

Union Calendar No. 357

116TH CONGRESS
2D SESSION

H. R. 7609

[Report No. 116–445]

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2021, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2020

Ms. WASSERMAN SCHULTZ, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2021, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for
5 military construction, the Department of Veterans Affairs,
6 and related agencies for the fiscal year ending September
7 30, 2021, and for other purposes, namely:

8 TITLE I

9 DEPARTMENT OF DEFENSE

10 MILITARY CONSTRUCTION, ARMY

11 For acquisition, construction, installation, and equip-
12 ment of temporary or permanent public works, military
13 installations, facilities, and real property for the Army as
14 currently authorized by law, including personnel in the
15 Army Corps of Engineers and other personal services nec-
16 essary for the purposes of this appropriation, and for con-
17 struction and operation of facilities in support of the func-
18 tions of the Commander in Chief, \$608,336,000, shall be
19 used for the projects, and in the amounts specified under
20 the heading for “Military Construction, Army” in the re-
21 port accompanying this Act, to remain available until Sep-
22 tember 30, 2025: *Provided*, That, of this amount, not to
23 exceed \$126,436,000 shall be available for study, plan-
24 ning, design, architect and engineer services, and host na-
25 tion support, as authorized by law, unless the Secretary

1 of the Army determines that additional obligations are
2 necessary for such purposes and notifies the Committees
3 on Appropriations of both Houses of Congress of the de-
4 termination and the reasons therefor.

5 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, naval in-
8 stallations, facilities, and real property for the Navy and
9 Marine Corps as currently authorized by law, including
10 personnel in the Naval Facilities Engineering Command
11 and other personal services necessary for the purposes of
12 this appropriation, \$1,611,914,000, shall be used for the
13 projects, and in the amounts specified under the heading
14 “Military Construction, Navy and Marine Corps” in the
15 report accompanying this Act, to remain available until
16 September 30, 2025: *Provided*, That, of this amount, not
17 to exceed \$160,710,000 shall be available for study, plan-
18 ning, design, and architect and engineer services, as au-
19 thorized by law, unless the Secretary of the Navy deter-
20 mines that additional obligations are necessary for such
21 purposes and notifies the Committees on Appropriations
22 of both Houses of Congress of the determination and the
23 reasons therefor.

1 MILITARY CONSTRUCTION, AIR FORCE

2 For acquisition, construction, installation, and equip-
3 ment of temporary or permanent public works, military
4 installations, facilities, and real property for the Air Force
5 as currently authorized by law, \$569,792,000, shall be
6 used for the projects, and in the amounts specified under
7 the heading “Military Construction, Air Force” in the re-
8 port accompanying this Act, to remain available until Sep-
9 tember 30, 2025: *Provided*, That, of this amount, not to
10 exceed \$166,192,000 shall be available for study, plan-
11 ning, design, and architect and engineer services, as au-
12 thorized by law, unless the Secretary of the Air Force de-
13 termines that additional obligations are necessary for such
14 purposes and notifies the Committees on Appropriations
15 of both Houses of Congress of the determination and the
16 reasons therefor.

17 MILITARY CONSTRUCTION, DEFENSE-WIDE

18 For acquisition, construction, installation, and equip-
19 ment of temporary or permanent public works, installa-
20 tions, facilities, and real property for activities and agen-
21 cies of the Department of Defense (other than the military
22 departments), as currently authorized by law,
23 \$2,234,517,000, shall be used for the projects, and in the
24 amounts specified under the heading “Military Construc-
25 tion, Defense-Wide” in the report accompanying this Act,

1 to remain available until September 30, 2025: *Provided*,
2 That, of the amount, not to exceed \$179,976,000 shall
3 be available for study, planning, design, and architect and
4 engineer services, as authorized by law, unless the Sec-
5 retary of Defense determines that additional obligations
6 are necessary for such purposes and notifies the Commit-
7 tees on Appropriations of both Houses of Congress of the
8 determination and the reasons therefor.

9 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Army National Guard, and contribu-
13 tions therefor, as authorized by chapter 1803 of title 10,
14 United States Code, and Military Construction Authoriza-
15 tion Acts, \$349,437,000, shall be used for the projects,
16 and in the amounts specified under the heading “Military
17 Construction, Army National Guard” in the report accom-
18 panying this Act, to remain available until September 30,
19 2025: *Provided*, That, of the amount, not to exceed
20 \$44,593,000 shall be available for study, planning, design,
21 and architect and engineer services, as authorized by law,
22 unless the Director of the Army National Guard deter-
23 mines that additional obligations are necessary for such
24 purposes and notifies the Committees on Appropriations

1 of both Houses of Congress of the determination and the
2 reasons therefor.

3 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

4 For construction, acquisition, expansion, rehabilita-
5 tion, and conversion of facilities for the training and ad-
6 ministration of the Air National Guard, and contributions
7 therefor, as authorized by chapter 1803 of title 10, United
8 States Code, and Military Construction Authorization
9 Acts, \$64,214,000, shall be used for the projects, and in
10 the amounts specified under the heading “Military Con-
11 struction, Air National Guard” in the report accom-
12 panying this Act, to remain available until September 30,
13 2025: *Provided*, That, of the amount, not to exceed
14 \$3,414,000 shall be available for study, planning, design,
15 and architect and engineer services, as authorized by law,
16 unless the Director of the Air National Guard determines
17 that additional obligations are necessary for such purposes
18 and notifies the Committees on Appropriations of both
19 Houses of Congress of the determination and the reasons
20 therefor.

21 MILITARY CONSTRUCTION, ARMY RESERVE

22 For construction, acquisition, expansion, rehabilita-
23 tion, and conversion of facilities for the training and ad-
24 ministration of the Army Reserve as authorized by chapter
25 1803 of title 10, United States Code, and Military Con-

1 struction Authorization Acts, \$88,337,000, shall be used
2 for the projects, and in the amounts specified under the
3 heading “Military Construction, Army Reserve” in the re-
4 port accompanying this Act, to remain available until Sep-
5 tember 30, 2025: *Provided*, That, of the amount, not to
6 exceed \$1,218,000 shall be available for study, planning,
7 design, and architect and engineer services, as authorized
8 by law, unless the Chief of the Army Reserve determines
9 that additional obligations are necessary for such purposes
10 and notifies the Committees on Appropriations of both
11 Houses of Congress of the determination and the reasons
12 therefor.

13 MILITARY CONSTRUCTION, NAVY RESERVE

14 For construction, acquisition, expansion, rehabilita-
15 tion, and conversion of facilities for the training and ad-
16 ministration of the reserve components of the Navy and
17 Marine Corps as authorized by chapter 1803 of title 10,
18 United States Code, and Military Construction Authoriza-
19 tion Acts, \$70,995,000, shall be used for the projects, and
20 in the amounts specified under the heading “Military Con-
21 struction, Navy Reserve” in the report accompanying this
22 Act, to remain available until September 30, 2025: *Pro-*
23 *vided*, That, of the amount, not to exceed \$3,485,000 shall
24 be available for study, planning, design, and architect and
25 engineer services, as authorized by law, unless the Sec-

1 retary of the Navy determines that additional obligations
2 are necessary for such purposes and notifies the Commit-
3 tees on Appropriations of both Houses of Congress of the
4 determination and the reasons therefor.

5 MILITARY CONSTRUCTION, AIR FORCE RESERVE

6 For construction, acquisition, expansion, rehabilita-
7 tion, and conversion of facilities for the training and ad-
8 ministration of the Air Force Reserve as authorized by
9 chapter 1803 of title 10, United States Code, and Military
10 Construction Authorization Acts, \$23,117,000, shall be
11 used for the projects, and in the amounts specified under
12 the heading “Military Construction, Air Force Reserve”
13 in the report accompanying this Act, to remain available
14 until September 30, 2025: *Provided*, That, of the amount,
15 not to exceed \$3,270,000 shall be available for study, plan-
16 ning, design, and architect and engineer services, as au-
17 thorized by law, unless the Chief of the Air Force Reserve
18 determines that additional obligations are necessary for
19 such purposes and notifies the Committees on Appropria-
20 tions of both Houses of Congress of the determination and
21 the reasons therefor.

22 NORTH ATLANTIC TREATY ORGANIZATION

23 SECURITY INVESTMENT PROGRAM

24 For the United States share of the cost of the North
25 Atlantic Treaty Organization Security Investment Pro-

1 gram for the acquisition and construction of military fa-
2 cilities and installations (including international military
3 headquarters) and for related expenses for the collective
4 defense of the North Atlantic Treaty Area as authorized
5 by section 2806 of title 10, United States Code, and Mili-
6 tary Construction Authorization Acts, \$173,030,000, to
7 remain available until expended.

8 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

9 For deposit into the Department of Defense Base
10 Closure Account, established by section 2906(a) of the De-
11 fense Base Closure and Realignment Act of 1990 (10
12 U.S.C. 2687 note), \$580,447,000, to remain available
13 until expended.

14 FAMILY HOUSING CONSTRUCTION, ARMY

15 For expenses of family housing for the Army for con-
16 struction, including acquisition, replacement, addition, ex-
17 pansion, extension, and alteration, as authorized by law,
18 \$119,400,000, to remain available until September 30,
19 2025.

20 FAMILY HOUSING OPERATION AND MAINTENANCE,

21 ARMY

22 For expenses of family housing for the Army for op-
23 eration and maintenance, including debt payment, leasing,
24 minor construction, principal and interest charges, and in-
25 surance premiums, as authorized by law, \$367,142,000.

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, \$42,897,000, to remain available until
7 September 30, 2025.

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, \$346,493,000.

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 \$97,214,000, to remain available until September 30,
20 2025.

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,

1 and insurance premiums, as authorized by law,
2 \$317,021,000.

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 \$54,728,000.

10 DEPARTMENT OF DEFENSE

11 FAMILY HOUSING IMPROVEMENT FUND

12 For the Department of Defense Family Housing Im-
13 provement Fund, \$5,897,000, 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, \$600,000, 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 \$15,000 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-

tion 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation “Foreign Currency Fluctuations, Construction, Defense”, to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 122. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

1 SEC. 123. For an additional amount for the accounts
2 and in the amounts specified, to remain available until
3 September 30, 2025:

4 “Military Construction, Army”, \$342,600,000,
5 shall be used for the projects, and in the amounts,
6 specified under the heading “Military Construction,
7 Army” in the report accompanying this Act;

8 “Military Construction, Navy and Marine
9 Corps”, \$765,937,000, shall be used for the
10 projects, and in the amounts, specified under the
11 heading “Military Construction, Navy and Marine
12 Corps” in the report accompanying this Act;

13 “Military Construction, Air Force”,
14 \$428,000,000, shall be used for the projects, and in
15 the amounts, specified under the heading “Military
16 Construction, Air Force” in the report accom-
17 panying this Act;

18 “Military Construction, Army National Guard”,
19 \$34,835,000, shall be used for the projects, and in
20 the amounts, specified under the heading “Military
21 Construction, Army National Guard” in the report
22 accompanying this Act;

23 “Military Construction, Air National Guard”,
24 \$54,700,000 shall be used for the projects, and in
25 the amounts, specified under the heading “Military

1 Construction, Air National Guard” in the report ac-
2 companying this Act; and

3 “Military Construction, Army Reserve”,
4 \$48,900,000, shall be used for the projects, and in
5 the amounts, specified under the heading “Military
6 Construction, Army Reserve” in the report accom-
7 panying this Act:

8 *Provided*, That such funds may only be obligated to carry
9 out construction projects identified in the respective mili-
10 tary department’s unfunded priority list for fiscal year
11 2021 submitted to Congress: *Provided further*, That such
12 projects are subject to authorization prior to obligation
13 and expenditure of funds to carry out construction: *Pro-*
14 *vided further*, That not later than 30 days after enactment
15 of this Act, the Secretary of the military department con-
16 cerned, or his or her designee, shall submit to the Commit-
17 tees on Appropriations of both Houses of Congress an ex-
18 penditure plan for funds provided under this section and
19 receive approval from the Committees on Appropriations
20 of both Houses of Congress prior to obligation.

21 SEC. 124. For the purposes of this Act, the term
22 “congressional defense committees” means the Commit-
23 tees on Armed Services of the House of Representatives
24 and the Senate, the Subcommittee on Military Construc-
25 tion and Veterans Affairs of the Committee on Appropria-

1 tions of the Senate, and the Subcommittee on Military
2 Construction and Veterans Affairs of the Committee on
3 Appropriations of the House of Representatives.

4 SEC. 125. All amounts appropriated to the “Depart-
5 ment of Defense—Military Construction, Army”, “De-
6 partment of Defense—Military Construction, Navy and
7 Marine Corps”, “Department of Defense—Military Con-
8 struction, Air Force”, and “Department of Defense—Mili-
9 tary Construction, Defense-Wide” accounts pursuant to
10 the authorization of appropriations in a National Defense
11 Authorization Act specified for fiscal year 2021 in the
12 funding table in section 4601 of that Act shall be imme-
13 diately available and allotted to contract for the full scope
14 of authorized projects.

15 SEC. 126. For an additional amount for the accounts
16 and in the amounts specified, to remain available until
17 September 30, 2023:

18 “Military Construction, Army”, \$224,900,000,
19 shall be used for the projects, and in the amounts,
20 specified under the heading “Military Construction,
21 Army” in the report accompanying this Act;

22 “Military Construction, Navy and Marine
23 Corps”, \$144,900,000, shall be used for the
24 projects, and in the amounts, specified under the

1 heading “Military Construction, Navy and Marine
2 Corps” in the report accompanying this Act;

3 “Military Construction, Air Force”,
4 \$166,500,000, shall be used for the projects, and in
5 the amounts, specified under the heading “Military
6 Construction, Air Force”, in the report accom-
7 panying this Act:

8 “Military Construction, Army Reserve”,
9 \$10,200,000, shall be used for the projects, and in
10 the amounts, specified under the heading “Military
11 Construction, Army Reserve”, in the report accom-
12 panying this Act:

13 “Military Construction, Navy Reserve”,
14 \$3,500,000, shall be used for the projects, and in
15 the amounts, specified under the heading “Military
16 Construction, Navy Reserve”, in the report accom-
17 panying this Act:

18 “Family Housing Construction, Army”,
19 \$4,500,000, shall be used for the projects, and in
20 the amounts, specified under the heading “Family
21 Housing Construction, Army” , in the report accom-
22 panying this Act:

23 *Provided*, That such funds may only be obligated to carry
24 out construction projects identified in the respective mili-
25 tary department’s cost to complete projects list of pre-

1 viously appropriated projects submitted to Congress: *Pro-*
2 *vided further*, That such projects are subject to authoriza-
3 tion prior to obligation and expenditure of funds to carry
4 out construction: *Provided further*, That not later than 30
5 days after enactment of this Act, the Secretary of the mili-
6 tary department concerned, or his or her designee, shall
7 submit to the Committees on Appropriations of both
8 Houses of Congress an expenditure plan for funds pro-
9 vided under this section and receive approval from the
10 Committees on Appropriations of both Houses of Congress
11 prior to obligation.

12 SEC. 127. For an additional amount for the accounts
13 and in the amounts specified, to remain available until
14 September 30, 2023:

15 “Family Housing Operation and Maintenance,
16 Army”, \$25,000,000;

17 “Family Housing Operation and Maintenance,
18 Navy and Marine Corps”, \$50,000,000; and

19 “Family Housing Operation and Maintenance,
20 Air Force”, \$60,000,000.

21 SEC. 128. Notwithstanding any other provision of
22 law, funds made available under each heading in this title
23 shall only be used for the purposes specifically described
24 under that heading.

1 SEC. 129. Notwithstanding any other provision of
2 law, none of the funds appropriated in this or any other
3 Act for a military construction project, as defined by sec-
4 tion 2801 of title 10, United States Code, for any of fiscal
5 years 2016 through 2020 or for fiscal year 2021 may be
6 obligated, expended, or used to design, construct, or carry
7 out—

8 (1) a project to construct a wall, barrier, fence,
9 or road along the Southern border of the United
10 States;

11 (2) a road to provide access to a wall, barrier,
12 or fence constructed along the Southern border of
13 the United States; or

14 (3) any military construction project for which
15 funds were appropriated for any of fiscal years 2016
16 through 2020, but that were rescinded or postponed
17 by reason of the declaration of a national emergency
18 on February 15, 2019.

19 SEC. 130. None of the funds appropriated in this Act
20 for a military construction project, as defined by section
21 2801 of title 10, United States Code, for fiscal year 2021
22 may be obligated, expended, or used to construct a project
23 located on a military installation bearing the name of a
24 confederate officer, except in the case that a process to
25 replace such names has been initiated.

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

6 For the payment of compensation benefits to or on
7 behalf of veterans and a pilot program for disability ex-
8 aminations as authorized by section 107 and chapters 11,
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
10 pension benefits to or on behalf of veterans as authorized
11 by chapters 15, 51, 53, 55, and 61 of title 38, United
12 States Code; and burial benefits, the Reinstated Entitle-
13 ment Program for Survivors, emergency and other offi-
14 cers' retirement pay, adjusted-service credits and certifi-
15 cates, payment of premiums due on commercial life insur-
16 ance policies guaranteed under the provisions of title IV
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.
18 541 et seq.) and for other benefits as authorized by sec-
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
20 53, 55, and 61 of title 38, United States Code,
21 \$2,813,922,000, to remain available until expended, which
22 shall be in addition to funds previously appropriated under
23 this heading that become available on October 1, 2020;
24 and in addition, \$130,227,650,000, to remain available
25 until expended, which shall become available on October

1 1, 2021: *Provided*, That not to exceed \$20,115,000 of the
 2 amount made available for fiscal year 2022 under this
 3 heading shall be reimbursed to “General Operating Ex-
 4 penses, Veterans Benefits Administration”, and “Informa-
 5 tion Technology Systems” for necessary expenses in imple-
 6 menting the provisions of chapters 51, 53, and 55 of title
 7 38, United States Code, the funding source for which is
 8 specifically provided as the “Compensation and Pensions”
 9 appropriation: *Provided further*, That such sums as may
 10 be earned on an actual qualifying patient basis, shall be
 11 reimbursed to “Medical Care Collections Fund” to aug-
 12 ment the funding of individual medical facilities for nurs-
 13 ing home care provided to pensioners as authorized.

14 READJUSTMENT BENEFITS

15 For the payment of readjustment and rehabilitation
 16 benefits to or on behalf of veterans as authorized by chap-
 17 ters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and
 18 61 of title 38, United States Code, \$14,946,618,000, to
 19 remain available until expended and to become available
 20 on October 1, 2021: *Provided*, That expenses for rehabili-
 21 tation program services and assistance which the Sec-
 22 retary is authorized to provide under subsection (a) of sec-
 23 tion 3104 of title 38, United States Code, other than
 24 under paragraphs (1), (2), (5), and (11) of that sub-
 25 section, shall be charged to this account.

1 VETERANS INSURANCE AND INDEMNITIES

2 For military and naval insurance, national service life
3 insurance, servicemen's indemnities, service-disabled vet-
4 erans insurance, and veterans mortgage life insurance as
5 authorized by chapters 19 and 21 of title 38, United
6 States Code, \$2,148,000, to remain available until ex-
7 pended, which shall be in addition to funds previously ap-
8 propriated under this heading that become available on
9 October 1, 2020; and in addition, \$136,950,000, to re-
10 main available until expended, which shall become avail-
11 able on October 1, 2021.

12 VETERANS HOUSING BENEFIT PROGRAM FUND

13 For the cost of direct and guaranteed loans, such
14 sums as may be necessary to carry out the program, as
15 authorized by subchapters I through III of chapter 37 of
16 title 38, United States Code: *Provided*, That such costs,
17 including the cost of modifying such loans, shall be as de-
18 fined in section 502 of the Congressional Budget Act of
19 1974: *Provided further*, That, during fiscal year 2021,
20 within the resources available, not to exceed \$500,000 in
21 gross obligations for direct loans are authorized for spe-
22 cially adapted housing loans.

23 In addition, for administrative expenses to carry out
24 the direct and guaranteed loan programs, \$204,400,000.

1 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

2 For the cost of direct loans, \$33,826, 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 \$2,469,522.

10 In addition, for administrative expenses necessary to
11 carry out the direct loan program, \$424,272, 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, \$1,186,000.

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 \$3,187,000,000: *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, 2022.

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, adminis-
7 trative expenses necessary to carry out sections 322(d)
8 and 521A of title 38, United States Code, and hospital
9 care and medical services authorized by section 1787 of
10 title 38, United States Code; \$497,468,000, which shall
11 be in addition to funds that become available on October
12 1, 2020: *Provided*, That, of the amount provided in Public
13 Law 116-94 that becomes available on October 1, 2020
14 under this heading and was made available until Sep-
15 tember 30, 2021, \$5,594,318,000 is designated by the
16 Congress as being for an emergency requirement pursuant
17 to section 251(b)(2)(A)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985; and, in addition,
19 \$58,897,219,000, plus reimbursements, shall become
20 available on October 1, 2021, and shall remain available
21 until September 30, 2022: *Provided further*, That, of the
22 amount made available on October 1, 2021, under this
23 heading, \$1,500,000,000 shall remain available until Sep-
24 tember 30, 2023: *Provided further*, That, notwithstanding
25 any other provision of law, the Secretary of Veterans Af-

1 fairs shall establish a priority for the provision of medical
2 treatment for veterans who have service-connected disabil-
3 ities, lower income, or have special needs: *Provided further*,
4 That, notwithstanding any other provision of law, the Sec-
5 retary of Veterans Affairs shall give priority funding for
6 the provision of basic medical benefits to veterans in en-
7 rollment priority groups 1 through 6: *Provided further*,
8 That, notwithstanding any other provision of law, the Sec-
9 retary of Veterans Affairs may authorize the dispensing
10 of prescription drugs from Veterans Health Administra-
11 tion facilities to enrolled veterans with privately written
12 prescriptions based on requirements established by the
13 Secretary: *Provided further*, That, the implementation of
14 the program described in the previous proviso shall incur
15 no additional cost to the Department of Veterans Affairs:
16 *Provided further*, That, the Secretary of Veterans Affairs
17 shall ensure that sufficient amounts appropriated under
18 this heading for medical supplies and equipment are avail-
19 able for the acquisition of prosthetics designed specifically
20 for female veterans.

21 MEDICAL COMMUNITY CARE

22 For necessary expenses for furnishing health care to
23 individuals pursuant to chapter 17 of title 38, United
24 States Code, at non-Department facilities,
25 \$1,380,800,000, which shall be in addition to funds that

1 become available on October 1, 2020: *Provided*, That, of
 2 the amount provided in Public Law 116-94 that becomes
 3 available on October 1, 2020 under this heading and was
 4 made available until September 30, 2021, \$3,847,180,000
 5 is designated by the Congress as being for an emergency
 6 requirement pursuant to section 251(b)(2)(A)(i) of the
 7 Balanced Budget and Emergency Deficit Control Act of
 8 1985; and, in addition, \$20,148,244,000, plus reimburse-
 9 ments, shall become available on October 1, 2021, and
 10 shall remain available until September 30, 2022: *Provided*
 11 *further*, That, of the amount made available on October
 12 1, 2021, under this heading, \$2,000,000,000 shall remain
 13 available until September 30, 2023.

14 MEDICAL SUPPORT AND COMPLIANCE

15 For necessary expenses in the administration of the
 16 medical, hospital, nursing home, domiciliary, construction,
 17 supply, and research activities, as authorized by law; ad-
 18 ministrative expenses in support of capital policy activi-
 19 ties; and administrative and legal expenses of the Depart-
 20 ment for collecting and recovering amounts owed the De-
 21 partment as authorized under chapter 17 of title 38,
 22 United States Code, and the Federal Medical Care Recov-
 23 ery Act (42 U.S.C. 2651 et seq.), \$279,880,000, which
 24 shall be in addition to funds that become available on Oc-
 25 tober 1, 2020: *Provided*, That, of the amount provided in

1 Public Law 116-94 that becomes available on October 1,
2 2020 under this heading and was made available until
3 September 30, 2021, \$886,235,000 is designated by the
4 Congress as being for an emergency requirement pursuant
5 to section 251(b)(2)(A)(i) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985; and, in addition,
7 \$8,403,117,000, plus reimbursements, shall become avail-
8 able on October 1, 2021, and shall remain available until
9 September 30, 2022: *Provided further*, That, of the
10 amount made available on October 1, 2021, under this
11 heading, \$150,000,000 shall remain available until Sep-
12 tember 30, 2023.

13 MEDICAL FACILITIES

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

1 the hire of temporary employees and purchase of mate-
2 rials; for leases of facilities; and for laundry services;
3 \$170,120,000, which shall be in addition to funds that be-
4 come available on October 1, 2020: *Provided*, That, of the
5 amount provided in Public Law 116-94 that becomes
6 available on October 1, 2020 under this heading and was
7 made available until September 30, 2021, \$441,385,000
8 is designated by the Congress as being for an emergency
9 requirement pursuant to section 251(b)(2)(A)(i) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985; and in addition, \$6,734,680,000, plus reimburse-
12 ments, shall become available on October 1, 2021, and
13 shall remain available until September 30, 2022: *Provided*
14 *further*, That, of the amount made available on October
15 1, 2021, under this heading, \$250,000,000 shall remain
16 available until September 30, 2023.

17 MEDICAL AND PROSTHETIC RESEARCH

18 For necessary expenses in carrying out programs of
19 medical and prosthetic research and development as au-
20 thorized by chapter 73 of title 38, United States Code,
21 \$840,000,000, plus reimbursements, shall remain avail-
22 able until September 30, 2022: *Provided*, That the Sec-
23 retary of Veterans Affairs shall ensure that sufficient
24 amounts appropriated under this heading are available for

1 prosthetic research specifically for female veterans, and
2 for toxic exposure research.

3 NATIONAL CEMETERY ADMINISTRATION

4 For necessary expenses of the National Cemetery Ad-
5 ministration for operations and maintenance, not other-
6 wise provided for, including uniforms or allowances there-
7 for; cemeterial expenses as authorized by law; purchase
8 of one passenger motor vehicle for use in cemeterial oper-
9 ations; hire of passenger motor vehicles; and repair, alter-
10 ation or improvement of facilities under the jurisdiction
11 of the National Cemetery Administration, \$349,000,000,
12 of which not to exceed 10 percent shall remain available
13 until September 30, 2022.

14 DEPARTMENTAL ADMINISTRATION

15 GENERAL ADMINISTRATION

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary operating expenses of the Department
18 of Veterans Affairs, not otherwise provided for, including
19 administrative expenses in support of Department-wide
20 capital planning, management and policy activities, uni-
21 forms, or allowances therefor; not to exceed \$25,000 for
22 official reception and representation expenses; hire of pas-
23 senger motor vehicles; and reimbursement of the General
24 Services Administration for security guard services,
25 \$355,911,000, of which not to exceed 10 percent shall re-

1 main available until September 30, 2022: *Provided*, That
 2 funds provided under this heading may be transferred to
 3 “General Operating Expenses, Veterans Benefits Adminis-
 4 tration”.

5 BOARD OF VETERANS APPEALS

6 For necessary operating expenses of the Board of
 7 Veterans Appeals, \$198,000,000, of which not to exceed
 8 10 percent shall remain available until September 30,
 9 2022.

10 INFORMATION TECHNOLOGY SYSTEMS

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses for information technology
 13 systems and telecommunications support, including devel-
 14 opmental information systems and operational information
 15 systems; for pay and associated costs; and for the capital
 16 asset acquisition of information technology systems, in-
 17 cluding management and related contractual costs of said
 18 acquisitions, including contractual costs associated with
 19 operations authorized by section 3109 of title 5, United
 20 States Code, \$4,912,000,000, plus reimbursements, of
 21 which \$540,385,000 is designated by the Congress as
 22 being for an emergency requirement pursuant to section
 23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
 24 Deficit Control Act of 1985: *Provided*, That
 25 \$1,211,238,000 shall be for pay and associated costs, of

1 which not to exceed 3 percent shall remain available until
2 September 30, 2022: *Provided further*, That
3 \$3,205,216,000 shall be for operations and maintenance,
4 of which not to exceed 5 percent shall remain available
5 until September 30, 2022: *Provided further*, That
6 \$495,546,000 shall be for information technology systems
7 development, and shall remain available until September
8 30, 2022: *Provided further*, That amounts made available
9 for salaries and expenses, operations and maintenance,
10 and information technology systems development may be
11 transferred among the three subaccounts after the Sec-
12 retary of Veterans Affairs requests from the Committees
13 on Appropriations of both Houses of Congress the author-
14 ity to make the transfer and an approval is issued: *Pro-*
15 *vided further*, That amounts made available for the “Infor-
16 mation Technology Systems” account for development
17 may be transferred among projects or to newly defined
18 projects: *Provided further*, That no project may be in-
19 creased or decreased by more than \$1,000,000 of cost
20 prior to submitting a request to the Committees on Appro-
21 priations of both Houses of Congress to make the transfer
22 and an approval is issued, or absent a response, a period
23 of 30 days has elapsed: *Provided further*, That the funds
24 made available under this heading for information tech-
25 nology systems development shall be for the projects, and

1 in the amounts, specified under this heading in the report
2 accompanying this Act.

3 VETERANS ELECTRONIC HEALTH RECORD

4 For activities related to implementation, preparation,
5 development, interface, management, rollout, and mainte-
6 nance of a Veterans Electronic Health Record system, in-
7 cluding contractual costs associated with operations au-
8 thorized by section 3109 of title 5, United States Code,
9 and salaries and expenses of employees hired under titles
10 5 and 38, United States Code, \$2,627,000,000, to remain
11 available until September 30, 2023, of which
12 \$1,184,485,000 is designated by the Congress as being for
13 an emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985: *Provided*, That the Secretary
16 of Veterans Affairs shall submit to the Committees on Ap-
17 propriations of both Houses of Congress quarterly reports
18 detailing obligations, expenditures, and deployment imple-
19 mentation by facility: *Provided further*, That the funds
20 provided in this account shall only be available to the Of-
21 fice of the Deputy Secretary, to be administered by that
22 Office: *Provided further*, That none of the funds made
23 available under this heading may be obligated in a manner
24 inconsistent with deployment schedules provided to the
25 Committees on Appropriations unless the Secretary of

1 Veterans Affairs provides notification to the Committees
2 on Appropriations of such change and an approval is
3 issued.

4 OFFICE OF INSPECTOR GENERAL

5 For necessary expenses of the Office of Inspector
6 General, to include information technology, in carrying out
7 the provisions of the Inspector General Act of 1978 (5
8 U.S.C. App.), \$228,000,000, of which not to exceed 10
9 percent shall remain available until September 30, 2022.

10 CONSTRUCTION, MAJOR PROJECTS

11 For constructing, altering, extending, and improving
12 any of the facilities, including parking projects, under the
13 jurisdiction or for the use of the Department of Veterans
14 Affairs, or for any of the purposes set forth in sections
15 316, 2404, 2406 and chapter 81 of title 38, United States
16 Code, not otherwise provided for, including planning, ar-
17 chitectural and engineering services, construction manage-
18 ment services, maintenance or guarantee period services
19 costs associated with equipment guarantees provided
20 under the project, services of claims analysts, offsite utility
21 and storm drainage system construction costs, and site ac-
22 quisition, where the estimated cost of a project is more
23 than the amount set forth in section 8104(a)(3)(A) of title
24 38, United States Code, or where funds for a project were
25 made available in a previous major project appropriation,

1 \$1,373,000,000, of which \$980,638,000 shall remain
2 available until September 30, 2025, and of which
3 \$392,362,000 shall remain available until expended, of
4 which \$237,198,000 shall be available for seismic improve-
5 ment projects and seismic program management activities,
6 including for projects that would otherwise be funded by
7 the Construction, Minor Projects, Medical Facilities or
8 National Cemetery Administration accounts: *Provided*,
9 That except for advance planning activities, including
10 needs assessments which may or may not lead to capital
11 investments, and other capital asset management related
12 activities, including portfolio development and manage-
13 ment activities, and investment strategy studies funded
14 through the advance planning fund and the planning and
15 design activities funded through the design fund, including
16 needs assessments which may or may not lead to capital
17 investments, and funds provided for the purchase, secu-
18 rity, and maintenance of land for the National Cemetery
19 Administration through the land acquisition line item,
20 none of the funds made available under this heading shall
21 be used for any project that has not been notified to Con-
22 gress through the budgetary process or that has not been
23 approved by the Congress through statute, joint resolu-
24 tion, or in the explanatory statement accompanying such
25 Act and presented to the President at the time of enroll-

1 ment: *Provided further*, That such sums as may be nec-
2 essary shall be available to reimburse the “General Admin-
3 istration” account for payment of salaries and expenses
4 of all Office of Construction and Facilities Management
5 employees to support the full range of capital infrastruc-
6 ture services provided, including minor construction and
7 leasing services: *Provided further*, That funds made avail-
8 able under this heading for fiscal year 2021, for each ap-
9 proved project shall be obligated: (1) by the awarding of
10 a construction documents contract by September 30,
11 2021; and (2) by the awarding of a construction contract
12 by September 30, 2022: *Provided further*, That the Sec-
13 retary of Veterans Affairs shall promptly submit to the
14 Committees on Appropriations of both Houses of Congress
15 a written report on any approved major construction
16 project for which obligations are not incurred within the
17 time limitations established above: *Provided further*, That
18 notwithstanding the requirements of section 8104(a) of
19 title 38, United States Code, amounts made available
20 under this heading for seismic improvement projects and
21 seismic program management activities shall be available
22 for the completion of both new and existing seismic
23 projects of the Department.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$400,000,000, to remain available until September 30, 2025, along with unobligated balances of previous “Construction, Minor Projects” appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe;

1 and (2) temporary measures necessary to prevent or to
2 minimize further loss by such causes.

3 GRANTS FOR CONSTRUCTION OF
4 STATE EXTENDED CARE FACILITIES

5 For grants to assist States to acquire or construct
6 State nursing home and domiciliary facilities and to re-
7 model, modify, or alter existing hospital, nursing home,
8 and domiciliary facilities in State homes, for furnishing
9 care to veterans as authorized by sections 8131 through
10 8137 of title 38, United States Code, \$90,000,000, to re-
11 main available until expended.

12 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

13 For grants to assist States and tribal organizations
14 in establishing, expanding, or improving veterans ceme-
15 teries as authorized by section 2408 of title 38, United
16 States Code, \$45,000,000, to remain available until ex-
17 pended.

18 ADMINISTRATIVE PROVISIONS

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 201. Any appropriation for fiscal year 2021 for
21 “Compensation and Pensions”, “Readjustment Benefits”,
22 and “Veterans Insurance and Indemnities” may be trans-
23 ferred as necessary to any other of the mentioned appro-
24 priations: *Provided*, That, before a transfer may take
25 place, the Secretary of Veterans Affairs shall request from

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

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 202. Amounts made available for the Depart-
7 ment of Veterans Affairs for fiscal year 2021, in this or
8 any other Act, under the “Medical Services”, “Medical
9 Community Care”, “Medical Support and Compliance”,
10 and “Medical Facilities” accounts may be transferred
11 among the accounts: *Provided*, That any transfers among
12 the “Medical Services”, “Medical Community Care”, and
13 “Medical Support and Compliance” accounts of 1 percent
14 or less of the total amount appropriated to the account
15 in this or any other Act may take place subject to notifica-
16 tion from the Secretary of Veterans Affairs to the Com-
17 mittees on Appropriations of both Houses of Congress of
18 the amount and purpose of the transfer: *Provided further*,
19 That any transfers among the “Medical Services”, “Med-
20 ical Community Care”, and “Medical Support and Compli-
21 ance” accounts in excess of 1 percent, or exceeding the
22 cumulative 1 percent for the fiscal year, may take place
23 only after the Secretary requests from the Committees on
24 Appropriations of both Houses of Congress the authority
25 to make the transfer and an approval is issued: *Provided*

1 *further*, That any transfers to or from the “Medical Facili-
2 ties” account may take place only after the Secretary re-
3 quests from the Committees on Appropriations of both
4 Houses of Congress the authority to make the transfer
5 and an approval is issued.

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

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

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

1 bursement of the cost of such hospitalization or examina-
2 tion is made to the “Medical Services” account at such
3 rates as may be fixed by the Secretary of Veterans Affairs.

4 SEC. 206. Appropriations available in this title for
5 “Compensation and Pensions”, “Readjustment Benefits”,
6 and “Veterans Insurance and Indemnities” shall be avail-
7 able for payment of prior year accrued obligations re-
8 quired to be recorded by law against the corresponding
9 prior year accounts within the last quarter of fiscal year
10 2020.

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

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 208. Notwithstanding any other provision of
20 law, during fiscal year 2021, the Secretary of Veterans
21 Affairs shall, from the National Service Life Insurance
22 Fund under section 1920 of title 38, United States Code,
23 the Veterans’ Special Life Insurance Fund under section
24 1923 of title 38, United States Code, and the United
25 States Government Life Insurance Fund under section

1 1955 of title 38, United States Code, reimburse the “Gen-
2 eral Operating Expenses, Veterans Benefits Administra-
3 tion” and “Information Technology Systems” accounts for
4 the cost of administration of the insurance programs fi-
5 nanced through those accounts: *Provided*, That reimburse-
6 ment shall be made only from the surplus earnings accu-
7 mulated in such an insurance program during fiscal year
8 2021 that are available for dividends in that program after
9 claims have been paid and actuarially determined reserves
10 have been set aside: *Provided further*, That if the cost of
11 administration of such an insurance program exceeds the
12 amount of surplus earnings accumulated in that program,
13 reimbursement shall be made only to the extent of such
14 surplus earnings: *Provided further*, That the Secretary
15 shall determine the cost of administration for fiscal year
16 2021 which is properly allocable to the provision of each
17 such insurance program and to the provision of any total
18 disability income insurance included in that insurance pro-
19 gram.

20 SEC. 209. Amounts deducted from enhanced-use
21 lease proceeds to reimburse an account for expenses in-
22 curred by that account during a prior fiscal year for pro-
23 viding enhanced-use lease services, may be obligated dur-
24 ing the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management, the Office of Employment Discrimination Complaint Adjudication, and the Office of Diversity and Inclusion for all services provided at rates which will recover actual costs but not to exceed \$60,096,000 for the Office of Resolution Management, \$6,100,000 for the Office of Employment Discrimination Complaint Adjudication, and \$5,294,000 for the Office of Diversity and Inclusion: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the “General Administration” and “Information Technology Systems” accounts for use by the office that provided the service.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Pro-*

1 *vided*, That the Secretary may recover, in the same man-
2 ner as any other debt due the United States, the reason-
3 able charges for such care or services from any person who
4 does not make such disclosure as required: *Provided fur-*
5 *ther*, That any amounts so recovered for care or services
6 provided in a prior fiscal year may be obligated by the
7 Secretary during the fiscal year in which amounts are re-
8 ceived.

9 (INCLUDING TRANSFER OF FUNDS)

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

21 SEC. 213. Amounts made available under “Medical
22 Services” are available—

23 (1) for furnishing recreational facilities, sup-
24 plies, and equipment; and

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

4 (INCLUDING TRANSFER OF FUNDS)

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

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

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 216. Such sums as may be deposited to the De-
25 partment of Veterans Affairs Capital Asset Fund pursu-

1 ant to section 8118 of title 38, United States Code, may
2 be transferred to the “Construction, Major Projects” and
3 “Construction, Minor Projects” accounts, to remain avail-
4 able until expended for the purposes of these accounts.

5 SEC. 217. Not later than 30 days after the end of
6 each fiscal quarter, the Secretary of Veterans Affairs shall
7 submit to the Committees on Appropriations of both
8 Houses of Congress a report on the financial status of the
9 Department of Veterans Affairs for the preceding quarter:
10 *Provided*, That, at a minimum, the report shall include
11 the direction contained in the paragraph entitled “Quar-
12 terly reporting”, under the heading “General Administra-
13 tion” in the joint explanatory statement accompanying
14 Public Law 114–223.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 218. Amounts made available under the “Med-
17 ical Services”, “Medical Community Care”, “Medical Sup-
18 port and Compliance”, “Medical Facilities”, “General Op-
19 erating Expenses, Veterans Benefits Administration”,
20 “Board of Veterans Appeals”, “General Administration”,
21 and “National Cemetery Administration” accounts for fis-
22 cal year 2021 may be transferred to or from the “Informa-
23 tion Technology Systems” account: *Provided*, That such
24 transfers may not result in a more than 10 percent aggre-
25 gate increase in the total amount made available by this

1 Act for the “Information Technology Systems” account:
2 *Provided further*, That, before a transfer may take place,
3 the Secretary of Veterans Affairs shall request from the
4 Committees on Appropriations of both Houses of Congress
5 the authority to make the transfer and an approval is
6 issued.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 219. Of the amounts appropriated to the De-
9 partment of Veterans Affairs for fiscal year 2021 for
10 “Medical Services”, “Medical Community Care”, “Medical
11 Support and Compliance”, “Medical Facilities”, “Con-
12 struction, Minor Projects”, and “Information Technology
13 Systems”, up to \$322,932,000, plus reimbursements, may
14 be transferred to the Joint Department of Defense—De-
15 partment of Veterans Affairs Medical Facility Demonstra-
16 tion Fund, established by section 1704 of the National De-
17 fense Authorization Act for Fiscal Year 2010 (Public Law
18 111–84; 123 Stat. 3571) and may be used for operation
19 of the facilities designated as combined Federal medical
20 facilities as described by section 706 of the Duncan Hun-
21 ter National Defense Authorization Act for Fiscal Year
22 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*,
23 That additional funds may be transferred from accounts
24 designated in this section to the Joint Department of De-
25 fense—Department of Veterans Affairs Medical Facility

1 Demonstration Fund upon written notification by the Sec-
2 retary of Veterans Affairs to the Committees on Appro-
3 priations of both Houses of Congress: *Provided further*,
4 That section 219 of title II of division F of Public Law
5 116–94 is repealed.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 220. Of the amounts appropriated to the De-
8 partment of Veterans Affairs which become available on
9 October 1, 2021, for “Medical Services”, “Medical Com-
10 munity Care”, “Medical Support and Compliance”, and
11 “Medical Facilities”, up to \$327,126,000, plus reimburse-
12 ments, may be transferred to the Joint Department of De-
13 fense—Department of Veterans Affairs Medical Facility
14 Demonstration Fund, established by section 1704 of the
15 National Defense Authorization Act for Fiscal Year 2010
16 (Public Law 111–84; 123 Stat. 3571) and may be used
17 for operation of the facilities designated as combined Fed-
18 eral medical facilities as described by section 706 of the
19 Duncan Hunter National Defense Authorization Act for
20 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500):
21 *Provided*, That additional funds may be transferred from
22 accounts designated in this section to the Joint Depart-
23 ment of Defense—Department of Veterans Affairs Med-
24 ical Facility Demonstration Fund upon written notifica-

tion by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): *Provided*, That, notwithstanding section 1704(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2573), amounts transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund shall remain available until expended.

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 223. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least \$5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 224. None of the funds made available for “Construction, Major Projects” may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Vet-

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

3 SEC. 225. Not later than 30 days after the end of
4 each fiscal quarter, the Secretary of Veterans Affairs shall
5 submit to the Committees on Appropriations of both
6 Houses of Congress a quarterly report containing perform-
7 ance measures and data from each Veterans Benefits Ad-
8 ministration Regional Office: *Provided*, That, at a min-
9 imum, the report shall include the direction contained in
10 the section entitled “Disability claims backlog”, under the
11 heading “General Operating Expenses, Veterans Benefits
12 Administration” in the joint explanatory statement accom-
13 panying Public Law 114–223: *Provided further*, That the
14 report shall also include information on the number of ap-
15 peals pending at the Veterans Benefits Administration as
16 well as the Board of Veterans Appeals on a quarterly
17 basis.

18 SEC. 226. The Secretary of Veterans Affairs shall
19 provide written notification to the Committees on Appro-
20 priations of both Houses of Congress 15 days prior to or-
21 ganizational changes which result in the transfer of 25 or
22 more full-time equivalents from one organizational unit of
23 the Department of Veterans Affairs to another.

24 SEC. 227. The Secretary of Veterans Affairs shall
25 provide on a quarterly basis to the Committees on Appro-

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

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 228. The Secretary of Veterans Affairs, upon
6 determination that such action is necessary to address
7 needs of the Veterans Health Administration, may trans-
8 fer to the “Medical Services” account any discretionary
9 appropriations made available for fiscal year 2021 in this
10 title (except appropriations made to the “General Oper-
11 ating Expenses, Veterans Benefits Administration” ac-
12 count) or any discretionary unobligated balances within
13 the Department of Veterans Affairs, including those ap-
14 propriated for fiscal year 2021, that were provided in ad-
15 vance by appropriations Acts: *Provided*, That transfers
16 shall be made only with the approval of the Office of Man-
17 agement and Budget: *Provided further*, That the transfer
18 authority provided in this section is in addition to any
19 other transfer authority provided by law: *Provided further*,
20 That no amounts may be transferred from amounts that
21 were designated by Congress as an emergency requirement
22 pursuant to a concurrent resolution on the budget or the
23 Balanced Budget and Emergency Deficit Control Act of
24 1985: *Provided further*, That such authority to transfer
25 may not be used unless for higher priority items, based

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

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 229. Amounts made available for the Depart-
15 ment of Veterans Affairs for fiscal year 2021, under the
16 “Board of Veterans Appeals” and the “General Operating
17 Expenses, Veterans Benefits Administration” accounts
18 may be transferred between such accounts: *Provided*, That
19 before a transfer may take place, the Secretary of Vet-
20 erans Affairs shall request from the Committees on Appro-
21 priations of both Houses of Congress the authority to
22 make the transfer and receive approval of that request.

23 SEC. 230. The Secretary of Veterans Affairs may not
24 reprogram funds among major construction projects or
25 programs if such instance of reprogramming will exceed

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

4 SEC. 231. (a) The Secretary of Veterans Affairs shall
5 ensure that the toll-free suicide hotline under section
6 1720F(h) of title 38, United States Code—

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

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

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

20 (2) In this subsection—

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

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

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

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

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

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

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

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

23 SEC. 232. None of the funds in this or any other Act
24 may be used to close Department of Veterans Affairs (VA)
25 hospitals, domiciliaries, or clinics, conduct an environ-

1 mental assessment, or to diminish healthcare services at
2 existing Veterans Health Administration medical facilities
3 located in Veterans Integrated Service Network 23 as part
4 of a planned realignment of VA services until the Sec-
5 retary provides to the Committees on Appropriations of
6 both Houses of Congress a report including the following
7 elements—

8 (1) a national realignment strategy that in-
9 cludes a detailed description of realignment plans
10 within each Veterans Integrated Services Network
11 (VISN), including an updated Long Range Capital
12 Plan to implement realignment requirements;

13 (2) an explanation of the process by which
14 those plans were developed and coordinated within
15 each VISN;

16 (3) a cost versus benefit analysis of each
17 planned realignment, including the cost of replacing
18 Veterans Health Administration services with con-
19 tract care or other outsourced services;

20 (4) an analysis of how any such planned re-
21 alignment of services will impact access to care for
22 veterans living in rural or highly rural areas, includ-
23 ing travel distances and transportation costs to ac-
24 cess a VA medical facility and availability of local
25 specialty and primary care;

1 (5) an inventory of VA buildings with historic
2 designation and the methodology used to determine
3 the buildings' condition and utilization;

4 (6) a description of how any realignment will be
5 consistent with requirements under the National
6 Historic Preservation Act; and

7 (7) consideration given for reuse of historic
8 buildings within newly identified realignment re-
9 quirements: *Provided*, That, this provision shall not
10 apply to capital projects in VISN 23, or any other
11 VISN, which have been authorized or approved by
12 Congress.

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

23 SEC. 234. (a) Chapter 17 of title 38, United States
24 Code, is amended by inserting after section 1720I the fol-
25 lowing new section:

1 **“§ 1720J. Provision of assisted reproductive tech-**
2 **nology or adoption reimbursements for**
3 **certain disabled veterans**

4 “(a) PROVISION OF SERVICES.—Subject to the avail-
5 ability of appropriations, the Secretary may provide—

6 “(1) fertility counseling and treatment using as-
7 sisted reproductive technology to a covered veteran
8 or the spouse of a covered veteran; or

9 “(2) adoption reimbursement to a covered vet-
10 eran.

11 “(b) LIMITATIONS.—Amounts made available for the
12 purposes specified in subsection (a) are subject to the re-
13 quirements for funds contained in section 508 of division
14 H of the Consolidated Appropriations Act, 2017 (Public
15 Law 115–31).

16 “(c) DEFINITIONS.—In this section:

17 “(1) The term ‘adoption reimbursement’ means
18 reimbursement for the adoption-related expenses for
19 an adoption that is finalized after the date of the en-
20 actment of this section under the same terms as
21 apply under the adoption reimbursement program of
22 the Department of Defense, as authorized in De-
23 partment of Defense Instruction 1341.09, including
24 the reimbursement limits and requirements set forth
25 in such instruction, as in effect on the date of the
26 enactment of this section.

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

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

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

24 “(3) The term ‘covered veteran’ means a vet-
25 eran who has a service-connected disability that re-

1 sults in the inability of the veteran to procreate
2 without the use of fertility treatment.”.

3 (b) The table of sections at the beginning of such
4 chapter is amended by inserting after the item relating
5 to section 1720I the following new item:

“1720J. Provision of assisted reproductive technology or adoption reimburse-
ments for certain disabled veterans.”.

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

15 SEC. 236. Section 842 of Public Law 109–115 shall
16 not apply to conversion of an activity or function of the
17 Veterans Health Administration, Veterans Benefits Ad-
18 ministration, or National Cemetery Administration to con-
19 tractor performance by a business concern that is at least
20 51 percent owned by one or more Indian tribes as defined
21 in section 5304(e) of title 25, United States Code, or one
22 or more Native Hawaiian Organizations as defined in sec-
23 tion 637(a)(15) of title 15, United States Code.

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

7 (1) For all veterans submitting to the Secretary
8 of Veterans Affairs new claims for benefits under
9 laws administered by the Secretary, not later than 5
10 years after the date of the enactment of this Act.

11 (2) For all individuals not described in para-
12 graph (1), not later than 8 years after the date of
13 the enactment of this Act.

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

21 SEC. 238. For funds provided to the Department of
22 Veterans Affairs for each of fiscal year 2021 and 2022
23 for “Medical Services”, section 239 of Division A of Public
24 Law 114–223 shall apply.

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

7 SEC. 240. Of the funds provided to the Department
8 of Veterans Affairs for each of fiscal year 2021 and fiscal
9 year 2022 for “Medical Services”, funds may be used in
10 each year to carry out and expand the child care program
11 authorized by section 205 of Public Law 111–163, not-
12 withstanding subsection (e) of such section.

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

23 SEC. 242. For funds provided to the Department of
24 Veterans Affairs for each of fiscal year 2021 and 2022,

1 section 258 of Division A of Public Law 114–223 shall
2 apply.

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

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

18 (c) Each Inspector General covered by this section
19 shall ensure compliance with statutory limitations on dis-
20 closure relevant to the information provided by the depart-
21 ment or agency over which that Inspector General has re-
22 sponsibilities under the Inspector General Act of 1978 (5
23 U.S.C. App.).

24 (d) Each Inspector General covered by this section
25 shall report to the Committee on Appropriations of the

1 Senate and the Committee on Appropriations of the House
2 of Representatives within 5 calendar days of any failure
3 by any department or agency covered by this section to
4 comply with this section.

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

9 SEC. 245. None of the funds appropriated or other-
10 wise made available by this Act to the Veterans Health
11 Administration may be used in fiscal year 2021 to convert
12 any program which received specific purpose funds in fis-
13 cal year 2020 to a general purpose funded program unless
14 the Secretary of Veterans Affairs submits written notifica-
15 tion of any such proposal to the Committees on Appropria-
16 tions of both Houses of Congress at least thirty days prior
17 to any such action and an approval is issued by the Com-
18 mittees.

19 SEC. 246. (a) Except as provided by subsection (b),
20 none of the funds made available by this Act may be used
21 by the Secretary of Veterans Affairs to purchase, breed,
22 transport, house, feed, maintain, dispose of, or experiment
23 on, dogs as part of the conduct of any study including
24 an assignment of pain category D or E, as defined by the
25 Pain and Distress Categories of the Department of Agri-

1 culture (or such successor categories developed pursuant
2 to section 13 of the Animal Welfare Act (7 U.S.C. 2143)).

3 (b) Subsection (a) shall not apply to training pro-
4 grams or studies of service dogs described in section 1714
5 of title 38, United States Code, or section 17.148 of title
6 38, Code of Federal Regulations.

7 SEC. 247. None of the funds made available by this
8 Act may be used by the Secretary of Veterans Affairs to
9 close the community based outpatient clinic located in
10 Bainbridge, New York, until the Secretary of Veterans Af-
11 fairs submits to the Committees on Appropriations of the
12 House of Representatives and the Senate a market area
13 assessment.

14 SEC. 248. (a) Not later than 180 days after the date
15 of the enactment of this Act, and not less frequently than
16 once every five-year period thereafter, the Secretary of
17 Veterans Affairs shall update the handbook of the Depart-
18 ment of Veterans Affairs titled “Planning and Activating
19 Community Based Outpatient Clinics”, or a successor
20 handbook, to reflect current policies, best practices, and
21 clarify the roles and responsibilities of the personnel of
22 the Department involved in the leasing projects of the De-
23 partment.

24 (b) The Secretary shall ensure that the handbook
25 specified in subsection (a) defines “community based out-

1 patient clinic” in the same manner as such term is defined
2 in the Veterans Health Administration Site Tracking
3 database (commonly known as “VAST”) as of the date
4 of the enactment of this Act.

5 (c) The Secretary shall ensure that the Veterans
6 Health Administration incorporates the best practices con-
7 tained in the handbook specified in subsection (a) in con-
8 ducting oversight of the medical centers of the Depart-
9 ment of Veterans Affairs and the Veterans Integrated
10 Service Network.

11 (d) Not later than 180 days after the date of the en-
12 actment of this Act, the Secretary shall provide guidance
13 and training to employees of the Veterans Health Admin-
14 istration for the use of the handbook specified in sub-
15 section (a). The Secretary shall update such guidance and
16 training together with each update of such handbook.

17 SEC. 249. Amounts made available for the “Veterans
18 Health Administration, Medical Community Care” ac-
19 count in this or any other Act for fiscal years 2021 and
20 2022 may be used for expenses that would have otherwise
21 been payable from the Veterans Choice Fund established
22 by section 802 of the Veterans Access, Choice, and Ac-
23 countability Act, as amended (38 U.S.C. 1701 note).

24 SEC. 250. Obligations and expenditures applicable to
25 the “Medical Services” account in fiscal years 2017

1 through 2019 for aid to state homes (as authorized by
2 section 1741 of title 38, United States Code) shall remain
3 in the “Medical Community Care” account for such fiscal
4 years.

5 SEC. 251. Of the total amounts made available on
6 October 1, 2020, under the headings “Department of Vet-
7 erans Affairs—Veterans Health Administration—Medical
8 Services”, “Department of Veterans Affairs—Veterans
9 Health Administration—Medical Community Care”, “De-
10 partment of Veterans Affairs—Veterans Health Adminis-
11 tration—Medical Support and Compliance”, and “Depart-
12 ment of Veterans Affairs—Veterans Health Administra-
13 tion—Medical Facilities”, \$660,691,000 shall be made
14 available for gender-specific care for women.

15 TITLE III

16 RELATED AGENCIES

17 AMERICAN BATTLE MONUMENTS COMMISSION

18 SALARIES AND EXPENSES

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

1 one replacement basis only) and hire of passenger motor
2 vehicles; not to exceed \$15,000 for official reception and
3 representation expenses; and insurance of official motor
4 vehicles in foreign countries, when required by law of such
5 countries, \$84,100,000, to remain available until ex-
6 pended.

7 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

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

13 UNITED STATES COURT OF APPEALS FOR VETERANS

14 CLAIMS

15 SALARIES AND EXPENSES

16 For necessary expenses for the operation of the
17 United States Court of Appeals for Veterans Claims as
18 authorized by sections 7251 through 7298 of title 38,
19 United States Code, \$37,100,000: *Provided*, That
20 \$3,286,509 shall be available for the purpose of providing
21 financial assistance as described and in accordance with
22 the process and reporting procedures set forth under this
23 heading in Public Law 102–229.

1 DEPARTMENT OF DEFENSE—CIVIL

2 CEMETERIAL EXPENSES, ARMY

3 SALARIES AND EXPENSES

4 For necessary expenses for maintenance, operation,
5 and improvement of Arlington National Cemetery and Sol-
6 diers' and Airmen's Home National Cemetery, including
7 the purchase or lease of passenger motor vehicles for re-
8 placement on a one-for-one basis only, and not to exceed
9 \$2,000 for official reception and representation expenses,
10 \$81,815,000, of which not to exceed \$15,000,000 shall re-
11 main available until September 30, 2023. In addition,
12 such sums as may be necessary for parking maintenance,
13 repairs and replacement, to be derived from the "Lease
14 of Department of Defense Real Property for Defense
15 Agencies" account.

16 ARMED FORCES RETIREMENT HOME

17 TRUST FUND

18 For expenses necessary for the Armed Forces Retire-
19 ment Home to operate and maintain the Armed Forces
20 Retirement Home—Washington, District of Columbia,
21 and the Armed Forces Retirement Home—Gulfport, Mis-
22 sissippi, to be paid from funds available in the Armed
23 Forces Retirement Home Trust Fund, \$73,100,000, to re-
24 main available until September 30, 2022; of which
25 \$8,800,000 shall remain available until expended for con-

1 struction and renovation of the physical plants at the
 2 Armed Forces Retirement Home—Washington, District of
 3 Columbia, and the Armed Forces Retirement Home—
 4 Gulfport, Mississippi: *Provided*, That of the amounts made
 5 available under this heading from funds available in the
 6 Armed Forces Retirement Home Trust Fund,
 7 \$22,000,000 shall be paid from the general fund of the
 8 Treasury to the Trust Fund.

9 ADMINISTRATIVE PROVISION

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

14 TITLE IV

15 OVERSEAS CONTINGENCY OPERATIONS

16 DEPARTMENT OF DEFENSE

17 MILITARY CONSTRUCTION, ARMY

18 For an additional amount for “Military Construction,
 19 Army”, \$16,111,000, to remain available until September
 20 30, 2025, for projects outside of the United States: *Pro-*
 21 *vided*, That such amount is designated by the Congress
 22 for Overseas Contingency Operations/Global War on Ter-
 23 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
 24 anced Budget and Emergency Deficit Control Act of 1985.

1 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

2 For an additional amount for “Military Construction,
3 Navy and Marine Corps”, \$70,020,000, to remain avail-
4 able until September 30, 2025, for projects outside of the
5 United States: *Provided*, That such amount is designated
6 by the Congress for Overseas Contingency Operations/
7 Global War on Terrorism pursuant to section
8 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 MILITARY CONSTRUCTION, AIR FORCE

11 For an additional amount for “Military Construction,
12 Air Force” \$263,869,000, to remain available until Sep-
13 tember 30, 2025, for projects outside of the United States:
14 *Provided*, That such amount is designated by the Congress
15 for Overseas Contingency Operations/Global War on Ter-
16 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985.

18 ADMINISTRATIVE PROVISION

19 SEC. 401. None of the funds appropriated for mili-
20 tary construction projects outside the United States under
21 this title may be obligated or expended for planning and
22 design of any project associated with the European Deter-
23 rence Initiative until the Secretary of Defense develops
24 and submits to the congressional defense committees, in
25 a classified and unclassified format, a list of all of the mili-

1 tary construction projects associated with the European
2 Deterrence Initiative which the Secretary anticipates will
3 be carried out during each of the fiscal years 2022
4 through 2026.

5 TITLE V

6 GENERAL PROVISIONS

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

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

17 SEC. 503. All departments and agencies funded under
18 this Act are encouraged, within the limits of the existing
19 statutory authorities and funding, to expand their use of
20 “E-Commerce” technologies and procedures in the con-
21 duct of their business practices and public service activi-
22 ties.

23 SEC. 504. Unless stated otherwise, all reports and no-
24 tifications required by this Act shall be submitted to the
25 Subcommittee on Military Construction and Veterans Af-

1 fairs, and Related Agencies of the Committee on Appro-
2 priations of the House of Representatives and the Sub-
3 committee on Military Construction and Veterans Affairs,
4 and Related Agencies of the Committee on Appropriations
5 of the Senate.

6 SEC. 505. None of the funds made available in this
7 Act may be transferred to any department, agency, or in-
8 strumentality of the United States Government except
9 pursuant to a transfer made by, or transfer authority pro-
10 vided in, this or any other appropriations Act.

11 SEC. 506. None of the funds made available in this
12 Act may be used for a project or program named for an
13 individual serving as a Member, Delegate, or Resident
14 Commissioner of the United States House of Representa-
15 tives.

16 SEC. 507. (a) Any agency receiving funds made avail-
17 able in this Act, shall, subject to subsections (b) and (c),
18 post on the public Web site of that agency any report re-
19 quired to be submitted by the Congress in this or any
20 other Act, upon the determination by the head of the agen-
21 cy that it shall serve the national interest.

22 (b) Subsection (a) shall not apply to a report if—
23 (1) the public posting of the report com-
24 promises national security; or

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

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

7 SEC. 508. (a) None of the funds made available in
8 this Act may be used to maintain or establish a computer
9 network unless such network blocks the viewing,
10 downloading, and exchanging of pornography.

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

15 SEC. 509. None of the funds made available in this
16 Act may be used by an agency of the executive branch
17 to pay for first-class travel by an employee of the agency
18 in contravention of sections 301–10.122 through 301–
19 10.124 of title 41, Code of Federal Regulations.

20 SEC. 510. None of the funds made available in this
21 Act may be used to execute a contract for goods or serv-
22 ices, including construction services, where the contractor
23 has not complied with Executive Order No. 12989.

24 SEC. 511. None of the funds made available by this
25 Act may be used by the Department of Defense or the

1 Department of Veterans Affairs to lease or purchase new
2 light duty vehicles for any executive fleet, or for an agen-
3 cy's fleet inventory, except in accordance with Presidential
4 Memorandum—Federal Fleet Performance, dated May
5 24, 2011.

6 SEC. 512. None of the funds made available by this
7 Act may be used in contravention of section 101(e)(8) of
8 title 10, United States Code.

9 SEC. 513. Notwithstanding any other provision of
10 law, none of the funds appropriated in this or any other
11 Act for a military construction project, as defined by sec-
12 tion 2801 of title 10, United States Code, for any of fiscal
13 years 2016 through 2020 or for fiscal year 2021 may be
14 obligated, expended, or used to design, construct, or carry
15 out—

16 (1) a project to construct a wall, barrier, fence,
17 or road along the Southern border of the United
18 States;

19 (2) a road to provide access to a wall, barrier,
20 or fence constructed along the Southern border of
21 the United States; or

22 (3) any military construction project for which
23 funds were appropriated for any of fiscal years 2016
24 through 2020, but that were rescinded or postponed

1 by reason of the declaration of a national emergency
2 on February 15, 2019.

3 SEC. 514. Each amount designated in this Act by the
4 Congress as being for an emergency requirement pursuant
5 to section 251(b)(2)(A)(i) of the Balanced Budget and
6 Emergency Deficit Control Act of 1985 shall be available
7 (or rescinded or transferred, if applicable) only if the
8 President subsequently so designates all such amounts
9 and transmits such designations to the Congress.

10 This Act may be cited as the “Military Construction,
11 Veterans Affairs, and Related Agencies Appropriations
12 Act, 2021”.

Union Calendar No. 357

116TH CONGRESS
2^D Session

H. R. 7609

[Report No. 116-445]

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2021, and for other purposes.

JULY 13, 2020

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed