 imbursements, shall become available on October 1, 2022,
12 and shall remain available until September 30, 2023: *Pro-*
13 *vided*, That, of the amount made available on October 1,
14 2022, under this heading, \$1,500,000,000 shall remain
15 available until September 30, 2024: *Provided further*,
16 That, notwithstanding any other provision of law, the Sec-
17 retary of Veterans Affairs shall establish a priority for the
18 provision of medical treatment for veterans who have serv-
19 ice-connected disabilities, lower income, or have special
20 needs: *Provided further*, That, notwithstanding any other
21 provision of law, the Secretary of Veterans Affairs shall
22 give priority funding for the provision of basic medical
23 benefits to veterans in enrollment priority groups 1
24 through 6: *Provided further*, That, notwithstanding any
25 other provision of law, the Secretary of Veterans Affairs

1 may authorize the dispensing of prescription drugs from
2 Veterans Health Administration facilities to enrolled vet-
3 erans with privately written prescriptions based on re-
4 quirements established by the Secretary: *Provided further*,
5 That the implementation of the program described in the
6 previous proviso shall incur no additional cost to the De-
7 partment of Veterans Affairs: *Provided further*, That the
8 Secretary of Veterans Affairs shall ensure that sufficient
9 amounts appropriated under this heading for medical sup-
10 plies and equipment are available for the acquisition of
11 prosthetics designed specifically for female veterans.

12 MEDICAL COMMUNITY CARE

13 For necessary expenses for furnishing health care to
14 individuals pursuant to chapter 17 of title 38, United
15 States Code, at non-Department facilities,
16 \$3,269,000,000, which shall be in addition to funds pre-
17 viously appropriated under this heading that become avail-
18 able on October 1, 2021; and, in addition,
19 \$24,156,659,000, plus reimbursements, shall become
20 available on October 1, 2022, and shall remain available
21 until September 30, 2023: *Provided*, That, of the amount
22 made available on October 1, 2022, under this heading,
23 \$2,000,000,000 shall remain available until September 30,
24 2024.

1 MEDICAL SUPPORT AND COMPLIANCE

2 For necessary expenses in the administration of the
3 medical, hospital, nursing home, domiciliary, construction,
4 supply, and research activities, as authorized by law; ad-
5 ministrative expenses in support of capital policy activi-
6 ties; and administrative and legal expenses of the Depart-
7 ment for collecting and recovering amounts owed the De-
8 partment as authorized under chapter 17 of title 38,
9 United States Code, and the Federal Medical Care Recov-
10 ery Act (42 U.S.C. 2651 et seq.), \$9,673,409,000, plus
11 reimbursements, shall become available on October 1,
12 2022, and shall remain available until September 30,
13 2023: *Provided*, That, of the amount made available on
14 October 1, 2022, under this heading, \$200,000,000 shall
15 remain available until September 30, 2024.

16 MEDICAL FACILITIES

17 For necessary expenses for the maintenance and op-
18 eration of hospitals, nursing homes, domiciliary facilities,
19 and other necessary facilities of the Veterans Health Ad-
20 ministration; for administrative expenses in support of
21 planning, design, project management, real property ac-
22 quisition and disposition, construction, and renovation of
23 any facility under the jurisdiction or for the use of the
24 Department; for oversight, engineering, and architectural
25 activities not charged to project costs; for repairing, alter-

1 ing, improving, or providing facilities in the several hos-
2 pitals and homes under the jurisdiction of the Depart-
3 ment, not otherwise provided for, either by contract or by
4 the hire of temporary employees and purchase of mate-
5 rials; for leases of facilities; and for laundry services;
6 \$7,133,816,000, plus reimbursements, shall become avail-
7 able on October 1, 2022, and shall remain available until
8 September 30, 2023: *Provided*, That, of the amount made
9 available on October 1, 2022, under this heading,
10 \$350,000,000 shall remain available until September 30,
11 2024.

12 MEDICAL AND PROSTHETIC RESEARCH

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

22 NATIONAL CEMETERY ADMINISTRATION

23 For necessary expenses of the National Cemetery Ad-
24 ministration for operations and maintenance, not other-
25 wise provided for, including uniforms or allowances there-

1 for; cemeterial expenses as authorized by law; purchase
2 of one passenger motor vehicle for use in cemeterial oper-
3 ations; hire of passenger motor vehicles; and repair, alter-
4 ation or improvement of facilities under the jurisdiction
5 of the National Cemetery Administration, \$394,000,000,
6 of which not to exceed 10 percent shall remain available
7 until September 30, 2023.

8 DEPARTMENTAL ADMINISTRATION

9 GENERAL ADMINISTRATION

10 (INCLUDING TRANSFER OF FUNDS)

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

1 BOARD OF VETERANS APPEALS

2 For necessary operating expenses of the Board of
3 Veterans Appeals, \$228,000,000, of which not to exceed
4 10 percent shall remain available until September 30,
5 2023.

6 INFORMATION TECHNOLOGY SYSTEMS

7 (INCLUDING TRANSFER OF FUNDS)

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

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

20 VETERANS ELECTRONIC HEALTH RECORD

21 For activities related to implementation, preparation,
22 development, interface, management, rollout, and mainte-
23 nance of a Veterans Electronic Health Record system, in-
24 cluding contractual costs associated with operations au-
25 thorized by section 3109 of title 5, United States Code,

1 and salaries and expenses of employees hired under titles
2 5 and 38, United States Code, \$2,500,000,000, to remain
3 available until September 30, 2024: *Provided*, That the
4 Secretary of Veterans Affairs shall submit to the Commit-
5 tees on Appropriations of both Houses of Congress quar-
6 terly reports detailing obligations, expenditures, and de-
7 ployment implementation by facility, including any
8 changes from the deployment plan or schedule: *Provided*
9 *further*, That the funds provided in this account shall only
10 be available to the Office of the Deputy Secretary, to be
11 administered by that Office: *Provided further*, That 25
12 percent of the funds made available under this heading
13 shall not be available until July 1, 2022, and are contin-
14 gent upon the Secretary of Veterans Affairs providing a
15 plan with benchmarks and measureable metrics for deploy-
16 ment, and a plan for addressing all required infrastructure
17 upgrades, no later than 30 days prior to that date to the
18 Committees on Appropriations.

19 OFFICE OF INSPECTOR GENERAL

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

1 CONSTRUCTION, MAJOR PROJECTS

2 For constructing, altering, extending, and improving
3 any of the facilities, including parking projects, under the
4 jurisdiction or for the use of the Department of Veterans
5 Affairs, or for any of the purposes set forth in sections
6 316, 2404, 2406 and chapter 81 of title 38, United States
7 Code, not otherwise provided for, including planning, ar-
8 chitectural and engineering services, construction manage-
9 ment services, maintenance or guarantee period services
10 costs associated with equipment guarantees provided
11 under the project, services of claims analysts, offsite utility
12 and storm drainage system construction costs, and site ac-
13 quisition, where the estimated cost of a project is more
14 than the amount set forth in section 8104(a)(3)(A) of title
15 38, United States Code, or where funds for a project were
16 made available in a previous major project appropriation,
17 \$1,611,000,000, of which \$911,000,000 shall remain
18 available until September 30, 2026, and of which
19 \$700,000,000 shall remain available until expended, of
20 which \$100,000,000 shall be available for seismic improve-
21 ment projects and seismic program management activities,
22 including for projects that would otherwise be funded by
23 the Construction, Minor Projects, Medical Facilities or
24 National Cemetery Administration accounts: *Provided,*
25 That except for advance planning activities, including

1 needs assessments which may or may not lead to capital
2 investments, and other capital asset management related
3 activities, including portfolio development and manage-
4 ment activities, and planning, cost estimating, and design
5 for major medical facility projects and major medical facil-
6 ity leases and investment strategy studies funded through
7 the advance planning fund and the planning and design
8 activities funded through the design fund, staffing ex-
9 penses, and funds provided for the purchase, security, and
10 maintenance of land for the National Cemetery Adminis-
11 tration through the land acquisition line item, none of the
12 funds made available under this heading shall be used for
13 any project that has not been notified to Congress through
14 the budgetary process or that has not been approved by
15 the Congress through statute, joint resolution, or in the
16 explanatory statement accompanying such Act and pre-
17 sented to the President at the time of enrollment: *Provided*
18 *further*, That such sums as may be necessary shall be
19 available to reimburse the “General Administration” ac-
20 count for payment of salaries and expenses of all Office
21 of Construction and Facilities Management employees to
22 support the full range of capital infrastructure services
23 provided, including minor construction and leasing serv-
24 ices: *Provided further*, That funds made available under
25 this heading for fiscal year 2022, for each approved

1 project shall be obligated: (1) by the awarding of a con-
2 struction documents contract by September 30, 2022; and
3 (2) by the awarding of a construction contract by Sep-
4 tember 30, 2023: *Provided further*, That the Secretary of
5 Veterans Affairs shall promptly submit to the Committees
6 on Appropriations of both Houses of Congress a written
7 report on any approved major construction project for
8 which obligations are not incurred within the time limita-
9 tions established above: *Provided further*, That notwith-
10 standing the requirements of section 8104(a) of title 38,
11 United States Code, amounts made available under this
12 heading for seismic improvement projects and seismic pro-
13 gram management activities shall be available for the com-
14 pletion of both new and existing seismic projects of the
15 Department.

16 CONSTRUCTION, MINOR PROJECTS

17 For constructing, altering, extending, and improving
18 any of the facilities, including parking projects, under the
19 jurisdiction or for the use of the Department of Veterans
20 Affairs, including planning and assessments of needs
21 which may lead to capital investments, architectural and
22 engineering services, maintenance or guarantee period
23 services costs associated with equipment guarantees pro-
24 vided under the project, services of claims analysts, offsite
25 utility and storm drainage system construction costs, and

1 site acquisition, or for any of the purposes set forth in
2 sections 316, 2404, 2406 and chapter 81 of title 38,
3 United States Code, not otherwise provided for, where the
4 estimated cost of a project is equal to or less than the
5 amount set forth in section 8104(a)(3)(A) of title 38,
6 United States Code, \$553,000,000, of which
7 \$497,700,000 shall remain available until September 30,
8 2026, and of which \$55,300,000 shall remain available
9 until expended, along with unobligated balances of pre-
10 vious "Construction, Minor Projects" appropriations
11 which are hereby made available for any project where the
12 estimated cost is equal to or less than the amount set forth
13 in such section: *Provided*, That funds made available
14 under this heading shall be for: (1) repairs to any of the
15 nonmedical facilities under the jurisdiction or for the use
16 of the Department which are necessary because of loss or
17 damage caused by any natural disaster or catastrophe;
18 and (2) temporary measures necessary to prevent or to
19 minimize further loss by such causes.

20 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
21 FACILITIES

22 For grants to assist States to acquire or construct
23 State nursing home and domiciliary facilities and to re-
24 model, modify, or alter existing hospital, nursing home,
25 and domiciliary facilities in State homes, for furnishing

1 care to veterans as authorized by sections 8131 through
2 8137 of title 38, United States Code, \$50,000,000, to re-
3 main available until expended.

4 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

5 For grants to assist States and tribal organizations
6 in establishing, expanding, or improving veterans ceme-
7 teries as authorized by section 2408 of title 38, United
8 States Code, \$50,000,000, to remain available until ex-
9 pended.

10 ASSET INFRASTRUCTURE REVIEW COMMISSION

11 For carrying out the VA Asset and Infrastructure
12 Review Act of 2018 (subtitle A of title II of Public Law
13 115–182), \$5,000,000, to remain available until Sep-
14 tember 30, 2023.

15 ADMINISTRATIVE PROVISIONS

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 201. Any appropriation for fiscal year 2022 for
18 “Compensation and Pensions”, “Readjustment Benefits”,
19 and “Veterans Insurance and Indemnities” may be trans-
20 ferred as necessary to any other of the mentioned appro-
21 priations: *Provided*, That, before a transfer may take
22 place, the Secretary of Veterans Affairs shall request from
23 the Committees on Appropriations of both Houses of Con-
24 gress the authority to make the transfer and such Com-

1 mittees issue an approval, or absent a response, a period
2 of 30 days has elapsed.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 202. Amounts made available for the Depart-
5 ment of Veterans Affairs for fiscal year 2022, in this or
6 any other Act, under the “Medical Services”, “Medical
7 Community Care”, “Medical Support and Compliance”,
8 and “Medical Facilities” accounts may be transferred
9 among the accounts: *Provided*, That any transfers among
10 the “Medical Services”, “Medical Community Care”, and
11 “Medical Support and Compliance” accounts of 1 percent
12 or less of the total amount appropriated to the account
13 in this or any other Act may take place subject to notifica-
14 tion from the Secretary of Veterans Affairs to the Com-
15 mittees on Appropriations of both Houses of Congress of
16 the amount and purpose of the transfer: *Provided further*,
17 That any transfers among the “Medical Services”, “Med-
18 ical Community Care”, and “Medical Support and Compli-
19 ance” accounts in excess of 1 percent, or exceeding the
20 cumulative 1 percent for the fiscal year, may take place
21 only after the Secretary requests from the Committees on
22 Appropriations of both Houses of Congress the authority
23 to make the transfer and an approval is issued: *Provided*
24 *further*, That any transfers to or from the “Medical Facili-
25 ties” account may take place only after the Secretary re-

1 quests from the Committees on Appropriations of both
2 Houses of Congress the authority to make the transfer
3 and an approval is issued.

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

11 SEC. 204. No appropriations in this title (except the
12 appropriations for “Construction, Major Projects”, and
13 “Construction, Minor Projects”) shall be available for the
14 purchase of any site for or toward the construction of any
15 new hospital or home.

16 SEC. 205. No appropriations in this title shall be
17 available for hospitalization or examination of any persons
18 (except beneficiaries entitled to such hospitalization or ex-
19 amination under the laws providing such benefits to vet-
20 erans, and persons receiving such treatment under sec-
21 tions 7901 through 7904 of title 5, United States Code,
22 or the Robert T. Stafford Disaster Relief and Emergency
23 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-
24 bursement of the cost of such hospitalization or examina-

1 tion is made to the “Medical Services” account at such
2 rates as may be fixed by the Secretary of Veterans Affairs.

3 SEC. 206. Appropriations available in this title for
4 “Compensation and Pensions”, “Readjustment Benefits”,
5 and “Veterans Insurance and Indemnities” shall be avail-
6 able for payment of prior year accrued obligations re-
7 quired to be recorded by law against the corresponding
8 prior year accounts within the last quarter of fiscal year
9 2021.

10 SEC. 207. Appropriations available in this title shall
11 be available to pay prior year obligations of corresponding
12 prior year appropriations accounts resulting from sections
13 3328(a), 3334, and 3712(a) of title 31, United States
14 Code, except that if such obligations are from trust fund
15 accounts they shall be payable only from “Compensation
16 and Pensions”.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 208. Notwithstanding any other provision of
19 law, during fiscal year 2022, the Secretary of Veterans
20 Affairs shall, from the National Service Life Insurance
21 Fund under section 1920 of title 38, United States Code,
22 the Veterans’ Special Life Insurance Fund under section
23 1923 of title 38, United States Code, and the United
24 States Government Life Insurance Fund under section
25 1955 of title 38, United States Code, reimburse the “Gen-

1 eral Operating Expenses, Veterans Benefits Administra-
2 tion” and “Information Technology Systems” accounts for
3 the cost of administration of the insurance programs fi-
4 nanced through those accounts: *Provided*, That reimburse-
5 ment shall be made only from the surplus earnings accu-
6 mulated in such an insurance program during fiscal year
7 2022 that are available for dividends in that program after
8 claims have been paid and actuarially determined reserves
9 have been set aside: *Provided further*, That if the cost of
10 administration of such an insurance program exceeds the
11 amount of surplus earnings accumulated in that program,
12 reimbursement shall be made only to the extent of such
13 surplus earnings: *Provided further*, That the Secretary
14 shall determine the cost of administration for fiscal year
15 2022 which is properly allocable to the provision of each
16 such insurance program and to the provision of any total
17 disability income insurance included in that insurance pro-
18 gram.

19 SEC. 209. Amounts deducted from enhanced-use
20 lease proceeds to reimburse an account for expenses in-
21 curred by that account during a prior fiscal year for pro-
22 viding enhanced-use lease services shall be available until
23 expended.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 210. Funds available in this title or funds for
3 salaries and other administrative expenses shall also be
4 available to reimburse the Office of Resolution Manage-
5 ment, Diversity and Inclusion, the Office of Employment
6 Discrimination Complaint Adjudication, and the Alter-
7 native Dispute Resolution function within the Office of
8 Human Resources and Administration for all services pro-
9 vided at rates which will recover actual costs but not to
10 exceed \$78,417,225 for the Office of Resolution Manage-
11 ment, Diversity and Inclusion, \$6,609,000 for the Office
12 of Employment Discrimination Complaint Adjudication,
13 and \$3,822,000 for the Alternative Dispute Resolution
14 function within the Office of Human Resources and Ad-
15 ministration: *Provided*, That payments may be made in
16 advance for services to be furnished based on estimated
17 costs: *Provided further*, That amounts received shall be
18 credited to the “General Administration” and “Informa-
19 tion Technology Systems” accounts for use by the office
20 that provided the service.

21 SEC. 211. No funds of the Department of Veterans
22 Affairs shall be available for hospital care, nursing home
23 care, or medical services provided to any person under
24 chapter 17 of title 38, United States Code, for a non-serv-
25 ice-connected disability described in section 1729(a)(2) of

1 such title, unless that person has disclosed to the Sec-
2 retary of Veterans Affairs, in such form as the Secretary
3 may require, current, accurate third-party reimbursement
4 information for purposes of section 1729 of such title: *Pro-*
5 *vided*, That the Secretary may recover, in the same man-
6 ner as any other debt due the United States, the reason-
7 able charges for such care or services from any person who
8 does not make such disclosure as required: *Provided fur-*
9 *ther*, That any amounts so recovered for care or services
10 provided in a prior fiscal year may be obligated by the
11 Secretary during the fiscal year in which amounts are re-
12 ceived.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 212. Notwithstanding any other provision of
15 law, proceeds or revenues derived from enhanced-use leas-
16 ing activities (including disposal) may be deposited into
17 the “Construction, Major Projects” and “Construction,
18 Minor Projects” accounts and be used for construction
19 (including site acquisition and disposition), alterations,
20 and improvements of any medical facility under the juris-
21 diction or for the use of the Department of Veterans Af-
22 fairs. Such sums as realized are in addition to the amount
23 provided for in “Construction, Major Projects” and “Con-
24 struction, Minor Projects”.

1 SEC. 213. Amounts made available under “Medical
2 Services” are available—

3 (1) for furnishing recreational facilities, sup-
4 plies, and equipment; and

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

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 214. Such sums as may be deposited into the
10 Medical Care Collections Fund pursuant to section 1729A
11 of title 38, United States Code, may be transferred to the
12 “Medical Services” and “Medical Community Care” ac-
13 counts to remain available until expended for the purposes
14 of these accounts.

15 SEC. 215. The Secretary of Veterans Affairs may
16 enter into agreements with Federally Qualified Health
17 Centers in the State of Alaska and Indian tribes and tribal
18 organizations which are party to the Alaska Native Health
19 Compact with the Indian Health Service, to provide
20 healthcare, including behavioral health and dental care, to
21 veterans in rural Alaska. The Secretary shall require par-
22 ticipating veterans and facilities to comply with all appro-
23 priate rules and regulations, as established by the Sec-
24 retary. The term “rural Alaska” shall mean those lands

1 which are not within the boundaries of the municipality
2 of Anchorage or the Fairbanks North Star Borough.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 216. Such sums as may be deposited into the
5 Department of Veterans Affairs Capital Asset Fund pur-
6 suant to section 8118 of title 38, United States Code, may
7 be transferred to the “Construction, Major Projects” and
8 “Construction, Minor Projects” accounts, to remain avail-
9 able until expended for the purposes of these accounts.

10 SEC. 217. 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 report on the financial status of the
14 Department of Veterans Affairs for the preceding quarter:
15 *Provided*, That, at a minimum, the report shall include
16 the direction contained in the paragraph entitled “Quar-
17 terly reporting”, under the heading “General Administra-
18 tion” in the joint explanatory statement accompanying
19 Public Law 114–223.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 218. Amounts made available under the “Med-
22 ical Services”, “Medical Community Care”, “Medical Sup-
23 port and Compliance”, “Medical Facilities”, “General Op-
24 erating Expenses, Veterans Benefits Administration”,
25 “Board of Veterans Appeals”, “General Administration”,

1 and “National Cemetery Administration” accounts for fis-
2 cal year 2022 may be transferred to or from the “Informa-
3 tion Technology Systems” account: *Provided*, That such
4 transfers may not result in a more than 10 percent aggre-
5 gate increase in the total amount made available by this
6 Act for the “Information Technology Systems” account:
7 *Provided further*, That, before a transfer may take place,
8 the Secretary of Veterans Affairs shall request from the
9 Committees on Appropriations of both Houses of Congress
10 the authority to make the transfer and an approval is
11 issued.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 219. Of the amounts appropriated to the De-
14 partment of Veterans Affairs for fiscal year 2022 for
15 “Medical Services”, “Medical Community Care”, “Medical
16 Support and Compliance”, “Medical Facilities”, “Con-
17 struction, Minor Projects”, and “Information Technology
18 Systems”, up to \$379,009,000, plus reimbursements, may
19 be transferred to the Joint Department of Defense—De-
20 partment of Veterans Affairs Medical Facility Demonstra-
21 tion Fund, established by section 1704 of the National De-
22 fense Authorization Act for Fiscal Year 2010 (Public Law
23 111–84; 123 Stat. 3571) and may be used for operation
24 of the facilities designated as combined Federal medical
25 facilities as described by section 706 of the Duncan Hun-

1 ter National Defense Authorization Act for Fiscal Year
2 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*,
3 That additional funds may be transferred from accounts
4 designated in this section to the Joint Department of De-
5 fense—Department of Veterans Affairs Medical Facility
6 Demonstration Fund upon written notification by the Sec-
7 retary of Veterans Affairs to the Committees on Appro-
8 priations of both Houses of Congress: *Provided further*,
9 That section 220 of title II of division J of Public Law
10 116–260 is repealed.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 220. Of the amounts appropriated to the De-
13 partment of Veterans Affairs which become available on
14 October 1, 2022, for “Medical Services”, “Medical Com-
15 munity Care”, “Medical Support and Compliance”, and
16 “Medical Facilities”, up to \$323,242,000, plus reimburse-
17 ments, may be transferred to the Joint Department of De-
18 fense—Department of Veterans Affairs Medical Facility
19 Demonstration Fund, established by section 1704 of the
20 National Defense Authorization Act for Fiscal Year 2010
21 (Public Law 111–84; 123 Stat. 3571) and may be used
22 for operation of the facilities designated as combined Fed-
23 eral medical facilities as described by section 706 of the
24 Duncan Hunter National Defense Authorization Act for
25 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500):

1 *Provided*, That additional funds may be transferred from
2 accounts designated in this section to the Joint Depart-
3 ment of Defense—Department of Veterans Affairs Med-
4 ical Facility Demonstration Fund upon written notifica-
5 tion by the Secretary of Veterans Affairs to the Commit-
6 tees on Appropriations of both Houses of Congress.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 221. Such sums as may be deposited into the
9 Medical Care Collections Fund pursuant to section 1729A
10 of title 38, United States Code, for healthcare provided
11 at facilities designated as combined Federal medical facili-
12 ties as described by section 706 of the Duncan Hunter
13 National Defense Authorization Act for Fiscal Year 2009
14 (Public Law 110–417; 122 Stat. 4500) shall also be avail-
15 able: (1) for transfer to the Joint Department of De-
16 fense—Department of Veterans Affairs Medical Facility
17 Demonstration Fund, established by section 1704 of the
18 National Defense Authorization Act for Fiscal Year 2010
19 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-
20 ations of the facilities designated as combined Federal
21 medical facilities as described by section 706 of the Dun-
22 can Hunter National Defense Authorization Act for Fiscal
23 Year 2009 (Public Law 110–417; 122 Stat. 4500): *Pro-*
24 *vided*, That, notwithstanding section 1704(b)(3) of the
25 National Defense Authorization Act for Fiscal Year 2010

1 (Public Law 111–84; 123 Stat. 2573), amounts trans-
2 ferred to the Joint Department of Defense—Department
3 of Veterans Affairs Medical Facility Demonstration Fund
4 shall remain available until expended.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 222. Of the amounts available in this title for
7 “Medical Services”, “Medical Community Care”, “Medical
8 Support and Compliance”, and “Medical Facilities”, a
9 minimum of \$15,000,000 shall be transferred to the
10 DOD–VA Health Care Sharing Incentive Fund, as au-
11 thorized by section 8111(d) of title 38, United States
12 Code, to remain available until expended, for any purpose
13 authorized by section 8111 of title 38, United States Code.

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

19 SEC. 224. The Secretary of Veterans Affairs shall no-
20 tify the Committees on Appropriations of both Houses of
21 Congress of all bid savings in a major construction project
22 that total at least \$5,000,000, or 5 percent of the pro-
23 grammed amount of the project, whichever is less: *Pro-*
24 *vided*, That such notification shall occur within 14 days
25 of a contract identifying the programmed amount: *Pro-*

1 *vided further*, That the Secretary shall notify the Commit-
2 tees on Appropriations of both Houses of Congress 14
3 days prior to the obligation of such bid savings and shall
4 describe the anticipated use of such savings.

5 SEC. 225. None of the funds made available for
6 “Construction, Major Projects” may be used for a project
7 in excess of the scope specified for that project in the origi-
8 nal justification data provided to the Congress as part of
9 the request for appropriations unless the Secretary of Vet-
10 erans Affairs receives approval from the Committees on
11 Appropriations of both Houses of Congress.

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

1 well as the Board of Veterans Appeals on a quarterly
2 basis.

3 SEC. 227. The Secretary of Veterans Affairs shall
4 provide written notification to the Committees on Appro-
5 priations of both Houses of Congress 15 days prior to or-
6 ganizational changes which result in the transfer of 25 or
7 more full-time equivalents from one organizational unit of
8 the Department of Veterans Affairs to another.

9 SEC. 228. The Secretary of Veterans Affairs shall
10 provide on a quarterly basis to the Committees on Appro-
11 priations of both Houses of Congress notification of any
12 single national outreach and awareness marketing cam-
13 paign in which obligations exceed \$1,000,000.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 229. The Secretary of Veterans Affairs, upon
16 determination that such action is necessary to address
17 needs of the Veterans Health Administration, may trans-
18 fer to the “Medical Services” account any discretionary
19 appropriations made available for fiscal year 2022 in this
20 title (except appropriations made to the “General Oper-
21 ating Expenses, Veterans Benefits Administration” ac-
22 count) or any discretionary unobligated balances within
23 the Department of Veterans Affairs, including those ap-
24 propriated for fiscal year 2022, that were provided in ad-
25 vance by appropriations Acts: *Provided*, That transfers

1 shall be made only with the approval of the Office of Man-
2 agement and Budget: *Provided further*, That the transfer
3 authority provided in this section is in addition to any
4 other transfer authority provided by law: *Provided further*,
5 That no amounts may be transferred from amounts that
6 were designated by Congress as an emergency requirement
7 pursuant to a concurrent resolution on the budget or the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985: *Provided further*, That such authority to transfer
10 may not be used unless for higher priority items, based
11 on emergent healthcare requirements, than those for
12 which originally appropriated and in no case where the
13 item for which funds are requested has been denied by
14 Congress: *Provided further*, That, upon determination that
15 all or part of the funds transferred from an appropriation
16 are not necessary, such amounts may be transferred back
17 to that appropriation and shall be available for the same
18 purposes as originally appropriated: *Provided further*,
19 That before a transfer may take place, the Secretary of
20 Veterans Affairs shall request from the Committees on
21 Appropriations of both Houses of Congress the authority
22 to make the transfer and receive approval of that request.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 230. Amounts made available for the Depart-
25 ment of Veterans Affairs for fiscal year 2022, under the

1 “Board of Veterans Appeals” and the “General Operating
2 Expenses, Veterans Benefits Administration” accounts
3 may be transferred between such accounts: *Provided*, That
4 before a transfer may take place, the Secretary of Vet-
5 erans Affairs shall request from the Committees on Appro-
6 priations of both Houses of Congress the authority to
7 make the transfer and receive approval of that request.

8 SEC. 231. The Secretary of Veterans Affairs may not
9 reprogram funds among major construction projects or
10 programs if such instance of reprogramming will exceed
11 \$7,000,000, unless such reprogramming is approved by
12 the Committees on Appropriations of both Houses of Con-
13 gress.

14 SEC. 232. (a) The Secretary of Veterans Affairs shall
15 ensure that the toll-free suicide hotline under section
16 1720F(h) of title 38, United States Code—

17 (1) provides to individuals who contact the hot-
18 line immediate assistance from a trained profes-
19 sional; and

20 (2) adheres to all requirements of the American
21 Association of Suicidology.

22 (b)(1) None of the funds made available by this Act
23 may be used to enforce or otherwise carry out any Execu-
24 tive action that prohibits the Secretary of Veterans Affairs
25 from appointing an individual to occupy a vacant civil

1 service position, or establishing a new civil service position,
2 at the Department of Veterans Affairs with respect to
3 such a position relating to the hotline specified in sub-
4 section (a).

5 (2) In this subsection—

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

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

10 (i) any Executive order, presidential memo-
11 randum, or other action by the President; and

12 (ii) any agency policy, order, or other di-
13 rective.

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

19 (2) At a minimum, the study required by paragraph
20 (1) shall—

21 (A) determine the number of veterans who con-
22 tact the hotline specified in subsection (a) and who
23 receive follow up services from the hotline or mental
24 health services from the Department of Veterans Af-
25 fairs thereafter;

1 (B) determine the number of veterans who con-
2 tact the hotline who are not referred to, or do not
3 continue receiving, mental health care who commit
4 suicide; and

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

7 SEC. 233. Effective during the period beginning on
8 October 1, 2018 and ending on January 1, 2024, none
9 of the funds made available to the Secretary of Veterans
10 Affairs by this or any other Act may be obligated or ex-
11 pended in contravention of the “Veterans Health Adminis-
12 tration Clinical Preventive Services Guidance Statement
13 on the Veterans Health Administration’s Screening for
14 Breast Cancer Guidance” published on May 10, 2017, as
15 issued by the Veterans Health Administration National
16 Center for Health Promotion and Disease Prevention.

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

21 (1) fertility counseling and treatment using as-
22 sisted reproductive technology to a covered veteran
23 or the spouse of a covered veteran; or

24 (2) adoption reimbursement to a covered vet-
25 eran.

1 (b) In this section:

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

5 (2) The term “covered veteran” means a vet-
6 eran, as such term is defined in section 101 of title
7 38, United States Code, who has a service-connected
8 disability that results in the inability of the veteran
9 to procreate without the use of fertility treatment.

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

24 (A) the time periods regarding embryo
25 cryopreservation and storage set forth in part

1 III(G) and in part IV(H) of such memorandum
2 shall not apply; and

3 (B) such term includes embryo
4 cryopreservation and storage without limitation
5 on the duration of such cryopreservation and
6 storage.

7 (4) The term “adoption reimbursement” means
8 reimbursement for the adoption-related expenses for
9 an adoption that is finalized after the date of the en-
10 actment of this Act under the same terms as apply
11 under the adoption reimbursement program of the
12 Department of Defense, as authorized in Depart-
13 ment of Defense Instruction 1341.09, including the
14 reimbursement limits and requirements set forth in
15 such instruction.

16 (c) Amounts made available for the purposes speci-
17 fied in subsection (a) of this section are subject to the
18 requirements for funds contained in section 508 of division
19 H of the Consolidated Appropriations Act, 2018 (Public
20 Law 115–141).

21 SEC. 235. None of the funds appropriated or other-
22 wise made available by this Act or any other Act for the
23 Department of Veterans Affairs may be used in a manner
24 that is inconsistent with: (1) section 842 of the Transpor-
25 tation, Treasury, Housing and Urban Development, the

1 Judiciary, the District of Columbia, and Independent
2 Agencies Appropriations Act, 2006 (Public Law 109–115;
3 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
4 United States Code.

5 SEC. 236. Section 842 of Public Law 109–115 shall
6 not apply to conversion of an activity or function of the
7 Veterans Health Administration, Veterans Benefits Ad-
8 ministration, or National Cemetery Administration to con-
9 tractor performance by a business concern that is at least
10 51 percent owned by one or more Indian tribes as defined
11 in section 5304(e) of title 25, United States Code, or one
12 or more Native Hawaiian Organizations as defined in sec-
13 tion 637(a)(15) of title 15, United States Code.

14 SEC. 237. (a) Except as provided in subsection (b),
15 the Secretary of Veterans Affairs, in consultation with the
16 Secretary of Defense and the Secretary of Labor, shall dis-
17 continue using Social Security account numbers to identify
18 individuals in all information systems of the Department
19 of Veterans Affairs as follows:

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

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

1 (b) The Secretary of Veterans Affairs may use a So-
2 cial Security account number to identify an individual in
3 an information system of the Department of Veterans Af-
4 fairs if and only if the use of such number is required
5 to obtain information the Secretary requires from an in-
6 formation system that is not under the jurisdiction of the
7 Secretary.

8 (c) The matter in subsections (a) and (b) shall super-
9 seede section 238 of Public Law 116–94.

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

14 SEC. 239. None of the funds appropriated in this or
15 prior appropriations Acts or otherwise made available to
16 the Department of Veterans Affairs may be used to trans-
17 fer any amounts from the Filipino Veterans Equity Com-
18 pensation Fund to any other account within the Depart-
19 ment of Veterans Affairs.

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

1 SEC. 241. None of the funds appropriated or other-
2 wise made available in this title may be used by the Sec-
3 retary of Veterans Affairs to enter into an agreement re-
4 lated to resolving a dispute or claim with an individual
5 that would restrict in any way the individual from speak-
6 ing to members of Congress or their staff on any topic
7 not otherwise prohibited from disclosure by Federal law
8 or required by Executive order to be kept secret in the
9 interest of national defense or the conduct of foreign af-
10 fairs.

11 SEC. 242. For funds provided to the Department of
12 Veterans Affairs for each of fiscal year 2022 and 2023,
13 section 258 of division A of Public Law 114–223 shall
14 apply.

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

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

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

9 (d) Each Inspector General covered by this section
10 shall report to the Committee on Appropriations of the
11 Senate and the Committee on Appropriations of the House
12 of Representatives within 5 calendar days of any failure
13 by any department or agency covered by this section to
14 comply with this requirement.

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

19 SEC. 245. None of the funds appropriated or other-
20 wise made available by this Act to the Veterans Health
21 Administration may be used in fiscal year 2022 to convert
22 any program which received specific purpose funds in fis-
23 cal year 2021 to a general purpose funded program unless
24 the Secretary of Veterans Affairs submits written notifica-
25 tion of any such proposal to the Committees on Appropria-

1 tions of both Houses of Congress at least 30 days prior
2 to any such action and an approval is issued by the Com-
3 mittees.

4 SEC. 246. For funds provided to the Department of
5 Veterans Affairs for each of fiscal year 2022 and 2023,
6 section 248 of division A of Public Law 114–223 shall
7 apply.

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

14 (b)(1) The Secretary of Veterans Affairs may approve
15 the conduct of research commencing on or after October
16 1, 2019, using canines, felines, or non-human primates if
17 the Secretary determines that—

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

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

23 (C) the research is consistent with the revised
24 Department of Veterans Affairs canine research pol-

1 icy document dated December 15, 2017, including
2 any subsequent revisions to such document.

3 (2) The Secretary may not delegate the authority
4 under this subsection.

5 (c) If the Secretary approves any new research pursu-
6 ant to subsection (b), not later than 30 days before the
7 commencement of such research, the Secretary shall sub-
8 mit to the Committees on Appropriations of the Senate
9 and House of Representatives a report describing—

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

12 (2) the date on which the Secretary approved
13 the research;

14 (3) the justification for the determination of the
15 Secretary that the scientific objectives of such re-
16 search could only be met using canines, felines, or
17 non-human primates;

18 (4) the frequency and duration of such re-
19 search; and

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

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

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

5 (2) the circumstances under which such re-
6 search was conducted using canines, felines, or non-
7 human primates;

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

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

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

18 SEC. 248. (a) The Secretary of Veterans Affairs may
19 use amounts appropriated or otherwise made available in
20 this title to ensure that the ratio of veterans to full-time
21 employment equivalents within any program of rehabilita-
22 tion conducted under chapter 31 of title 38, United States
23 Code, does not exceed 125 veterans to one full-time em-
24 ployment equivalent.

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

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

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

11 SEC. 249. Amounts made available for the “Veterans
12 Health Administration, Medical Community Care” ac-
13 count in this or any other Act for fiscal years 2022 and
14 2023 may be used for expenses that would otherwise be
15 payable from the Veterans Choice Fund established by
16 section 802 of the Veterans Access, Choice, and Account-
17 ability Act, as amended (38 U.S.C. 1701 note).

18 SEC. 250. Obligations and expenditures applicable to
19 the “Medical Services” account in fiscal years 2017
20 through 2019 for aid to state homes (as authorized by
21 section 1741 of title 38, United States Code) shall remain
22 in the “Medical Community Care” account for such fiscal
23 years.

24 SEC. 251. Of the amounts made available for the De-
25 partment of Veterans Affairs for fiscal year 2022, in this

1 Asset and Infrastructure Review Act of 2018 (subtitle A
2 of title II of Public Law 115–182): *Provided*, That the
3 total amounts transferred may not increase the account
4 by more than \$2,000,000: *Provided further*, That in ad-
5 vance of any such transfer, the Secretary of Veterans Af-
6 fairs shall request from the Committees on Appropriations
7 of both Houses of Congress the authority to make the
8 transfer and such Committees issue an approval, or absent
9 a response, a period of 30 days has elapsed.

10 (RESCISSION OF FUNDS)

11 SEC. 254. (a) Any remaining unobligated balances in
12 the “Recurring Expenses Transformational Fund” estab-
13 lished in section 243 of division J of Public Law 114-113
14 are hereby rescinded immediately upon enactment of this
15 Act.

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

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

5 (2) 20 percent of the additional new budget au-
6 thority shall be made available for an additional
7 amount for “Departmental Administration—Con-
8 struction, Minor Projects”:

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

16 SEC. 255. Not later than 30 days after the end of
17 each fiscal quarter, the Secretary of Veterans Affairs shall
18 submit to the Committees on Appropriations of both
19 Houses of Congress a quarterly report on the status of
20 the “Veterans Medical Care and Health Fund”, estab-
21 lished to execute section 8002 of the American Rescue
22 Plan Act of 2021 (Public Law 117-2): *Provided*, That, at
23 a minimum, the report shall include an update on obliga-
24 tions by program, project or activity and a plan for ex-
25 pending the remaining funds; *Provided further*, That the

1 Secretary of Veterans Affairs must submit notification of
2 any plans to reallocate funds from the current apporportion-
3 ment categories of “Medical Services”, “Medical Support
4 and Compliance”, “Medical Facilities”, “Medical Commu-
5 nity Care”, or “Medical and Prosthetics Research”, in-
6 cluding the amount and purpose of each reallocation to
7 the Committees on Appropriations of both Houses of Con-
8 gress and such Committees issue an approval, or absent
9 a response, a period of 30 days has elapsed.

10 TITLE III

11 RELATED AGENCIES

12 AMERICAN BATTLE MONUMENTS COMMISSION

13 SALARIES AND EXPENSES

14 For necessary expenses, not otherwise provided for,
15 of the American Battle Monuments Commission, including
16 the acquisition of land or interest in land in foreign coun-
17 tries; purchases and repair of uniforms for caretakers of
18 national cemeteries and monuments outside of the United
19 States and its territories and possessions; rent of office
20 and garage space in foreign countries; purchase (one-for-
21 one replacement basis only) and hire of passenger motor
22 vehicles; not to exceed \$15,000 for official reception and
23 representation expenses; and insurance of official motor
24 vehicles in foreign countries, when required by law of such

1 countries, \$87,500,000, to remain available until ex-
2 pended.

3 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

4 For necessary expenses, not otherwise provided for,
5 of the American Battle Monuments Commission, such
6 sums as may be necessary, to remain available until ex-
7 pended, for purposes authorized by section 2109 of title
8 36, United States Code.

9 UNITED STATES COURT OF APPEALS FOR VETERANS

10 CLAIMS

11 SALARIES AND EXPENSES

12 For necessary expenses for the operation of the
13 United States Court of Appeals for Veterans Claims as
14 authorized by sections 7251 through 7298 of title 38,
15 United States Code, \$41,700,000: *Provided*, That
16 \$3,385,104 shall be available for the purpose of providing
17 financial assistance as described and in accordance with
18 the process and reporting procedures set forth under this
19 heading in Public Law 102–229.

20 DEPARTMENT OF DEFENSE—CIVIL

21 CEMETERIAL EXPENSES, ARMY

22 SALARIES AND EXPENSES

23 For necessary expenses for maintenance, operation,
24 and improvement of Arlington National Cemetery and Sol-
25 diers' and Airmen's Home National Cemetery, including

1 the purchase or lease of passenger motor vehicles for re-
2 placement on a one-for-one basis only, and not to exceed
3 \$2,000 for official reception and representation expenses,
4 \$87,000,000, of which not to exceed \$15,000,000 shall re-
5 main available until September 30, 2024. In addition,
6 such sums as may be necessary for parking maintenance,
7 repairs and replacement, to be derived from the “Lease
8 of Department of Defense Real Property for Defense
9 Agencies” account.

10 CONSTRUCTION

11 For necessary expenses for planning and design and
12 construction at Arlington National Cemetery and Soldiers’
13 and Airmen’s Home National Cemetery, \$141,000,000, to
14 remain available until expended, for planning and design
15 and construction associated with the Southern Expansion
16 project at Arlington National Cemetery.

17 ARMED FORCES RETIREMENT HOME

18 TRUST FUND

19 For expenses necessary for the Armed Forces Retire-
20 ment Home to operate and maintain the Armed Forces
21 Retirement Home—Washington, District of Columbia,
22 and the Armed Forces Retirement Home—Gulfport, Mis-
23 sissippi, to be paid from funds available in the Armed
24 Forces Retirement Home Trust Fund, \$76,300,000, to re-
25 main available until September 30, 2023, of which

1 \$8,300,000 shall remain available until expended for con-
2 struction and renovation of the physical plants at the
3 Armed Forces Retirement Home—Washington, District of
4 Columbia, and the Armed Forces Retirement Home—
5 Gulfport, Mississippi: *Provided*, That of the amounts made
6 available under this heading from funds available in the
7 Armed Forces Retirement Home Trust Fund,
8 \$25,000,000 shall be paid from the general fund of the
9 Treasury to the Trust Fund.

10 ADMINISTRATIVE PROVISION

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

15 TITLE IV

16 GENERAL PROVISIONS

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

20 SEC. 402. None of the funds made available in this
21 Act may be used for any program, project, or activity,
22 when it is made known to the Federal entity or official
23 to which the funds are made available that the program,
24 project, or activity is not in compliance with any Federal

1 law relating to risk assessment, the protection of private
2 property rights, or unfunded mandates.

3 SEC. 403. All departments and agencies funded under
4 this Act are encouraged, within the limits of the existing
5 statutory authorities and funding, to expand their use of
6 “E-Commerce” technologies and procedures in the con-
7 duct of their business practices and public service activi-
8 ties.

9 SEC. 404. Unless stated otherwise, all reports and no-
10 tifications required by this Act shall be submitted to the
11 Subcommittee on Military Construction and Veterans Af-
12 fairs, and Related Agencies of the Committee on Appro-
13 priations of the House of Representatives and the Sub-
14 committee on Military Construction and Veterans Affairs,
15 and Related Agencies of the Committee on Appropriations
16 of the Senate.

17 SEC. 405. None of the funds made available in this
18 Act may be transferred to any department, agency, or in-
19 strumentality of the United States Government except
20 pursuant to a transfer made by, or transfer authority pro-
21 vided in, this or any other appropriations Act.

22 SEC. 406. (a) Any agency receiving funds made avail-
23 able in this Act, shall, subject to subsections (b) and (c),
24 post on the public Web site of that agency any report re-
25 quired to be submitted by the Congress in this or any

1 other Act, upon the determination by the head of the agen-
2 cy that it shall serve the national interest.

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

4 (1) the public posting of the report com-
5 promises national security; or

6 (2) the report contains confidential or propri-
7 etary information.

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

12 SEC. 407. (a) None of the funds made available in
13 this Act may be used to maintain or establish a computer
14 network unless such network blocks the viewing,
15 downloading, and exchanging of pornography.

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

20 SEC. 408. None of the funds made available in this
21 Act may be used by an agency of the executive branch
22 to pay for first-class travel by an employee of the agency
23 in contravention of sections 301–10.122 through 301–
24 10.124 of title 41, Code of Federal Regulations.

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

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

8 SEC. 411. If the Senate Committee on Appropriations
9 has not reported out this measure because of a tie vote,
10 the explanatory statement or report accompanying this
11 Act, printed in the Senate section of the Congressional
12 Record on or about August 5, 2021, and submitted by
13 the Chairman of the Committee on Appropriations of the
14 Senate, shall have the same effect with respect to the allo-
15 cation of funds and implementation of this Act as if this
16 bill had been ordered favorably reported by the Senate
17 Committee on Appropriations.

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

[COMMITTEE PRINT]

Calendar No. 000

117TH CONGRESS
1ST SESSION

S. 0000

[Report No. 117-000]

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 00, 2021

Read twice and placed on the calendar