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~~[COMMITTEE PRINT]~~

114TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { 114-_____

DEPARTMENTS OF TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016, AND FOR OTHER PURPOSES

_____, 2016.—Ordered to be printed

_____, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 2577]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2577), making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2016, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Military Construction,
3 Veterans Affairs, and Related Agencies Appropriations
4 Act, 2017 and Zika Response and Preparedness Act”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of appropriations.
- Sec. 5. Availability of funds.

**DIVISION A—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND
RELATED AGENCIES APPROPRIATIONS ACT, 2017**

- Title I—Department of Defense
- Title II—Department of Veterans Affairs
- Title III—Related agencies
- Title IV—Overseas contingency operations
- Title V—General provisions

**DIVISION B—ZIKA RESPONSE AND PREPAREDNESS
APPROPRIATIONS ACT, 2016**

DIVISION C—ZIKA VECTOR CONTROL

DIVISION D—RESCISSIONS OF FUNDS

7 **SEC. 3. REFERENCES.**

8 Except as expressly provided otherwise, any reference
9 to “this Act” contained in any division of this Act shall
10 be treated as referring only to the provisions of that divi-
11 sion.

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OF THE BILL

1 **SEC. 4. STATEMENT OF APPROPRIATIONS.**

2 The following sums in this Act are appropriated, out
3 of any money in the Treasury not otherwise appropriated,
4 for the fiscal year ending September 30, 2017.

5 **SEC. 5. AVAILABILITY OF FUNDS.**

6 Each amount designated in this Act by the Congress
7 as an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985 shall be available (or re-
10 scinded, if applicable) only if the President subsequently
11 so designates all such amounts and transmits such des-
12 ignations to the Congress.

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1 **DIVISION A—MILITARY CONSTRUCTION,**
2 **VETERANS AFFAIRS, AND RELATED**
3 **AGENCIES APPROPRIATIONS ACT, 2017**

4 TITLE I

5 DEPARTMENT OF DEFENSE

6 MILITARY CONSTRUCTION, ARMY

7 For acquisition, construction, installation, and equip-
8 ment of temporary or permanent public works, military
9 installations, facilities, and real property for the Army as
10 currently authorized by law, including personnel in the
11 Army Corps of Engineers and other personal services nec-
12 essary for the purposes of this appropriation, and for con-
13 struction and operation of facilities in support of the func-
14 tions of the Commander in Chief, \$513,459,000, to re-
15 main available until September 30, 2021: *Provided*, That,
16 of this amount, not to exceed \$98,159,000 shall be avail-
17 able for study, planning, design, architect and engineer
18 services, and host nation support, as authorized by law,
19 unless the Secretary of the Army determines that addi-
20 tional obligations are necessary for such purposes and no-
21 tifies the Committees on Appropriations of both Houses
22 of Congress of the determination and the reasons therefor.

1 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

2 For acquisition, construction, installation, and equip-
3 ment of temporary or permanent public works, naval in-
4 stallations, facilities, and real property for the Navy and
5 Marine Corps as currently authorized by law, including
6 personnel in the Naval Facilities Engineering Command
7 and other personal services necessary for the purposes of
8 this appropriation, \$1,021,580,000, to remain available
9 until September 30, 2021: *Provided*, That, of this amount,
10 not to exceed \$88,230,000 shall be available for study,
11 planning, design, and architect and engineer services, as
12 authorized by law, unless the Secretary of the Navy deter-
13 mines 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, AIR FORCE

18 For acquisition, construction, installation, and equip-
19 ment of temporary or permanent public works, military
20 installations, facilities, and real property for the Air Force
21 as currently authorized by law, \$1,491,058,000, to remain
22 available until September 30, 2021: *Provided*, That of this
23 amount, not to exceed \$143,582,000 shall be available for
24 study, planning, design, and architect and engineer serv-
25 ices, as authorized by law, unless the Secretary of the Air

1 Force determines that additional obligations are necessary
2 for such purposes and notifies the Committees on Appro-
3 priations of both Houses of Congress of the determination
4 and the reasons therefor: *Provided further*, That none of
5 the funds made available under this heading shall be for
6 construction of the Joint Intelligence Analysis Complex
7 Consolidation, Phase 3, at Royal Air Force Croughton,
8 United Kingdom, unless authorized in an Act authorizing
9 appropriations for fiscal year 2017 for military construc-
10 tion.

11 MILITARY CONSTRUCTION, DEFENSE-WIDE

12 (INCLUDING TRANSFER OF FUNDS)

13 For acquisition, construction, installation, and equip-
14 ment of temporary or permanent public works, installa-
15 tions, facilities, and real property for activities and agen-
16 cies of the Department of Defense (other than the military
17 departments), as currently authorized by law,
18 \$2,025,444,000, to remain available until September 30,
19 2021: *Provided*, That such amounts of this appropriation
20 as may be determined by the Secretary of Defense may
21 be transferred to such appropriations of the Department
22 of Defense available for military construction or family
23 housing as the Secretary may designate, to be merged with
24 and to be available for the same purposes, and for the
25 same time period, as the appropriation or fund to which

1 transferred: *Provided further*, That of the amount appro-
2 priated, not to exceed \$180,775,000 shall be available for
3 study, planning, design, and architect and engineer serv-
4 ices, as authorized by law, unless the Secretary of Defense
5 determines that additional obligations are necessary for
6 such purposes and notifies the Committees on Appropria-
7 tions of both Houses of Congress of the determination and
8 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, \$232,930,000, to remain available until Sep-
16 tember 30, 2021: *Provided*, That, of the amount appro-
17 priated, not to exceed \$8,729,000 shall be available for
18 study, planning, design, and architect and engineer serv-
19 ices, as authorized by law, unless the Director of the Army
20 National Guard determines that additional obligations are
21 necessary for such purposes and notifies the Committees
22 on Appropriations of both Houses of Congress of the de-
23 termination and the reasons therefor.

1 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Air National Guard, and contributions
5 therefor, as authorized by chapter 1803 of title 10, United
6 States Code, and Military Construction Authorization
7 Acts, \$143,957,000, to remain available until September
8 30, 2021: *Provided*, That, of the amount appropriated, not
9 to exceed \$10,462,000 shall be available for study, plan-
10 ning, design, and architect and engineer services, as au-
11 thorized by law, unless the Director of the Air National
12 Guard determines that additional obligations are nec-
13 essary for such purposes and notifies the Committees on
14 Appropriations of both Houses of Congress of the deter-
15 mination and the reasons therefor.

16 MILITARY CONSTRUCTION, ARMY RESERVE

17 For construction, acquisition, expansion, rehabilita-
18 tion, and conversion of facilities for the training and ad-
19 ministration of the Army Reserve as authorized by chapter
20 1803 of title 10, United States Code, and Military Con-
21 struction Authorization Acts, \$68,230,000, to remain
22 available until September 30, 2021: *Provided*, That, of the
23 amount appropriated, not to exceed \$7,500,000 shall be
24 available for study, planning, design, and architect and en-
25 gineer services, as authorized by law, unless the Chief of

1 the Army Reserve 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, NAVY RESERVE

6 For construction, acquisition, expansion, rehabilita-
7 tion, and conversion of facilities for the training and ad-
8 ministration of the reserve components of the Navy and
9 Marine Corps as authorized by chapter 1803 of title 10,
10 United States Code, and Military Construction Authoriza-
11 tion Acts, \$38,597,000, to remain available until Sep-
12 tember 30, 2021: *Provided*, That, of the amount appro-
13 priated, not to exceed \$3,783,000 shall be available for
14 study, planning, design, and architect and engineer serv-
15 ices, as authorized by law, unless the Secretary of the
16 Navy determines that additional obligations are necessary
17 for such purposes and notifies the Committees on Appro-
18 priations of both Houses of Congress of the determination
19 and the reasons therefor.

20 MILITARY CONSTRUCTION, AIR FORCE RESERVE

21 For construction, acquisition, expansion, rehabilita-
22 tion, and conversion of facilities for the training and ad-
23 ministration of the Air Force Reserve as authorized by
24 chapter 1803 of title 10, United States Code, and Military
25 Construction Authorization Acts, \$188,950,000, to remain

1 available until September 30, 2021: *Provided*, That, of the
2 amount appropriated, not to exceed \$4,500,000 shall be
3 available for study, planning, design, and architect and en-
4 gineer services, as authorized by law, unless the Chief of
5 the Air Force Reserve determines that additional obliga-
6 tions are necessary for such purposes and notifies the
7 Committees on Appropriations of both Houses of Congress
8 of the determination and the reasons therefor.

9 NORTH ATLANTIC TREATY ORGANIZATION

10 SECURITY INVESTMENT PROGRAM

11 For the United States share of the cost of the North
12 Atlantic Treaty Organization Security Investment Pro-
13 gram for the acquisition and construction of military fa-
14 cilities and installations (including international military
15 headquarters) and for related expenses for the collective
16 defense of the North Atlantic Treaty Area as authorized
17 by section 2806 of title 10, United States Code, and Mili-
18 tary Construction Authorization Acts, \$177,932,000, to
19 remain available until expended.

20 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

21 For deposit into the Department of Defense Base
22 Closure Account, established by section 2906(a) of the De-
23 fense Base Closure and Realignment Act of 1990 (10
24 U.S.C. 2687 note), \$240,237,000, to remain available
25 until expended.

1 est charges, and insurance premiums, as authorized by
2 law, \$300,915,000.

3 FAMILY HOUSING CONSTRUCTION, AIR FORCE

4 For expenses of family housing for the Air Force for
5 construction, including acquisition, replacement, addition,
6 expansion, extension, and alteration, as authorized by law,
7 \$61,352,000, to remain available until September 30,
8 2021.

9 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
10 FORCE

11 For expenses of family housing for the Air Force for
12 operation and maintenance, including debt payment, leas-
13 ing, minor construction, principal and interest charges,
14 and insurance premiums, as authorized by law,
15 \$274,429,000.

16 FAMILY HOUSING OPERATION AND MAINTENANCE,
17 DEFENSE-WIDE

18 For expenses of family housing for the activities and
19 agencies of the Department of Defense (other than the
20 military departments) for operation and maintenance,
21 leasing, and minor construction, as authorized by law,
22 \$59,157,000.

1 DEPARTMENT OF DEFENSE FAMILY HOUSING
2 IMPROVEMENT FUND

3 For the Department of Defense Family Housing Im-
4 provement Fund, \$3,258,000, to remain available until ex-
5 pended, for family housing initiatives undertaken pursu-
6 ant to section 2883 of title 10, United States Code, pro-
7 viding alternative means of acquiring and improving mili-
8 tary family housing and supporting facilities.

9 ADMINISTRATIVE PROVISIONS

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

17 SEC. 102. Funds made available in this title for con-
18 struction shall be available for hire of passenger motor ve-
19 hicles.

20 SEC. 103. Funds made available in this title for con-
21 struction may be used for advances to the Federal High-
22 way Administration, Department of Transportation, for
23 the construction of access roads as authorized by section
24 210 of title 23, United States Code, when projects author-

1 ized therein are certified as important to the national de-
2 fense by the Secretary of Defense.

3 SEC. 104. None of the funds made available in this
4 title may be used to begin construction of new bases in
5 the United States for which specific appropriations have
6 not been made.

7 SEC. 105. None of the funds made available in this
8 title shall be used for purchase of land or land easements
9 in excess of 100 percent of the value as determined by
10 the Army Corps of Engineers or the Naval Facilities Engi-
11 neering Command, except: (1) where there is a determina-
12 tion of value by a Federal court; (2) purchases negotiated
13 by the Attorney General or the designee of the Attorney
14 General; (3) where the estimated value is less than
15 \$25,000; or (4) as otherwise determined by the Secretary
16 of Defense to be in the public interest.

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

23 SEC. 107. None of the funds made available in this
24 title for minor construction may be used to transfer or
25 relocate any activity from one base or installation to an-

1 other, without prior notification to the Committees on Ap-
2 propriations of both Houses of Congress.

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

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

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

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

24 SEC. 112. None of the funds made available in this
25 title for military construction in the United States terri-

1 tories and possessions in the Pacific and on Kwajalein
2 Atoll, or in countries bordering the Arabian Gulf, may be
3 used to award any contract estimated by the Government
4 to exceed \$1,000,000 to a foreign contractor: *Provided*,
5 That this section shall not be applicable to contract
6 awards for which the lowest responsive and responsible bid
7 of a United States contractor exceeds the lowest respon-
8 sive and responsible bid of a foreign contractor by greater
9 than 20 percent: *Provided further*, That this section shall
10 not apply to contract awards for military construction on
11 Kwajalein Atoll for which the lowest responsive and re-
12 sponsible bid is submitted by a Marshallese contractor.

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

20 SEC. 114. Funds appropriated to the Department of
21 Defense for construction in prior years shall be available
22 for construction authorized for each such military depart-
23 ment by the authorizations enacted into law during the
24 current session of Congress.

1 SEC. 115. For military construction or family housing
2 projects that are being completed with funds otherwise ex-
3 pired or lapsed for obligation, expired or lapsed funds may
4 be used to pay the cost of associated supervision, inspec-
5 tion, overhead, engineering and design on those projects
6 and on subsequent claims, if any.

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

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 117. Subject to 30 days prior notification, or
21 14 days for a notification provided in an electronic me-
22 dium pursuant to sections 480 and 2883 of title 10,
23 United States Code, to the Committees on Appropriations
24 of both Houses of Congress, such additional amounts as
25 may be determined by the Secretary of Defense may be

1 transferred to: (1) the Department of Defense Family
2 Housing Improvement Fund from amounts appropriated
3 for construction in "Family Housing" accounts, to be
4 merged with and to be available for the same purposes
5 and for the same period of time as amounts appropriated
6 directly to the Fund; or (2) the Department of Defense
7 Military Unaccompanied Housing Improvement Fund
8 from amounts appropriated for construction of military
9 unaccompanied housing in "Military Construction" ac-
10 counts, to be merged with and to be available for the same
11 purposes and for the same period of time as amounts ap-
12 propriated directly to the Fund: *Provided*, That appropria-
13 tions made available to the Funds shall be available to
14 cover the costs, as defined in section 502(5) of the Con-
15 gressional Budget Act of 1974, of direct loans or loan
16 guarantees issued by the Department of Defense pursuant
17 to the provisions of subchapter IV of chapter 169 of title
18 10, United States Code, pertaining to alternative means
19 of acquiring and improving military family housing, mili-
20 tary unaccompanied housing, and supporting facilities.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 118. In addition to any other transfer authority
23 available to the Department of Defense, amounts may be
24 transferred from the Department of Defense Base Closure
25 Account to the fund established by section 1013(d) of the

1 Demonstration Cities and Metropolitan Development Act
2 of 1966 (42 U.S.C. 3374) to pay for expenses associated
3 with the Homeowners Assistance Program incurred under
4 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall
5 be merged with and be available for the same purposes
6 and for the same time period as the fund to which trans-
7 ferred.

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

1 Houses of Congress all operation and maintenance ex-
2 penditures for each individual general or flag officer quar-
3 ters for the prior fiscal year.

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

10 (INCLUDING TRANSFER OF FUNDS)

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

1 SEC. 122. (a) Except as provided in subsection (b),
2 none of the funds made available in this Act may be used
3 by the Secretary of the Army to relocate a unit in the
4 Army that—

5 (1) performs a testing mission or function that
6 is not performed by any other unit in the Army and
7 is specifically stipulated in title 10, United States
8 Code; and

9 (2) is located at a military installation at which
10 the total number of civilian employees of the Depart-
11 ment of the Army and Army contractor personnel
12 employed exceeds 10 percent of the total number of
13 members of the regular and reserve components of
14 the Army assigned to the installation.

15 (b) EXCEPTION.—Subsection (a) shall not apply if
16 the Secretary of the Army certifies to the congressional
17 defense committees that in proposing the relocation of the
18 unit of the Army, the Secretary complied with Army Regu-
19 lation 5–10 relating to the policy, procedures, and respon-
20 sibilities for Army stationing actions.

21 SEC. 123. Amounts appropriated or otherwise made
22 available in an account funded under the headings in this
23 title may be transferred among projects and activities
24 within the account in accordance with the reprogramming
25 guidelines for military construction and family housing

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

5 SEC. 124. None of the funds made available in this
6 title may be obligated or expended for planning and design
7 and construction of projects at Arlington National Ceme-
8 tery.

9 SEC. 125. For an additional amount for the accounts
10 and in the amounts specified, to remain available until
11 September 30, 2021:

12 “Military Construction, Army”, \$40,500,000;

13 “Military Construction, Navy and Marine
14 Corps”, \$227,099,000;

15 “Military Construction, Air Force”,
16 \$149,500,000;

17 “Military Construction, Army National Guard”,
18 \$67,500,000;

19 “Military Construction, Air National Guard”,
20 \$11,000,000;

21 “Military Construction, Army Reserve”,
22 \$30,000,000:

23 *Provided*, That such funds may only be obligated to carry
24 out construction projects identified in the respective mili-
25 tary department’s unfunded priority list for fiscal year

1 2017 submitted to Congress by the Secretary of Defense:
2 *Provided further*, That such projects are subject to author-
3 ization prior to obligation and expenditure of funds to
4 carry out construction: *Provided further*, That not later
5 than 30 days after enactment of this Act, the Secretary
6 of the military department concerned, or his or her des-
7 ignee, shall submit to the Committees on Appropriations
8 of both Houses of Congress an expenditure plan for funds
9 provided under this section.

10 SEC. 126. For an additional amount for “Military
11 Construction, Navy and Marine Corps”, \$89,400,000, to
12 remain available until September 30, 2021: *Provided*,
13 That, such funds may only be obligated to carry out con-
14 struction projects identified by the Department of the
15 Navy in its June 8, 2016, unfunded priority list submis-
16 sion to the Committees on Appropriations of both Houses
17 of Congress detailing unfunded reprogramming and emer-
18 gency construction requirements: *Provided further*, That,
19 not later than 30 days after enactment of this Act, the
20 Secretary of the Navy, or his or her designee, shall submit
21 to the Committees an expenditure plan for funds provided
22 under this section.

23 (RESCISSIONS OF FUNDS)

24 SEC. 127. Of the unobligated balances available to
25 the Department of Defense from prior appropriation Acts,

1 the following funds are hereby rescinded from the fol-
2 lowing accounts in the amounts specified:

3 "Military Construction, Army", \$29,602,000;

4 "Military Construction, Air Force",
5 \$51,460,000;

6 "Military Construction, Defense-Wide",
7 \$171,600,000, of which \$30,000,000 are to be de-
8 rived from amounts made available for Missile De-
9 fense Agency planning and design; and

10 "North Atlantic Treaty Organization Security
11 Investment Program", \$30,000,000:

12 *Provided*, That no amounts may be rescinded from
13 amounts that were designated by the Congress for Over-
14 seas Contingency Operations/Global War on Terrorism or
15 as an emergency requirement pursuant to a concurrent
16 resolution on the budget or the Balanced Budget and
17 Emergency Deficit Control Act of 1985, as amended.

18 (RESCISSION OF FUNDS)

19 SEC. 128. Of the unobligated balances made available
20 in prior appropriation Acts for the fund established in sec-
21 tion 1013(d) of the Demonstration Cities and Metropoli-
22 tan Development Act of 1966 (42 U.S.C. 3374) (other
23 than appropriations designated by law as being for contin-
24 gency operations directly related to the global war on ter-

1 rorism or as an emergency requirement), \$25,000,000 are
2 hereby rescinded.

3 SEC. 129. For the purposes of this Act, the term
4 “congressional defense committees” means the Commit-
5 tees on Armed Services of the House of Representatives
6 and the Senate, the Subcommittee on Military Construc-
7 tion and Veterans Affairs of the Committee on Appropria-
8 tions of the Senate, and the Subcommittee on Military
9 Construction and Veterans Affairs of the Committee on
10 Appropriations of the House of Representatives.

11 SEC. 130. None of the funds made available by this
12 Act may be used to carry out the closure or realignment
13 of the United States Naval Station, Guantánamo Bay,
14 Cuba.

15 SEC. 131. Notwithstanding any other provision of
16 law, none of the funds appropriated or otherwise made
17 available by this or any other Act may be used to consoli-
18 date or relocate any element of a United States Air Force
19 Rapid Engineer Deployable Heavy Operational Repair
20 Squadron Engineer (RED HORSE) outside of the United
21 States until the Secretary of the Air Force (1) completes
22 an analysis and comparison of the cost and infrastructure
23 investment required to consolidate or relocate a RED
24 HORSE squadron outside of the United States versus
25 within the United States; (2) provides to the Committees

1 on Appropriations of both Houses of Congress (“the Com-
2 mittees”) a report detailing the findings of the cost anal-
3 ysis; and (3) certifies in writing to the Committees that
4 the preferred site for the consolidation or relocation yields
5 the greatest savings for the Air Force: *Provided*, That the
6 term “United States” in this section does not include any
7 territory or possession of the United States.

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 \$90,119,449,000, to remain available until expended and
22 to become available on October 1, 2017: *Provided*, That
23 not to exceed \$17,224,000 of the amount made available
24 for fiscal year 2018 under this heading shall be reim-
25 bursed to "General Operating Expenses, Veterans Bene-

1 fits Administration”, and “Information Technology Sys-
2 tems” for necessary expenses in implementing the provi-
3 sions of chapters 51, 53, and 55 of title 38, United States
4 Code, the funding source for which is specifically provided
5 as the “Compensation and Pensions” appropriation: *Pro-*
6 *vided further*, That such sums as may be earned on an
7 actual qualifying patient basis, shall be reimbursed to
8 “Medical Care Collections Fund” to augment the funding
9 of individual medical facilities for nursing home care pro-
10 vided to pensioners as authorized.

11 READJUSTMENT BENEFITS

12 For the payment of readjustment and rehabilitation
13 benefits to or on behalf of veterans as authorized by chap-
14 ters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and
15 61 of title 38, United States Code, \$13,708,648,000, to
16 remain available until expended and to become available
17 on October 1, 2017: *Provided*, That expenses for rehabili-
18 tation program services and assistance which the Sec-
19 retary is authorized to provide under subsection (a) of sec-
20 tion 3104 of title 38, United States Code, other than
21 under paragraphs (1), (2), (5), and (11) of that sub-
22 section, shall be charged to this account.

23 VETERANS INSURANCE AND INDEMNITIES

24 For military and naval insurance, national service life
25 insurance, servicemen’s indemnities, service-disabled vet-

1 erans insurance, and veterans mortgage life insurance as
2 authorized by chapters 19 and 21, title 38, United States
3 Code, \$124,504,000, to remain available until expended,
4 of which \$107,899,000 shall become available on October
5 1, 2017.

6 VETERANS HOUSING BENEFIT PROGRAM FUND

7 For the cost of direct and guaranteed loans, such
8 sums as may be necessary to carry out the program, as
9 authorized by subchapters I through III of chapter 37 of
10 title 38, United States Code: *Provided*, That such costs,
11 including the cost of modifying such loans, shall be as de-
12 fined in section 502 of the Congressional Budget Act of
13 1974: *Provided further*, That, during fiscal year 2017,
14 within the resources available, not to exceed \$500,000 in
15 gross obligations for direct loans are authorized for spe-
16 cially adapted housing loans.

17 In addition, for administrative expenses to carry out
18 the direct and guaranteed loan programs, \$198,856,000.

19 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

20 For the cost of direct loans, \$36,000, as authorized
21 by chapter 31 of title 38, United States Code: *Provided*,
22 That such costs, including the cost of modifying such
23 loans, shall be as defined in section 502 of the Congres-
24 sional Budget Act of 1974: *Provided further*, That funds
25 made available under this heading are available to sub-

1 sidize gross obligations for the principal amount of direct
2 loans not to exceed \$2,517,000.

3 In addition, for administrative expenses necessary to
4 carry out the direct loan program, \$389,000, which may
5 be paid to the appropriation for "General Operating Ex-
6 penses, Veterans Benefits Administration".

7 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM
8 ACCOUNT

9 For administrative expenses to carry out the direct
10 loan program authorized by subchapter V of chapter 37
11 of title 38, United States Code, \$1,163,000.

12 GENERAL OPERATING EXPENSES, VETERANS BENEFITS
13 ADMINISTRATION

14 For necessary operating expenses of the Veterans
15 Benefits Administration, not otherwise provided for, in-
16 cluding hire of passenger motor vehicles, reimbursement
17 of the General Services Administration for security guard
18 services, and reimbursement of the Department of De-
19 fense for the cost of overseas employee mail,
20 \$2,856,160,000: *Provided*, That expenses for services and
21 assistance authorized under paragraphs (1), (2), (5), and
22 (11) of section 3104(a) of title 38, United States Code,
23 that the Secretary of Veterans Affairs determines are nec-
24 essary to enable entitled veterans: (1) to the maximum ex-
25 tent feasible, to become employable and to obtain and

1 maintain suitable employment; or (2) to achieve maximum
2 independence in daily living, shall be charged to this ac-
3 count: *Provided further*, That, of the funds made available
4 under this heading, not to exceed 5 percent shall remain
5 available until September 30, 2018.

6 VETERANS HEALTH ADMINISTRATION

7 MEDICAL SERVICES

8 For necessary expenses for furnishing, as authorized
9 by law, inpatient and outpatient care and treatment to
10 beneficiaries of the Department of Veterans Affairs and
11 veterans described in section 1705(a) of title 38, United
12 States Code, including care and treatment in facilities not
13 under the jurisdiction of the Department, and including
14 medical supplies and equipment, bioengineering services,
15 food services, and salaries and expenses of healthcare em-
16 ployees hired under title 38, United States Code, aid to
17 State homes as authorized by section 1741 of title 38,
18 United States Code, assistance and support services for
19 caregivers as authorized by section 1720G of title 38,
20 United States Code, loan repayments authorized by sec-
21 tion 604 of the Caregivers and Veterans Omnibus Health
22 Services Act of 2010 (Public Law 111-163; 124 Stat.
23 1174; 38 U.S.C. 7681 note), and hospital care and med-
24 ical services authorized by section 1787 of title 38, United
25 States Code; \$1,078,993,000, which shall be in addition

1 to funds previously appropriated under this heading that
2 become available on October 1, 2016; and, in addition,
3 \$44,886,554,000, plus reimbursements, shall become
4 available on October 1, 2017, and shall remain available
5 until September 30, 2018: *Provided*, That, of the amount
6 made available on October 1, 2017, under this heading,
7 \$1,400,000,000 shall remain available until September 30,
8 2019: *Provided further*, That, notwithstanding any other
9 provision of law, the Secretary of Veterans Affairs shall
10 establish a priority for the provision of medical treatment
11 for veterans who have service-connected disabilities, lower
12 income, or have special needs: *Provided further*, That, not-
13 withstanding any other provision of law, the Secretary of
14 Veterans Affairs shall give priority funding for the provi-
15 sion of basic medical benefits to veterans in enrollment
16 priority groups 1 through 6: *Provided further*, That, not-
17 withstanding any other provision of law, the Secretary of
18 Veterans Affairs may authorize the dispensing of prescrip-
19 tion drugs from Veterans Health Administration facilities
20 to enrolled veterans with privately written prescriptions
21 based on requirements established by the Secretary: *Pro-*
22 *vided further*, That the implementation of the program de-
23 scribed in the previous proviso shall incur no additional
24 cost to the Department of Veterans Affairs: *Provided fur-*
25 *ther*, That the Secretary of Veterans Affairs shall ensure

1 that sufficient amounts appropriated under this heading
2 for medical supplies and equipment are available for the
3 acquisition of prosthetics designed specifically for female
4 veterans: *Provided further*, That the Secretary of Veterans
5 Affairs shall provide access to therapeutic listening devices
6 to veterans struggling with mental health related prob-
7 lems, substance abuse, or traumatic brain injury.

8 MEDICAL COMMUNITY CARE

9 For necessary expenses for furnishing health care to
10 individuals pursuant to chapter 17 of title 38, United
11 States Code, at non-Department facilities,
12 \$7,246,181,000, plus reimbursements, of which
13 \$2,000,000,000 shall remain available until September 30,
14 2020; and, in addition, \$9,409,118,000 shall become avail-
15 able on October 1, 2017, and shall remain available until
16 September 30, 2018: *Provided*, That of the amount made
17 available on October 1, 2017, \$1,500,000,000 shall remain
18 available until September 30, 2021.

19 MEDICAL SUPPORT AND COMPLIANCE

20 For necessary expenses in the administration of the
21 medical, hospital, nursing home, domiciliary, construction,
22 supply, and research activities, as authorized by law; ad-
23 ministrative expenses in support of capital policy activi-
24 ties; and administrative and legal expenses of the Depart-
25 ment for collecting and recovering amounts owed the De-

1 partment as authorized under chapter 17 of title 38,
2 United States Code, and the Federal Medical Care Recov-
3 ery Act (42 U.S.C. 2651 et seq.), \$6,654,480,000, plus
4 reimbursements, shall become available on October 1,
5 2017, and shall remain available until September 30,
6 2018: *Provided*, That, of the amount made available on
7 October 1, 2017, under this heading, \$100,000,000 shall
8 remain available until September 30, 2019.

9

MEDICAL FACILITIES

10 For necessary expenses for the maintenance and op-
11 eration of hospitals, nursing homes, domiciliary facilities,
12 and other necessary facilities of the Veterans Health Ad-
13 ministration; for administrative expenses in support of
14 planning, design, project management, real property ac-
15 quisition and disposition, construction, and renovation of
16 any facility under the jurisdiction or for the use of the
17 Department; for oversight, engineering, and architectural
18 activities not charged to project costs; for repairing, alter-
19 ing, improving, or providing facilities in the several hos-
20 pitals and homes under the jurisdiction of the Depart-
21 ment, not otherwise provided for, either by contract or by
22 the hire of temporary employees and purchase of mate-
23 rials; for leases of facilities; and for laundry services;
24 \$247,668,000, which shall be in addition to funds pre-
25 viously appropriated under this heading that become avail-

1 able on October 1, 2016; and, in addition,
2 \$5,434,880,000, plus reimbursements, shall become avail-
3 able on October 1, 2017, and shall remain available until
4 September 30, 2018: *Provided*, That, of the amount made
5 available on October 1, 2017, under this heading,
6 \$250,000,000 shall remain available until September 30,
7 2019.

8 MEDICAL AND PROSTHETIC RESEARCH

9 For necessary expenses in carrying out programs of
10 medical and prosthetic research and development as au-
11 thorized by chapter 73 of title 38, United States Code,
12 \$675,366,000, plus reimbursements, shall remain avail-
13 able until September 30, 2018: *Provided*, That the Sec-
14 retary of Veterans Affairs shall ensure that sufficient
15 amounts appropriated under this heading are available for
16 prosthetic research specifically for female veterans, and
17 for toxic exposure research.

18 NATIONAL CEMETERY ADMINISTRATION

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

1 of the National Cemetery Administration, \$286,193,000,
2 of which not to exceed 10 percent shall remain available
3 until September 30, 2018.

4 DEPARTMENTAL ADMINISTRATION

5 GENERAL ADMINISTRATION

6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary operating expenses of the Department
8 of Veterans Affairs, not otherwise provided for, including
9 administrative expenses in support of Department-wide
10 capital planning, management and policy activities, uni-
11 forms, or allowances therefor; not to exceed \$25,000 for
12 official reception and representation expenses; hire of pas-
13 senger motor vehicles; and reimbursement of the General
14 Services Administration for security guard services,
15 \$345,391,000, of which not to exceed 5 percent shall re-
16 main available until September 30, 2018: *Provided*, That
17 funds provided under this heading may be transferred to
18 "General Operating Expenses, Veterans Benefits Adminis-
19 tration".

20 BOARD OF VETERANS APPEALS

21 For necessary operating expenses of the Board of
22 Veterans Appeals, \$156,096,000, of which not to exceed
23 10 percent shall remain available until September 30,
24 2018.

1 INFORMATION TECHNOLOGY SYSTEMS
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses for information technology
4 systems and telecommunications support, including devel-
5 opmental information systems and operational information
6 systems; for pay and associated costs; and for the capital
7 asset acquisition of information technology systems, in-
8 cluding management and related contractual costs of said
9 acquisitions, including contractual costs associated with
10 operations authorized by section 3109 of title 5, United
11 States Code, \$4,278,259,000, plus reimbursements: *Pro-*
12 *vided*, That \$1,272,548,000 shall be for pay and associ-
13 ated costs, of which not to exceed \$37,100,000 shall re-
14 main available until September 30, 2018: *Provided further*,
15 That \$2,534,442,000 shall be for operations and mainte-
16 nance, of which not to exceed \$180,200,000 shall remain
17 available until September 30, 2018: *Provided further*, That
18 \$471,269,000 shall be for information technology systems
19 development, modernization, and enhancement, and shall
20 remain available until September 30, 2018: *Provided fur-*
21 *ther*, That amounts made available for information tech-
22 nology systems development, modernization, and enhance-
23 ment may not be obligated or expended until the Secretary
24 of Veterans Affairs or the Chief Information Officer of
25 the Department of Veterans Affairs submits to the Com-

1 mittees on Appropriations of both Houses of Congress a
2 certification of the amounts, in parts or in full, to be obli-
3 gated and expended for each development project: *Pro-*
4 *vided further*, That amounts made available for salaries
5 and expenses, operations and maintenance, and informa-
6 tion technology systems development, modernization, and
7 enhancement may be transferred among the three sub-
8 accounts after the Secretary of Veterans Affairs requests
9 from the Committees on Appropriations of both Houses
10 of Congress the authority to make the transfer and an
11 approval is issued: *Provided further*, That amounts made
12 available for the "Information Technology Systems" ac-
13 count for development, modernization, and enhancement
14 may be transferred among projects or to newly defined
15 projects: *Provided further*, That no project may be in-
16 creased or decreased by more than \$1,000,000 of cost
17 prior to submitting a request to the Committees on Appro-
18 priations of both Houses of Congress to make the transfer
19 and an approval is issued, or absent a response, a period
20 of 30 days has elapsed: *Provided further*, That funds under
21 this heading may be used by the Interagency Program Of-
22 fice through the Department of Veterans Affairs to define
23 data standards, code sets, and value sets used to enable
24 interoperability: *Provided further*, That of the funds made
25 available for information technology systems development,

1 modernization, and enhancement for VistA Evolution or
2 any successor program, not more than 25 percent may be
3 obligated or expended until the Secretary of Veterans Af-
4 fairs:

5 (1) submits to the Committees on Appropria-
6 tions of both Houses of Congress the VistA Evo-
7 lution Business Case and supporting documents re-
8 garding continuation of VistA Evolution or alter-
9 natives to VistA Evolution, including an analysis of
10 necessary or desired capabilities, technical and secu-
11 rity requirements, the plan for modernizing the plat-
12 form framework, and all associated costs;

13 (2) submits to the Committees on Appropria-
14 tions of both Houses of Congress, and such Commit-
15 tees approve, the following: a report that describes
16 a strategic plan for VistA Evolution, or any suc-
17 cessor program, and the associated implementation
18 plan including metrics and timelines; a master
19 schedule and lifecycle cost estimate for VistA Evo-
20 lution or any successor; and an implementation plan
21 for the transition from the Project Management Ac-
22 countability System to a new project delivery frame-
23 work, the Veteran-focused Integration Process, that
24 includes the methodology by which projects will be

1 tracked, progress measured, and deliverables evalu-
2 ated;

3 (3) submits to the Committees on Appropria-
4 tions of both Houses of Congress a report outlining
5 the strategic plan to reach interoperability with pri-
6 vate sector healthcare providers, the timeline for
7 reaching “meaningful use” as defined by the Office
8 of National Coordinator for Health Information
9 Technology for each data domain covered under the
10 VistA Evolution program, and the extent to which
11 the Department of Veterans Affairs leverages the
12 State Health Information Exchanges to share health
13 data with private sector providers;

14 (4) submits to the Committees on Appropria-
15 tions of both Houses of Congress, and such Commit-
16 tees approve, the following: a report that describes
17 the extent to which VistA Evolution, or any suc-
18 cessor program, maximizes the use of commercially
19 available software used by DoD and the private sec-
20 tor, requires an open architecture that leverages best
21 practices and rapidly adapts to technologies pro-
22 duced by the private sector, enhances full interoper-
23 ability between the VA and DoD and between VA
24 and the private sector, and ensures the security of

1 personally identifiable information of veterans and
2 beneficiaries; and

3 (5) certifies in writing to the Committees on
4 Appropriations of both Houses of Congress that the
5 Department of Veterans Affairs has met the require-
6 ments contained in the National Defense Authoriza-
7 tion Act of Fiscal Year 2014 (Public Law 113-66)
8 which require that electronic health record systems
9 of the Department of Defense and the Department
10 of Veterans Affairs have reached interoperability,
11 comply with national standards and architectural re-
12 quirements identified by the DoD/VA Interagency
13 Program Office in collaboration with the Office of
14 National Coordinator for Health Information Tech-
15 nology:

16 *Provided further*, That the funds made available under this
17 heading for information technology systems development,
18 modernization, and enhancement, shall be for the projects,
19 and in the amounts, specified under this heading in the
20 joint explanatory statement accompanying this Act.

21 OFFICE OF INSPECTOR GENERAL

22 For necessary expenses of the Office of Inspector
23 General, to include information technology, in carrying out
24 the provisions of the Inspector General Act of 1978 (5

1 U.S.C. App.), \$160,106,000, of which not to exceed 10
2 percent shall remain available until September 30, 2018.

3 CONSTRUCTION, MAJOR PROJECTS

4 For constructing, altering, extending, and improving
5 any of the facilities, including parking projects, under the
6 jurisdiction or for the use of the Department of Veterans
7 Affairs, or for any of the purposes set forth in sections
8 316, 2404, 2406 and chapter 81 of title 38, United States
9 Code, not otherwise provided for, including planning, ar-
10 chitectural and engineering services, construction manage-
11 ment services, maintenance or guarantee period services
12 costs associated with equipment guarantees provided
13 under the project, services of claims analysts, offsite utility
14 and storm drainage system construction costs, and site ac-
15 quisition, where the estimated cost of a project is more
16 than the amount set forth in section 8104(a)(3)(A) of title
17 38, United States Code, or where funds for a project were
18 made available in a previous major project appropriation,
19 \$528,110,000, of which \$478,110,000 shall remain avail-
20 able until September 30, 2021, and of which \$50,000,000
21 shall remain available until expended: *Provided*, That ex-
22 cept for advance planning activities, including needs as-
23 sessments which may or may not lead to capital invest-
24 ments, and other capital asset management related activi-
25 ties, including portfolio development and management ac-

1 tivities, and investment strategy studies funded through
2 the advance planning fund and the planning and design
3 activities funded through the design fund, including needs
4 assessments which may or may not lead to capital invest-
5 ments, and salaries and associated costs of the resident
6 engineers who oversee those capital investments funded
7 through this account and contracting officers who manage
8 specific major construction projects, and funds provided
9 for the purchase, security, and maintenance of land for
10 the National Cemetery Administration through the land
11 acquisition line item, none of the funds made available
12 under this heading shall be used for any project that has
13 not been notified to Congress through the budgetary proc-
14 ess or that has not been approved by the Congress through
15 statute, joint resolution, or in the explanatory statement
16 accompanying such Act and presented to the President at
17 the time of enrollment: *Provided further*, That funds made
18 available under this heading for fiscal year 2017, for each
19 approved project shall be obligated: (1) by the awarding
20 of a construction documents contract by September 30,
21 2017; and (2) by the awarding of a construction contract
22 by September 30, 2018: *Provided further*, That the Sec-
23 retary of Veterans Affairs shall promptly submit to the
24 Committees on Appropriations of both Houses of Congress
25 a written report on any approved major construction

1 project for which obligations are not incurred within the
2 time limitations established above: *Provided further*, That,
3 of the amount made available under this heading,
4 \$222,620,000 for Veterans Health Administration major
5 construction projects shall not be available until the De-
6 partment of Veterans Affairs—

7 (1) enters into an agreement with an appro-
8 priate non-Department of Veterans Affairs Federal
9 entity to serve as the design and/or construction
10 agent for any Veterans Health Administration major
11 construction project with a Total Estimated Cost of
12 \$100,000,000 or above by providing full project
13 management services, including management of the
14 project design, acquisition, construction, and con-
15 tract changes, consistent with section 502 of Public
16 Law 114-58; and

17 (2) certifies in writing that such an agreement
18 is executed and intended to minimize or prevent sub-
19 sequent major construction project cost overruns
20 and provides a copy of the agreement entered into
21 and any required supplementary information to the
22 Committees on Appropriations of both Houses of
23 Congress.

1 CONSTRUCTION, MINOR PROJECTS

2 For constructing, altering, extending, and improving
3 any of the facilities, including parking projects, under the
4 jurisdiction or for the use of the Department of Veterans
5 Affairs, including planning and assessments of needs
6 which may lead to capital investments, architectural and
7 engineering services, maintenance or guarantee period
8 services costs associated with equipment guarantees pro-
9 vided under the project, services of claims analysts, offsite
10 utility and storm drainage system construction costs, and
11 site acquisition, or for any of the purposes set forth in
12 sections 316, 2404, 2406 and chapter 81 of title 38,
13 United States Code, not otherwise provided for, where the
14 estimated cost of a project is equal to or less than the
15 amount set forth in section 8104(a)(3)(A) of title 38,
16 United States Code, \$372,069,000, to remain available
17 until September 30, 2021, along with unobligated balances
18 of previous "Construction, Minor Projects" appropriations
19 which are hereby made available for any project where the
20 estimated cost is equal to or less than the amount set forth
21 in such section: *Provided*, That funds made available
22 under this heading shall be for: (1) repairs to any of the
23 nonmedical facilities under the jurisdiction or for the use
24 of the Department which are necessary because of loss or
25 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 STATE EXTENDED CARE

4 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 2017 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 2017, 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 2016.

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 2017, 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 2017 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 2017 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.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 210. Funds available in this title or funds for
3 salaries and other administrative expenses shall also be
4 available to reimburse the Office of Resolution Manage-
5 ment of the Department of Veterans Affairs and the Of-
6 fice of Employment Discrimination Complaint Adjudica-
7 tion under section 319 of title 38, United States Code,
8 for all services provided at rates which will recover actual
9 costs but not to exceed \$47,668,000 for the Office of Reso-
10 lution Management and \$3,932,000 for the Office of Em-
11 ployment Discrimination Complaint Adjudication: *Pro-*
12 *vided*, That payments may be made in advance for services
13 to be furnished based on estimated costs: *Provided further*,
14 That amounts received shall be credited to the “General
15 Administration” and “Information Technology Systems”
16 accounts for use by the office that provided the service.

17 SEC. 211. No funds of the Department of Veterans
18 Affairs shall be available for hospital care, nursing home
19 care, or medical services provided to any person under
20 chapter 17 of title 38, United States Code, for a non-serv-
21 ice-connected disability described in section 1729(a)(2) of
22 such title, unless that person has disclosed to the Sec-
23 retary of Veterans Affairs, in such form as the Secretary
24 may require, current, accurate third-party reimbursement
25 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 (RESCISSION OF FUNDS)

6 SEC. 217. Of the amounts appropriated in title II of
7 division J of Public Law 114–113 under the heading
8 “Medical Services” which become available on October 1,
9 2016, \$7,246,181,000 are hereby rescinded.

10 SEC. 218. Not later than 30 days after the end of
11 each fiscal quarter, the Secretary of Veterans Affairs shall
12 submit to the Committees on Appropriations of both
13 Houses of Congress a report on the financial status of the
14 Department of Veterans Affairs for the preceding quarter:
15 *Provided*, That, at a minimum, the report shall include
16 the direction contained in the paragraph entitled “Quar-
17 terly reporting”, under the heading “General Administra-
18 tion” in the joint explanatory statement accompanying
19 this Act.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 219. Amounts made available under the “Med-
22 ical Services”, “Medical Community Care”, “Medical Sup-
23 port and Compliance”, “Medical Facilities”, “General Op-
24 erating Expenses, Veterans Benefits Administration”,
25 “General Administration”, and “National Cemetery Ad-

1 ministrations” accounts for fiscal year 2017 may be trans-
2 ferred to or from the “Information Technology Systems”
3 account: *Provided*, That such transfers may not result in
4 a more than 10 percent aggregate increase in the total
5 amount made available by this Act for the “Information
6 Technology Systems” account: *Provided further*, That, be-
7 fore a transfer may take place, the Secretary of Veterans
8 Affairs shall request from the Committees on Appropria-
9 tions of both Houses of Congress the authority to make
10 the transfer and an approval is issued.

11 SEC. 220. None of the funds appropriated or other-
12 wise made available by this Act or any other Act for the
13 Department of Veterans Affairs may be used in a manner
14 that is inconsistent with: (1) section 842 of the Transpor-
15 tation, Treasury, Housing and Urban Development, the
16 Judiciary, the District of Columbia, and Independent
17 Agencies Appropriations Act, 2006 (Public Law 109–115;
18 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
19 United States Code.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 221. Of the amounts appropriated to the De-
22 partment of Veterans Affairs for fiscal year 2017 for
23 “Medical Services”, “Medical Community Care”, “Medical
24 Support and Compliance”, “Medical Facilities”, “Con-
25 struction, Minor Projects”, and “Information Technology

1 Systems”, up to \$274,731,000, plus reimbursements, may
2 be transferred to the Joint Department of Defense-De-
3 partment of Veterans Affairs Medical Facility Demonstra-
4 tion Fund, established by section 1704 of the National De-
5 fense Authorization Act for Fiscal Year 2010 (Public Law
6 111–84; 123 Stat. 3571) and may be used for operation
7 of the facilities designated as combined Federal medical
8 facilities as described by section 706 of the Duncan
9 Hunter National Defense Authorization Act for Fiscal
10 Year 2009 (Public Law 110–417; 122 Stat. 4500): *Pro-*
11 *vided*, That additional funds may be transferred from ac-
12 counts designated in this section to the Joint Department
13 of Defense-Department of Veterans Affairs Medical Facil-
14 ity Demonstration Fund upon written notification by the
15 Secretary of Veterans Affairs to the Committees on Ap-
16 propriations of both Houses of Congress: *Provided further*,
17 That section 223 of title II of division J of Public Law
18 114–113 is repealed.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 222. Of the amounts appropriated to the De-
21 partment of Veterans Affairs which become available on
22 October 1, 2017, for “Medical Services”, “Medical Com-
23 munity Care”, “Medical Support and Compliance”, and
24 “Medical Facilities”, up to \$280,802,000, plus reimburse-
25 ments, may be transferred to the Joint Department of De-

1 fense-Department of Veterans Affairs Medical Facility
2 Demonstration Fund, established by section 1704 of the
3 National Defense Authorization Act for Fiscal Year 2010
4 (Public Law 111-84; 123 Stat. 3571) and may be used
5 for operation of the facilities designated as combined Fed-
6 eral medical facilities as described by section 706 of the
7 Duncan Hunter National Defense Authorization Act for
8 Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500):
9 *Provided*, That additional funds may be transferred from
10 accounts designated in this section to the Joint Depart-
11 ment of Defense-Department of Veterans Affairs Medical
12 Facility Demonstration Fund upon written notification by
13 the Secretary of Veterans Affairs to the Committees on
14 Appropriations of both Houses of Congress.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 223. Such sums as may be deposited to the
17 Medical Care Collections Fund pursuant to section 1729A
18 of title 38, United States Code, for healthcare provided
19 at facilities designated as combined Federal medical facili-
20 ties as described by section 706 of the Duncan Hunter
21 National Defense Authorization Act for Fiscal Year 2009
22 (Public Law 110-417; 122 Stat. 4500) shall also be avail-
23 able: (1) for transfer to the Joint Department of Defense-
24 Department of Veterans Affairs Medical Facility Dem-
25 onstration Fund, established by section 1704 of the Na-

1 tional Defense Authorization Act for Fiscal Year 2010
2 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-
3 ations of the facilities designated as combined Federal
4 medical facilities as described by section 706 of the Dun-
5 can Hunter National Defense Authorization Act for Fiscal
6 Year 2009 (Public Law 110–417; 122 Stat. 4500).

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 224. Of the amounts available in this title for
9 “Medical Services”, “Medical Community Care”, “Medical
10 Support and Compliance”, and “Medical Facilities”, a
11 minimum of \$15,000,000 shall be transferred to the
12 DOD–VA Health Care Sharing Incentive Fund, as au-
13 thorized by section 8111(d) of title 38, United States
14 Code, to remain available until expended, for any purpose
15 authorized by section 8111 of title 38, United States Code.

16 SEC. 225. None of the funds available to the Depart-
17 ment of Veterans Affairs, in this or any other Act, may
18 be used to replace the current system by which the Vet-
19 erans Integrated Service Networks select and contract for
20 diabetes monitoring supplies and equipment.

21 SEC. 226. The Secretary of Veterans Affairs shall no-
22 tify the Committees on Appropriations of both Houses of
23 Congress of all bid savings in a major construction project
24 that total at least \$5,000,000, or 5 percent of the pro-
25 grammed amount of the project, whichever is less: *Pro-*

1 *vided*, That such notification shall occur within 14 days
2 of a contract identifying the programmed amount: *Pro-*
3 *vided further*, That the Secretary shall notify the Commit-
4 tees on Appropriations of both Houses of Congress 14
5 days prior to the obligation of such bid savings and shall
6 describe the anticipated use of such savings.

7 SEC. 227. None of the funds made available for
8 “Construction, Major Projects” may be used for a project
9 in excess of the scope specified for that project in the origi-
10 nal justification data provided to the Congress as part of
11 the request for appropriations unless the Secretary of Vet-
12 erans Affairs receives approval from the Committees on
13 Appropriations of both Houses of Congress.

14 SEC. 228. Not later than 30 days after the end of
15 each fiscal quarter, the Secretary of Veterans Affairs shall
16 submit to the Committees on Appropriations of both
17 Houses of Congress a quarterly report containing perform-
18 ance measures and data from each Veterans Benefits Ad-
19 ministration Regional Office: *Provided*, That, at a min-
20 imum, the report shall include the direction contained in
21 the section entitled “Disability claims backlog”, under the
22 heading “General Operating Expenses, Veterans Benefits
23 Administration” in the joint explanatory statement accom-
24 panying this Act.

1 SEC. 229. Of the funds provided to the Department
2 of Veterans Affairs for fiscal year 2017 for “Medical Sup-
3 port and Compliance” a maximum of \$40,000,000 may
4 be obligated from the “Medical Support and Compliance”
5 account for the VistA Evolution and electronic health
6 record interoperability projects: *Provided*, That funds in
7 addition to these amounts may be obligated for the VistA
8 Evolution and electronic health record interoperability
9 projects upon written notification by the Secretary of Vet-
10 erans Affairs to the Committees on Appropriations of both
11 Houses of Congress.

12 SEC. 230. The Secretary of Veterans Affairs shall
13 provide written notification to the Committees on Appro-
14 priations of both Houses of Congress 15 days prior to or-
15 ganizational changes which result in the transfer of 25 or
16 more full-time equivalents from one organizational unit of
17 the Department of Veterans Affairs to another.

18 SEC. 231. The Secretary of Veterans Affairs shall
19 provide on a quarterly basis to the Committees on Appro-
20 priations of both Houses of Congress notification of any
21 single national outreach and awareness marketing cam-
22 paign in which obligations exceed \$2,000,000.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 232. The Secretary of Veterans Affairs, upon
25 determination that such action is necessary to address

1 needs of the Veterans Health Administration, may trans-
2 fer to the "Medical Services" account any discretionary
3 appropriations made available for fiscal year 2017 in this
4 title (except appropriations made to the "General Oper-
5 ating Expenses, Veterans Benefits Administration" ac-
6 count) or any discretionary unobligated balances within
7 the Department of Veterans Affairs, including those ap-
8 propriated for fiscal year 2017, that were provided in ad-
9 vance by appropriations Acts: *Provided*, That transfers
10 shall be made only with the approval of the Office of Man-
11 agement and Budget: *Provided further*, That the transfer
12 authority provided in this section is in addition to any
13 other transfer authority provided by law: *Provided further*,
14 That no amounts may be transferred from amounts that
15 were designated by Congress as an emergency requirement
16 pursuant to a concurrent resolution on the budget or the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985: *Provided further*, That such authority to transfer
19 may not be used unless for higher priority items, based
20 on emergent healthcare requirements, than those for
21 which originally appropriated and in no case where the
22 item for which funds are requested has been denied by
23 Congress: *Provided further*, That, upon determination that
24 all or part of the funds transferred from an appropriation
25 are not necessary, such amounts may be transferred back

1 to that appropriation and shall be available for the same
2 purposes as originally appropriated: *Provided further*,
3 That before a transfer may take place, the Secretary of
4 Veterans Affairs shall request from the Committees on
5 Appropriations of both Houses of Congress the authority
6 to make the transfer and receive approval of that request.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 233. Amounts made available for the Depart-
9 ment of Veterans Affairs for fiscal year 2017, under the
10 “Board of Veterans Appeals” and the “General Operating
11 Expenses, Veterans Benefits Administration” accounts
12 may be transferred between such accounts: *Provided*, That
13 before a transfer may take place, the Secretary of Vet-
14 erans Affairs shall request from the Committees on Appro-
15 priations of both Houses of Congress the authority to
16 make the transfer and receive approval of that request.

17 SEC. 234. The Secretary of Veterans Affairs may not
18 reprogram funds among major construction projects or
19 programs if such instance of reprogramming will exceed
20 \$5,000,000, unless such reprogramming is approved by
21 the Committees on Appropriations of both Houses of Con-
22 gress.

1 (RESCISSION OF FUNDS)

2 SEC. 235. Of the unobligated balances available with-
3 in the “DOD–VA Health Care Sharing Incentive Fund”,
4 \$40,000,000 are hereby rescinded.

5 (RESCISSIONS OF FUNDS)

6 SEC. 236. Of the discretionary funds made available
7 in Public Law 114–113 for the Department of Veterans
8 Affairs for fiscal year 2017, \$134,000,000 are rescinded
9 from “Medical Services”, \$26,000,000 are rescinded from
10 “Medical Support and Compliance”, and \$9,000,000 are
11 rescinded from “Medical Facilities”.

12 SEC. 237. The amounts otherwise made available by
13 this Act for the following accounts of the Department of
14 Veterans Affairs are hereby reduced by the following
15 amounts:

16 (1) “Veterans Health Administration—Medical
17 and Prosthetic Research”, \$2,000,000.

18 (2) “Departmental Administration—Board of
19 Veterans Appeals”, \$500,000.

20 (3) “Veterans Benefits Administration—Gen-
21 eral Operating Expenses, Veterans Benefits Admin-
22 istration”, \$12,000,000.

23 (4) “Departmental Administration—Informa-
24 tion Technology Systems”, \$8,000,000.

1 (5) “Departmental Administration—Office of
2 Inspector General”, \$500,000.

3 SEC. 238. The Secretary of Veterans Affairs shall en-
4 sure that the toll-free suicide hotline under section
5 1720F(h) of title 38, United States Code—

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

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

11 SEC. 239. (a) The Secretary of Veterans Affairs shall
12 treat a marriage and family therapist described in sub-
13 section (b) as qualified to serve as a marriage and family
14 therapist in the Department of Veterans Affairs, regard-
15 less of any requirements established by the Commission
16 on Accreditation for Marriage and Family Therapy Edu-
17 cation.

18 (b) A marriage and family therapist described in this
19 subsection is a therapist who meets each of the following
20 criteria:

21 (1) Has a masters or higher degree in marriage
22 and family therapy, or a related field, from a region-
23 ally accredited institution.

24 (2) Is licensed as a marriage and family thera-
25 pist in a State (as defined in section 101(20) of title

1 38, United States Code) and possesses the highest
2 level of licensure offered from the State.

3 (3) Has passed the Association of Marital and
4 Family Therapy Regulatory Board Examination in
5 Marital and Family Therapy or a related examina-
6 tion for licensure administered by a State (as so de-
7 fined).

8 SEC. 240. None of the funds in this or any other Act
9 may be used to close Department of Veterans Affairs (VA)
10 hospitals, domiciliaries, or clinics, conduct an environ-
11 mental assessment, or to diminish healthcare services at
12 existing Veterans Health Administration medical facilities
13 located in Veterans Integrated Service Network 23 as part
14 of a planned realignment of VA services until the Sec-
15 retary provides to the Committees on Appropriations of
16 both Houses of Congress a report including the following
17 elements:

18 (1) a national realignment strategy that in-
19 cludes a detailed description of realignment plans
20 within each Veterans Integrated Service Network
21 (VISN), including an updated Long Range Capital
22 Plan to implement realignment requirements;

23 (2) an explanation of the process by which
24 those plans were developed and coordinated within
25 each VISN;

1 (3) a cost vs. benefit analysis of each planned
2 realignment, including the cost of replacing Veterans
3 Health Administration services with contract care or
4 other outsourced services;

5 (4) an analysis of how any such planned re-
6 alignment of services will impact access to care for
7 veterans living in rural or highly rural areas, includ-
8 ing travel distances and transportation costs to ac-
9 cess a VA medical facility and availability of local
10 specialty and primary care;

11 (5) an inventory of VA buildings with historic
12 designation and the methodology used to determine
13 the buildings' condition and utilization;

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

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

23 SEC. 241. None of the funds appropriated in this or
24 prior appropriations Acts or otherwise made available to
25 the Department of Veterans Affairs may be used to trans-

1 fer any amounts from the Filipino Veterans Equity Com-
2 pensation Fund to any other account within the Depart-
3 ment of Veterans Affairs.

4 SEC. 242. Paragraph (3) of section 403(a) of the Vet-
5 erans' Mental Health and Other Care Improvements Act
6 of 2008 (Public Law 110-387; 38 U.S.C. 1703 note) is
7 amended to read as follows:

8 “(3) DURATION.—A veteran may receive health
9 services under this section during the period begin-
10 ning on the date specified in paragraph (2) and end-
11 ing on September 30, 2017.”

12 SEC. 243. (a) Section 1722A(a) of title 38, United
13 States Code, is amended by adding at the end the fol-
14 lowing new paragraph:

15 “(4) Paragraph (1) does not apply to opioid an-
16 tagonists furnished under this chapter to a veteran
17 who is at high risk for overdose of a specific medica-
18 tion or substance in order to reverse the effect of
19 such an overdose.”

20 (b) Section 1710(g)(3) of such title is amended—

21 (1) by striking “with respect to home health
22 services” and inserting “with respect to the fol-
23 lowing:”

24 “(A) Home health services”; and

1 (2) by adding at the end the following new sub-
2 paragraph:

3 “(B) Education on the use of opioid an-
4 tagonists to reverse the effects of overdoses of
5 specific medications or substances.”.

6 SEC. 244. Section 312 of title 38, United States
7 Code, is amended in subsection (c)(1) by striking the
8 phrase “that makes a recommendation or otherwise sug-
9 gests corrective action,”.

10 SEC. 245. Of the funds provided to the Department
11 of Veterans Affairs for each of fiscal year 2017 and fiscal
12 year 2018 for “Medical Services”, funds may be used in
13 each year to carry out and expand the child care program
14 authorized by section 205 of Public Law 111-163, not-
15 withstanding subsection (e) of such section.

16 SEC. 246. Section 5701(l) of title 38, United States
17 Code, is amended by striking “may” and inserting “shall”.

18 VA PATIENT PROTECTION ACT OF 2016

19 SEC. 247. (a) PROCEDURE AND ADMINISTRATION.—

20 (1) IN GENERAL.—Chapter 7 of title 38, United
21 States Code, is amended by adding at the end the fol-
22 lowing new subchapter:

1 sonable likelihood that the complaint discloses a violation
2 of any law, rule, or regulation, or gross mismanagement,
3 gross waste of funds, abuse of authority, or substantial
4 and specific danger to public health and safety.

5 “(B) The supervisor shall retain written documenta-
6 tion regarding the whistleblower complaint and shall sub-
7 mit to the next-level supervisor and the central whistle-
8 blower office described in subsection (h) a written report
9 on the complaint.

10 “(2)(A) On a monthly basis, the supervisor shall sub-
11 mit to the appropriate director or other official who is su-
12 perior to the supervisor a written report that includes the
13 number of whistleblower complaints received by the super-
14 visor under this section during the month covered by the
15 report, the disposition of such complaints, and any actions
16 taken because of such complaints pursuant to subsection
17 (c).

18 “(B) In the case in which such a director or official
19 carries out this paragraph, the director or official shall
20 submit such monthly report to the supervisor of the direc-
21 tor or official and to the central whistleblower office de-
22 scribed in subsection (h).

23 “(c) POSITIVE DETERMINATION.—If a supervisor
24 makes a positive determination under subsection (b)(1) re-
25 garding a whistleblower complaint of an employee, the su-

1 supervisor shall include in the notification to the employee
2 under such subsection the specific actions that the super-
3 visor will take to address the complaint.

4 “(d) FILING COMPLAINT WITH NEXT-LEVEL SUPER-
5 VISORS.—(1) If any circumstance described in paragraph
6 (3) is met, an employee may file a whistleblower complaint
7 in accordance with subsection (g) with the next-level su-
8 pervisor who shall treat such complaint in accordance with
9 this section.

10 “(2) An employee may file a whistleblower complaint
11 with the Secretary if the employee has filed the whistle-
12 blower complaint to each level of supervisors between the
13 employee and the Secretary in accordance with paragraph
14 (1).

15 “(3) A circumstance described in this paragraph is
16 any of the following circumstances:

17 “(A) A supervisor does not make a timely de-
18 termination under subsection (b)(1) regarding a
19 whistleblower complaint.

20 “(B) The employee who made a whistleblower
21 complaint determines that the supervisor did not
22 adequately address the complaint pursuant to sub-
23 section (c).

24 “(C) The immediate supervisor of the employee
25 is the basis of the whistleblower complaint.

1 “(e) TRANSFER OF EMPLOYEE WHO FILES WHIS-
2 TLEBLOWER COMPLAINT.—If a supervisor makes a posi-
3 tive determination under subsection (b)(1) regarding a
4 whistleblower complaint filed by an employee, the Sec-
5 retary shall—

6 “(1) inform the employee of the ability to vol-
7 unteer for a transfer in accordance with section
8 3352 of title 5; and

9 “(2) give preference to the employee for such a
10 transfer in accordance with such section.

11 “(f) PROHIBITION ON EXEMPTION.—The Secretary
12 may not exempt any employee of the Department from
13 being covered by this section.

14 “(g) WHISTLEBLOWER COMPLAINT FORM.—(1) A
15 whistleblower complaint filed by an employee under sub-
16 section (a) or (d) shall consist of the form described in
17 paragraph (2) and any supporting materials or docu-
18 mentation the employee determines necessary.

19 “(2) The form described in this paragraph is a form
20 developed by the Secretary, in consultation with the Spe-
21 cial Counsel, that includes the following:

22 “(A) An explanation of the purpose of the whis-
23 tleblower complaint form.

24 “(B) Instructions for filing a whistleblower
25 complaint as described in this section.

1 “(C) An explanation that filing a whistleblower
2 complaint under this section does not preclude the
3 employee from any other method established by law
4 in which an employee may file a whistleblower com-
5 plaint.

6 “(D) A statement directing the employee to in-
7 formation accessible on the Internet website of the
8 Department as described in section 735(d).

9 “(E) Fields for the employee to provide—

10 “(i) the date that the form is submitted;

11 “(ii) the name of the employee;

12 “(iii) the contact information of the em-
13 ployee;

14 “(iv) a summary of the whistleblower com-
15 plaint (including the option to append sup-
16 porting documents pursuant to paragraph (1));
17 and

18 “(v) proposed solutions to the complaint.

19 “(F) Any other information or fields that the
20 Secretary determines appropriate.

21 “(3) The Secretary, in consultation with the Special
22 Counsel, shall develop the form described in paragraph (2)
23 by not later than 60 days after the date of the enactment
24 of this section.

1 “(h) CENTRAL WHISTLEBLOWER OFFICE.—(1) The
2 Secretary shall ensure that the central whistleblower of-
3 fice—

4 “(A) is not an element of the Office of the Gen-
5 eral Counsel;

6 “(B) is not headed by an official who reports to
7 the General Counsel;

8 “(C) does not provide, or receive from, the Gen-
9 eral Counsel any information regarding a whistle-
10 blower complaint except pursuant to an action re-
11 garding the complaint before an administrative body
12 or court; and

13 “(D) does not provide advice to the General
14 Counsel.

15 “(2) The central whistleblower office shall be respon-
16 sible for investigating all whistleblower complaints of the
17 Department, regardless of whether such complaints are
18 made by or against an employee who is not a member of
19 the Senior Executive Service.

20 “(3) The Secretary shall ensure that the central whis-
21 tleblower office maintains a toll-free hotline to any-
22 mously receive whistleblower complaints.

23 “(4) The Secretary shall ensure that the central whis-
24 tleblower office has such staff and resources as the Sec-

1 retary considers necessary to carry out the functions of
2 the central whistleblower office.

3 “(5) In this subsection, the term ‘central whistle-
4 blower office’ means the Office of Accountability Review
5 or a successor office that is established or designated by
6 the Secretary to investigate whistleblower complaints filed
7 under this section or any other method established by law.

8 **“§ 733. Adverse actions against supervisory employ-**
9 **ees who commit prohibited personnel ac-**
10 **tions relating to whistleblower com-**
11 **plaints**

12 “(a) IN GENERAL.—(1) In accordance with para-
13 graph (2), the Secretary shall carry out the following ad-
14 verse actions against supervisory employees (as defined in
15 section 7103(a) of title 5) whom the Secretary, an admin-
16 istrative judge, the Merit Systems Protection Board, the
17 Office of Special Counsel, an adjudicating body provided
18 under a union contract, a Federal judge, or the Inspector
19 General of the Department determines committed a pro-
20 hibited personnel action described in subsection (c):

21 “(A) With respect to the first offense, an ad-
22 verse action that is not less than a 12-day suspen-
23 sion and not more than removal.

24 “(B) With respect to the second offense, re-
25 moval.

1 “(2)(A) An employee against whom an adverse action
2 under paragraph (1) is proposed is entitled to written no-
3 tice.

4 “(B)(i) An employee who is notified under subpara-
5 graph (A) of being the subject of a proposed adverse ac-
6 tion under paragraph (1) is entitled to 14 days following
7 such notification to answer and furnish evidence in sup-
8 port of the answer.

9 “(ii) If the employee does not furnish any such evi-
10 dence as described in clause (i) or if the Secretary deter-
11 mines that such evidence is not sufficient to reverse the
12 determination to propose the adverse action, the Secretary
13 shall carry out the adverse action following such 14-day
14 period.

15 “(C) Paragraphs (1) and (2) of subsection (b) of sec-
16 tion 7513 of title 5, subsection (c) of such section, para-
17 graphs (1) and (2) of subsection (b) of section 7543 of
18 such title, and subsection (c) of such section shall not
19 apply with respect to an adverse action carried out under
20 paragraph (1).

21 “(b) LIMITATION ON OTHER ADVERSE ACTIONS.—
22 With respect to a prohibited personnel action described in
23 subsection (c), if the Secretary carries out an adverse ac-
24 tion against a supervisory employee, the Secretary may
25 carry out an additional adverse action under this section

1 based on the same prohibited personnel action if the total
2 severity of the adverse actions do not exceed the level spec-
3 ified in subsection (a).

4 “(c) PROHIBITED PERSONNEL ACTION DE-
5 SCRIBED.—A prohibited personnel action described in this
6 subsection is any of the following actions:

7 “(1) Taking or failing to take a personnel ac-
8 tion in violation of section 2302 of title 5 against an
9 employee relating to the employee—

10 “(A) filing a whistleblower complaint in ac-
11 cordance with section 732 of this title;

12 “(B) filing a whistleblower complaint with
13 the Inspector General of the Department, the
14 Special Counsel, or Congress;

15 “(C) providing information or participating
16 as a witness in an investigation of a whistle-
17 blower complaint in accordance with section
18 732 or with the Inspector General of the De-
19 partment, the Special Counsel, or Congress;

20 “(D) participating in an audit or investiga-
21 tion by the Comptroller General of the United
22 States;

23 “(E) refusing to perform an action that is
24 unlawful or prohibited by the Department; or

1 “(F) engaging in communications that are
2 related to the duties of the position or are oth-
3 erwise protected.

4 “(2) Preventing or restricting an employee from
5 making an action described in any of subparagraphs
6 (A) through (F) of paragraph (1).

7 “(3) Conducting a negative peer review or open-
8 ing a retaliatory investigation because of an activity
9 of an employee that is protected by section 2302 of
10 title 5.

11 “(4) Requesting a contractor to carry out an
12 action that is prohibited by section 4705(b) or sec-
13 tion 4712(a)(1) of title 41, as the case may be.

14 **“§ 734. Evaluation criteria of supervisors and treat-**
15 **ment of bonuses**

16 “(a) EVALUATION CRITERIA.—(1) In evaluating the
17 performance of supervisors of the Department, the Sec-
18 retary shall include the criteria described in paragraph
19 (2).

20 “(2) The criteria described in this subsection are the
21 following:

22 “(A) Whether the supervisor treats whistle-
23 blower complaints in accordance with section 732 of
24 this title.

1 “(B) Whether the appropriate deciding official,
2 performance review board, or performance review
3 committee determines that the supervisor was found
4 to have committed a prohibited personnel action de-
5 scribed in section 733(b) of this title by an adminis-
6 trative judge, the Merit Systems Protection Board,
7 the Office of Special Counsel, an adjudicating body
8 provided under a union contract, a Federal judge,
9 or, in the case of a settlement of a whistleblower
10 complaint (regardless of whether any fault was as-
11 signed under such settlement), the Secretary.

12 “(b) BONUSES.—(1) The Secretary may not pay to
13 a supervisor described in subsection (a)(2)(B) an award
14 or bonus under this title or title 5, including under chapter
15 45 or 53 of such title, during the one-year period begin-
16 ning on the date on which the determination was made
17 under such subsection.

18 “(2) Notwithstanding any other provision of law, the
19 Secretary shall issue an order directing a supervisor de-
20 scribed in subsection (a)(2)(B) to repay the amount of any
21 award or bonus paid under this title or title 5, including
22 under chapter 45 or 53 of such title, if—

23 “(A) such award or bonus was paid for per-
24 formance during a period in which the supervisor

1 committed a prohibited personnel action as deter-
2 mined pursuant to such subsection (a)(2)(B);

3 “(B) the Secretary determines such repayment
4 appropriate pursuant to regulations prescribed by
5 the Secretary to carry out this section; and

6 “(C) the supervisor is afforded notice and an
7 opportunity for a hearing before making such repay-
8 ment.

9 **“§ 735. Training regarding whistleblower complaints**

10 “(a) TRAINING.—Not less frequently than once each
11 year, the Secretary, in coordination with the Whistleblower
12 Protection Ombudsman designated under section
13 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C.
14 App.), shall provide to each employee of the Department
15 training regarding whistleblower complaints, including—

16 “(1) an explanation of each method established
17 by law in which an employee may file a whistle-
18 blower complaint;

19 “(2) an explanation of prohibited personnel ac-
20 tions described by section 733(c) of this title;

21 “(3) with respect to supervisors, how to treat
22 whistleblower complaints in accordance with section
23 732 of this title;

1 “(4) the right of the employee to petition Con-
2 gress regarding a whistleblower complaint in accord-
3 ance with section 7211 of title 5;

4 “(5) an explanation that the employee may not
5 be prosecuted or reprimed against for disclosing in-
6 formation to Congress, the Inspector General, or an-
7 other investigatory agency in instances where such
8 disclosure is permitted by law, including under sec-
9 tions 5701, 5705, and 7732 of this title, under sec-
10 tion 552a of title 5 (commonly referred to as the
11 Privacy Act), under chapter 93 of title 18, and pur-
12 suant to regulations promulgated under section
13 264(c) of the Health Insurance Portability and Ac-
14 countability Act of 1996 (Public Law 104–191);

15 “(6) an explanation of the language that is re-
16 quired to be included in all nondisclosure policies,
17 forms, and agreements pursuant to section
18 115(a)(1) of the Whistleblower Protection Enhance-
19 ment Act of 2012 (5 U.S.C. 2302 note); and

20 “(7) the right of contractors to be protected
21 from reprisal for the disclosure of certain informa-
22 tion under section 4705 or 4712 of title 41.

23 “(b) MANNER TRAINING IS PROVIDED.—The Sec-
24 retary shall ensure that training provided under sub-
25 section (a) is provided in person.

1 “(c) CERTIFICATION.—Not less frequently than once
2 each year, the Secretary shall provide training on merit
3 system protection in a manner that the Special Counsel
4 certifies as being satisfactory.

5 “(d) PUBLICATION.—(1) The Secretary shall publish
6 on the Internet website of the Department, and display
7 prominently at each facility of the Department, the rights
8 of an employee to file a whistleblower complaint, including
9 the information described in paragraphs (1) through (7)
10 of subsection (a).

11 “(2) The Secretary shall publish on the Internet
12 website of the Department, the whistleblower complaint
13 form described in section 732(g)(2).

14 **“§ 736. Reports to Congress**

15 “(a) ANNUAL REPORTS.—Not less frequently than
16 once each year, the Secretary shall submit to the appro-
17 priate committees of Congress a report that includes—

18 “(1) with respect to whistleblower complaints
19 filed under section 732 of this title during the year
20 covered by the report—

21 “(A) the number of such complaints filed;

22 “(B) the disposition of such complaints;

23 and

24 “(C) the ways in which the Secretary ad-
25 dressed such complaints in which a positive de-

1 termination was made by a supervisor under
2 subsection (b)(1) of such section;

3 “(2) the number of whistleblower complaints
4 filed during the year covered by the report that are
5 not included under paragraph (1), including—

6 “(A) the method in which such complaints
7 were filed;

8 “(B) the disposition of such complaints;
9 and

10 “(C) the ways in which the Secretary ad-
11 dressed such complaints; and

12 “(3) with respect to disclosures made by a con-
13 tractor under section 4705 or 4712 of title 41—

14 “(A) the number of complaints relating to
15 such disclosures that were investigated by the
16 Inspector General of the Department of Vet-
17 erans Affairs during the year covered by the re-
18 port;

19 “(B) the disposition of such complaints;
20 and

21 “(C) the ways in which the Secretary ad-
22 dressed such complaints.

23 “(b) NOTICE OF OFFICE OF SPECIAL COUNSEL DE-
24 TERMINATIONS.—Not later than 30 days after the date
25 on which the Secretary receives from the Special Counsel

1 information relating to a whistleblower complaint pursu-
2 ant to section 1213 of title 5, the Secretary shall notify
3 the appropriate committees of Congress of such informa-
4 tion, including the determination made by the Special
5 Counsel.

6 “(c) APPROPRIATE COMMITTEES OF CONGRESS.—In
7 this section, the term ‘appropriate committees of Con-
8 gress’ means—

9 “(1) the Committee on Veterans’ Affairs and
10 the Committee on Homeland Security and Govern-
11 mental Affairs of the Senate; and

12 “(2) the Committee on Veterans’ Affairs and
13 the Committee on Oversight and Government Re-
14 form of the House of Representatives.”

15 (2) CONFORMING AND CLERICAL AMENDMENTS.—

16 (A) CONFORMING AMENDMENT.—Such chapter
17 is further amended by inserting before section 701
18 the following:

19 “SUBCHAPTER I—GENERAL EMPLOYEE
20 MATTERS”.

21 (B) CLERICAL AMENDMENTS.—The table of
22 sections at the beginning of such chapter is amend-
23 ed—

24 (i) by inserting before the item relating to
25 section 701 the following new item:

“SUBCHAPTER I—GENERAL EMPLOYEE MATTERS”;

1 and

2 (ii) by adding at the end the following new

3 items:

“SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

“731. Whistleblower complaint defined.

“732. Treatment of whistleblower complaints.

“733. Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints.

“734. Evaluation criteria of supervisors and treatment of bonuses.

“735. Training regarding whistleblower complaints.

“736. Reports to Congress.”.

4 (b) TREATMENT OF CONGRESSIONAL TESTIMONY BY
5 DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES AS
6 OFFICIAL DUTY.—

7 (1) IN GENERAL.—Subchapter I of chapter 7 of
8 title 38, United States Code, as designated by sec-
9 tion 2(a)(2)(A), is amended by adding at the end the
10 following new section:

11 **“§ 715. Congressional testimony by employees: treat-**
12 **ment as official duty**

13 “(a) CONGRESSIONAL TESTIMONY.—An employee of
14 the Department is performing official duty during the pe-
15 riod with respect to which the employee is testifying in
16 an official capacity in front of either chamber of Congress,
17 a committee of either chamber of Congress, or a joint or
18 select committee of Congress.

19 “(b) TRAVEL EXPENSES.—The Secretary shall pro-
20 vide travel expenses, including per diem in lieu of subsist-
21 ence, in accordance with applicable provisions under sub-

1 chapter I of chapter 57 of title 5, to any employee of the
2 Department of Veterans Affairs performing official duty
3 described under subsection (a).”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of such chapter, as amended
6 by section 2(a)(2)(B), is further amended by insert-
7 ing after the item relating to section 713 the fol-
8 lowing new item:

“715. Congressional testimony by employees: treatment as official duty.”.

9 SEC. 248. (a) IN GENERAL.—For the purposes of
10 verifying that an individual performed service under hon-
11 orable conditions that satisfies the requirements of a
12 coastwise merchant seaman who is recognized pursuant to
13 section 401 of the GI Bill Improvement Act of 1977 (Pub-
14 lic Law 95–202; 38 U.S.C. 106 note) as having performed
15 active duty service for the purposes described in subsection
16 (c)(1), the Secretary of Defense shall accept the following:

17 (1) In the case of an individual who served on
18 a coastwise merchant vessel seeking such recognition
19 for whom no applicable Coast Guard shipping or dis-
20 charge form, ship logbook, merchant mariner’s docu-
21 ment or Z-card, or other official employment record
22 is available, the Secretary of Defense shall provide
23 such recognition on the basis of applicable Social Se-
24 curity Administration records submitted for or by
25 the individual, together with validated testimony

1 given by the individual or the primary next of kin
2 of the individual that the individual performed such
3 service during the period beginning on December 7,
4 1941, and ending on December 31, 1946.

5 (2) In the case of an individual who served on
6 a coastwise merchant vessel seeking such recognition
7 for whom the applicable Coast Guard shipping or
8 discharge form, ship logbook, merchant mariner's
9 document or Z-card, or other official employment
10 record has been destroyed or otherwise become un-
11 available by reason of any action committed by a
12 person responsible for the control and maintenance
13 of such form, logbook, or record, the Secretary of
14 Defense shall accept other official documentation
15 demonstrating that the individual performed such
16 service during period beginning on December 7,
17 1941, and ending on December 31, 1946.

18 (3) For the purpose of determining whether to
19 recognize service allegedly performed during the pe-
20 riod beginning on December 7, 1941, and ending on
21 December 31, 1946, the Secretary shall recognize
22 masters of seagoing vessels or other officers in com-
23 mand of similarly organized groups as agents of the
24 United States who were authorized to document any
25 individual for purposes of hiring the individual to

1 perform service in the merchant marine or dis-
2 charging an individual from such service.

3 (b) TREATMENT OF OTHER DOCUMENTATION.—

4 Other documentation accepted by the Secretary of Defense
5 pursuant to subsection (a)(2) shall satisfy all requirements
6 for eligibility of service during the period beginning on De-
7 cember 7, 1941, and ending on December 31, 1946.

8 (c) BENEFITS ALLOWED.—

9 (1) MEDALS, RIBBONS, AND DECORATIONS.—

10 An individual whose service is recognized as active
11 duty pursuant to subsection (a) may be awarded an
12 appropriate medal, ribbon, or other military decora-
13 tion based on such service.

14 (2) STATUS OF VETERAN.—An individual whose
15 service is recognized as active duty pursuant to sub-
16 section (a) shall be honored as a veteran but shall
17 not be entitled by reason of such recognized service
18 to any benefit that is not described in this sub-
19 section.

20 SEC. 249. Section 322(d)(1) of title 38, United
21 States Code, is amended—

22 (1) by striking “allowance to a veteran” and in-
23 serting the following: “allowance to—

24 “(A) a veteran”;

1 (2) in subparagraph (A), as designated by para-
2 graph (1), by striking the period at the end and in-
3 serting “; and”; and

4 (3) by adding at the end the following new sub-
5 paragraph:

6 “(B) a veteran with a VA service-connected dis-
7 ability rated as 30 percent or greater by the Depart-
8 ment of Veterans Affairs who is selected by the
9 United States Olympic Committee for the United
10 States Olympic Team for any month in which the
11 veteran is competing in any event sanctioned by the
12 National Governing Bodies of the United States
13 Olympic Sports.”.

14 SEC. 250. (a) IN GENERAL.—Section 111(b)(1) of
15 title 38, United States Code, is amended by adding at the
16 end the following new subparagraph:

17 “(G) A veteran with vision impairment, a vet-
18 eran with a spinal cord injury or disorder, or a vet-
19 eran with double or multiple amputations whose
20 travel is in connection with care provided through a
21 special disabilities rehabilitation program of the De-
22 partment (including programs provided by spinal
23 cord injury centers, blind rehabilitation centers, and
24 prosthetics rehabilitation centers) if such care is pro-
25 vided—

1 “(i) on an in-patient basis; or

2 “(ii) during a period in which the Sec-
3 retary provides the veteran with temporary
4 lodging at a facility of the Department to make
5 such care more accessible to the veteran.”.

6 (b) REPORT.—Not later than 180 days after the date
7 of the enactment of this Act, the Secretary of Veterans
8 Affairs shall submit to the Committee on Veterans’ Affairs
9 of the Senate and the Committee on Veterans’ Affairs of
10 the House of Representatives a report on the beneficiary
11 travel program under section 111 of title 38, United
12 States Code, as amended by subsection (a), that includes
13 the following:

14 (1) The cost of the program.

15 (2) The number of veterans served by the pro-
16 gram.

17 (3) Such other matters as the Secretary con-
18 siders appropriate.

19 (c) EFFECTIVE DATE.—The amendment made by
20 subsection (a) shall take effect on the first day of the first
21 fiscal year that begins after the date of the enactment of
22 this Act.

23 SEC. 251. (a) IN GENERAL.—Not later than 90 days
24 after the date of the enactment of this Act, the Secretary
25 of Veterans Affairs shall establish a program to conduct

1 inspections of kitchens and food service areas at each med-
2 ical facility of the Department of Veterans Affairs. Such
3 inspections shall occur not less frequently than annually.
4 The program's goal is to ensure that the same standards
5 for kitchens and food service areas at hospitals in the pri-
6 vate sector are being met at kitchens and food service
7 areas at medical facilities of the Department.

8 (b) AGREEMENT.—

9 (1) IN GENERAL.—The Secretary shall seek to
10 enter into an agreement with the Joint Commission
11 on Accreditation of Hospital Organizations under
12 which the Joint Commission on Accreditation of
13 Hospital Organizations conducts the inspections re-
14 quired under subsection (a).

15 (2) ALTERNATE ORGANIZATION.—If the Sec-
16 retary is unable to enter into an agreement de-
17 scribed in paragraph (1) with the Joint Commission
18 on Accreditation of Hospital Organizations on terms
19 acceptable to the Secretary, the Secretary shall seek
20 to enter into such an agreement with another appro-
21 priate organization that—

22 (A) is not part of the Federal Government;

23 (B) operates as a not-for-profit entity; and

1 (C) has expertise and objectivity com-
2 parable to that of the Joint Commission on Ac-
3 creditation of Hospital Organizations.

4 (c) REMEDIATION PLAN.—

5 (1) INITIAL FAILURE.—If a kitchen or food
6 service area of a medical facility of the Department
7 is determined pursuant to an inspection conducted
8 under subsection (a) not to meet the standards for
9 kitchens and food service areas in hospitals in the
10 private sector, that medical facility fails the inspec-
11 tion and the Secretary shall—

12 (A) implement a remediation plan for that
13 medical facility within 72 hours; and

14 (B) Conduct a second inspection under
15 subsection (a) at that medical facility within 14
16 days of the failed inspection.

17 (2) SECOND FAILURE.—If a medical facility of
18 the Department fails the second inspection con-
19 ducted under paragraph (1)(B), the Secretary shall
20 close the kitchen or food service area at that medical
21 facility that did not meet the standards for kitchens
22 and food service areas in hospitals in the private sec-
23 tor until full remediation is completed and all kitch-
24 ens and food service areas at that medical facility
25 meet such standards.

1 (3) PROVISION OF FOOD.—If a kitchen or food
2 service area is closed at a medical facility of the De-
3 partment pursuant to paragraph (2), the Director of
4 the Veterans Integrated Service Network in which
5 the medical facility is located shall enter into a con-
6 tract with a vendor approved by the General Serv-
7 ices Administration to provide food at the medical
8 facility.

9 (d) QUARTERLY REPORTS.—Not less frequently than
10 quarterly, the Under Secretary of Health shall submit to
11 Congress a report on inspections conducted under this sec-
12 tion, and their detailed findings and actions taken, during
13 the preceding quarter at medical facilities of the Depart-
14 ment.

15 SEC. 252. (a) IN GENERAL.—Not later than 90 days
16 after the date of the enactment of this Act, the Secretary
17 of Veterans Affairs shall establish a program to conduct
18 risk-based inspections for mold and mold issues at each
19 medical facility of the Department of Veterans Affairs.
20 Such facilities will be rated high, medium, or low risk for
21 mold. Such inspections at facilities rated high risk shall
22 occur not less frequently than annually, and such inspec-
23 tions at facilities rated medium or low risk shall occur not
24 less frequently than biennially.

25 (b) AGREEMENT.—

1 (1) IN GENERAL.—The Secretary shall seek to
2 enter into an agreement with the Joint Commission
3 on Accreditation of Hospital Organizations under
4 which the Joint Commission on Accreditation of
5 Hospital Organizations conducts the inspections re-
6 quired under subsection (a).

7 (2) ALTERNATE ORGANIZATION.—If the Sec-
8 retary is unable to enter into an agreement de-
9 scribed in paragraph (1) with the Joint Commission
10 on Accreditation of Hospital Organizations on terms
11 acceptable to the Secretary, the Secretary shall seek
12 to enter into such an agreement with another appro-
13 priate organization that—

14 (A) is not part of the Federal Government;

15 (B) operates as a not-for-profit entity; and

16 (C) has expertise and objectivity com-
17 parable to that of the Joint Commission on Ac-
18 creditation of Hospital Organizations.

19 (c) REMEDIATION PLAN.—If a medical facility of the
20 Department is determined pursuant to an inspection con-
21 ducted under subsection (a) to have a mold issue, the Sec-
22 retary shall—

23 (1) implement a remediation plan for that med-
24 ical facility within 7 days; and

1 (2) Conduct a second inspection under sub-
2 section (a) at that medical facility within 90 days of
3 the initial inspection.

4 (d) QUARTERLY REPORTS.—Not less frequently than
5 quarterly, the Under Secretary for Health shall submit to
6 Congress a report on inspections conducted under this sec-
7 tion, and their detailed findings and actions taken, during
8 the preceding quarter at medical facilities of the Depart-
9 ment.

10 SEC. 253. Section 1706(b)(5)(A) of title 38, United
11 States Code, is amended, in the first sentence, by striking
12 “through 2008”.

13 SEC. 254. (a) The Secretary of Veterans Affairs may
14 use amounts appropriated or otherwise made available in
15 this title to ensure that the ratio of veterans to full-time
16 employment equivalents within any program of rehabilita-
17 tion conducted under chapter 31 of title 38, United States
18 Code, does not exceed 125 veterans to one full-time em-
19 ployment equivalent.

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

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

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

6 SEC. 255. (a) None of the funds made available in
7 this Act may be used to deny an Inspector General funded
8 under this Act timely access to any records, documents,
9 or other materials available to the department or agency
10 over which that Inspector General has responsibilities
11 under the Inspector General Act of 1978 (5 U.S.C. App.),
12 or to prevent or impede that Inspector General's access
13 to such records, documents, or other materials, under any
14 provision of law, except a provision of law that expressly
15 refers to the Inspector General and expressly limits the
16 Inspector General's right of access.

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

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

1 (d) Each Inspector General covered by this section
2 shall report to the Committees on Appropriations of the
3 House of Representatives and the Senate within 5 cal-
4 endar days any failures to comply with this requirement.

5 SEC. 256. None of the funds appropriated or other-
6 wise made available in this title may be used by the Sec-
7 retary of Veterans Affairs to enter into an agreement re-
8 lated to resolving a dispute or claim with an individual
9 that would restrict in any way the individual from speak-
10 ing to members of Congress or their staff on any topic
11 not otherwise prohibited from disclosure by Federal law
12 or required by Executive Order to be kept secret in the
13 interest of national defense or the conduct of foreign af-
14 fairs.

15 SEC. 257. Appropriations made available in this Act
16 under the heading "Medical Services" shall be available
17 to carry out sections 322(d) and 521A of title 38, United
18 States Code, to include the payment of the administrative
19 expenses necessary to carry out such sections. Of the
20 amount appropriated for fiscal year 2017, up to
21 \$2,000,000 shall be available for the payment of monthly
22 assistance allowances to veterans pursuant to 38 U.S.C.
23 322(d) and up to \$8,000,000 shall be available for the
24 payment of grants pursuant to 38 U.S.C. 521A. Of the
25 amounts appropriated in advance for fiscal year 2018, up

1 to \$2,000,000 shall be available for the payment of month-
2 ly assistance allowances to veterans pursuant to 38 U.S.C.
3 322(d) and up to \$8,000,000 shall be available for the
4 payment of grants pursuant to 38 U.S.C. 521A.

5 SEC. 258. (a) In fiscal year 2017 and each fiscal year
6 hereafter, beginning with the fiscal year 2018 budget re-
7 quest submitted to Congress pursuant to section 1105(a)
8 of title 31, United States Code, the budget justification
9 documents submitted for the “Construction, Major
10 Projects” account of the Department of Veterans Affairs
11 shall include, at a minimum, the information required
12 under subsection (b).

13 (b) The budget justification documents submitted
14 pursuant to subsection (a) shall include, for each project—

15 (1) the estimated total cost of the project;

16 (2) the funding provided for each fiscal year
17 prior to the budget year;

18 (3) the amount requested for the budget year;

19 (4) the estimated funding required for the
20 project for each of the 4 fiscal years succeeding the
21 budget year; and

22 (5) such additional information as is enumer-
23 ated under the heading relating to the “Construc-
24 tion, Major Projects” account of the Department of

1 Veterans Affairs in the joint explanatory statement
2 accompanying this Act.

3 (c) Not later than 45 days after the date of enact-
4 ment of this Act, the Secretary of Veterans Affairs shall
5 submit to the Committees on Appropriations of both
6 Houses of Congress a proposed budget justification tem-
7 plate that complies with the requirements of this section.

8 SEC. 259. (a) The Secretary of Veterans Affairs may
9 carry out the following major medical facility projects,
10 with each project to be carried out in an amount not to
11 exceed the amount specified for that project:

12 (1) Seismic corrections to buildings, including
13 retrofitting and replacement of high-risk buildings,
14 in San Francisco, California, in an amount not to
15 exceed \$180,480,000.

16 (2) Seismic corrections to facilities, including
17 facilities to support homeless veterans, at the med-
18 ical center in West Los Angeles, California, in an
19 amount not to exceed \$105,500,000.

20 (3) Seismic corrections to the mental health
21 and community living center in Long Beach, Cali-
22 fornia, in an amount not to exceed \$287,100,000.

23 (4) Construction of an outpatient clinic, admin-
24 istrative space, cemetery, and columbarium in Ala-

1 meda, California, in an amount not to exceed
2 \$87,332,000.

3 (5) Realignment of medical facilities in Liver-
4 more, California, in an amount not to exceed
5 \$194,430,000.

6 (6) Construction of a medical center in Louis-
7 ville, Kentucky, in an amount not to exceed
8 \$150,000,000.

9 (7) Construction of a replacement community
10 living center in Perry Point, Maryland, in an
11 amount not to exceed \$92,700,000.

12 (8) Seismic corrections and other renovations to
13 several buildings and construction of a specialty care
14 building in American Lake, Washington, in an
15 amount not to exceed \$16,260,000.

16 (b) There is authorized to be appropriated to the Sec-
17 retary of Veterans Affairs for fiscal year 2016 or the year
18 in which funds are appropriated for the Construction,
19 Major Projects, account, \$1,113,802,000 for the projects
20 authorized in subsection (a).

21 (c) The projects authorized in subsection (a) may
22 only be carried out using—

23 (1) funds appropriated for fiscal year 2016 pur-
24 suant to the authorization of appropriations in sub-
25 section (b);

1 (2) funds available for Construction, Major
2 Projects, for a fiscal year before fiscal year 2016
3 that remain available for obligation;

4 (3) funds available for Construction, Major
5 Projects, for a fiscal year after fiscal year 2016 that
6 remain available for obligation;

7 (4) funds appropriated for Construction, Major
8 Projects, for fiscal year 2016 for a category of activ-
9 ity not specific to a project;

10 (5) funds appropriated for Construction, Major
11 Projects, for a fiscal year before fiscal year 2016 for
12 a category of activity not specific to a project; and

13 (6) funds appropriated for Construction, Major
14 Projects, for a fiscal year after fiscal year 2016 for
15 a category of activity not specific to a project.

16 SEC. 260. (a) Notwithstanding any other provision
17 of law, the amounts appropriated or otherwise made avail-
18 able to the Department of Veterans Affairs for the “Med-
19 ical Services” account may be used to provide—

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

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

25 (b) In this section:

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

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

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

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

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

7 (c) Amounts made available for the purposes speci-
8 fied in subsection (a) of this section are subject to the
9 requirements for funds contained in section 508 of division
10 H of the Consolidated Appropriations Act, 2016 (Public
11 Law 114-113).

101

1

TITLE III

2

RELATED AGENCIES

3

AMERICAN BATTLE MONUMENTS COMMISSION

4

SALARIES AND EXPENSES

5

For necessary expenses, not otherwise provided for,

6

of the American Battle Monuments Commission, including

7

the acquisition of land or interest in land in foreign coun-

8

tries; purchases and repair of uniforms for caretakers of

9

national cemeteries and monuments outside of the United

10

States and its territories and possessions; rent of office

11

and garage space in foreign countries; purchase (one-for-

12

one replacement basis only) and hire of passenger motor

13

vehicles; not to exceed \$7,500 for official reception and

14

representation expenses; and insurance of official motor

15

vehicles in foreign countries, when required by law of such

16

countries, \$75,100,000, to remain available until ex-

17

ended.

18

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

19

For necessary expenses, not otherwise provided for,

20

of the American Battle Monuments Commission, such

21

sums as may be necessary, to remain available until ex-

22

ended, for purposes authorized by section 2109 of title

23

36, United States Code.

102

1 UNITED STATES COURT OF APPEALS FOR VETERANS

2 CLAIMS

3 SALARIES AND EXPENSES

4 For necessary expenses for the operation of the
5 United States Court of Appeals for Veterans Claims as
6 authorized by sections 7251 through 7298 of title 38,
7 United States Code, \$30,945,000: *Provided*, That
8 \$2,500,000 shall be available for the purpose of providing
9 financial assistance as described, and in accordance with
10 the process and reporting procedures set forth, under this
11 heading in Public Law 102-229.

12 DEPARTMENT OF DEFENSE—CIVIL

13 CEMETERIAL EXPENSES, ARMY

14 SALARIES AND EXPENSES

15 For necessary expenses for maintenance, operation,
16 and improvement of Arlington National Cemetery and Sol-
17 diers' and Airmen's Home National Cemetery, including
18 the purchase or lease of passenger motor vehicles for re-
19 placement on a one-for-one basis only, and not to exceed
20 \$1,000 for official reception and representation expenses,
21 \$70,800,000, of which not to exceed \$15,000,000 shall re-
22 main available until September 30, 2019. In addition,
23 such sums as may be necessary for parking maintenance,
24 repairs and replacement, to be derived from the "Lease

1 of Department of Defense Real Property for Defense
2 Agencies” account.

3 ARMED FORCES RETIREMENT HOME

4 TRUST FUND

5 For expenses necessary for the Armed Forces Retire-
6 ment Home to operate and maintain the Armed Forces
7 Retirement Home—Washington, District of Columbia,
8 and the Armed Forces Retirement Home—Gulfport, Mis-
9 sissippi, to be paid from funds available in the Armed
10 Forces Retirement Home Trust Fund, \$64,300,000, of
11 which \$1,000,000 shall remain available until expended
12 for construction and renovation of the physical plants at
13 the Armed Forces Retirement Home—Washington, Dis-
14 trict of Columbia, and the Armed Forces Retirement
15 Home—Gulfport, Mississippi: *Provided*, That of the
16 amounts made available under this heading from funds
17 available in the Armed Forces Retirement Home Trust
18 Fund, \$22,000,000 shall be paid from the general fund
19 of the Treasury to the Trust Fund.

20 ADMINISTRATIVE PROVISIONS

21 SEC. 301. Funds appropriated in this Act under the
22 heading “Department of Defense—Civil, Cemeterial Ex-
23 penses, Army”, may be provided to Arlington County, Vir-
24 ginia, for the relocation of the federally owned water main

1 at Arlington National Cemetery, making additional land
2 available for ground burials.

3 SEC. 302. Amounts deposited into the special account
4 established under 10 U.S.C. 4727 are appropriated and
5 shall be available until expended to support activities at
6 the Army National Military Cemeteries.

1 TITLE IV
2 OVERSEAS CONTINGENCY OPERATIONS
3 DEPARTMENT OF DEFENSE
4 MILITARY CONSTRUCTION, ARMY

5 For an additional amount for “Military Construction,
6 Army”, \$18,900,000, to remain available until September
7 30, 2021, for projects outside of the United States: *Pro-*
8 *vided*, That such amount is designated by the Congress
9 for Overseas Contingency Operations/Global War on Ter-
10 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

13 For an additional amount for “Military Construction,
14 Navy and Marine Corps”, \$59,809,000, to remain avail-
15 able until September 30, 2021, for projects outside of the
16 United States: *Provided*, That such amount is designated
17 by the Congress for Overseas Contingency Operations/
18 Global War on Terrorism pursuant to section
19 251(b)(2)(A)(ii) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 MILITARY CONSTRUCTION, AIR FORCE

22 For an additional amount for “Military Construction,
23 Air Force” \$88,291,000, to remain available until Sep-
24 tember 30, 2021, for projects outside of the United States:
25 *Provided*, That such amount is designated by the Congress

1 for Overseas Contingency Operations/Global War on Ter-
2 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
3 anced Budget and Emergency Deficit Control Act of 1985.

4 MILITARY CONSTRUCTION, DEFENSE-WIDE

5 For an additional amount for “Military Construction,
6 Defense-Wide”, \$5,000,000, to remain available until Sep-
7 tember 30, 2021, for projects outside of the United States:
8 *Provided*, That such amount is designated by the Congress
9 for Overseas Contingency Operations/Global War on Ter-
10 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985.

12 ADMINISTRATIVE PROVISION

13 SEC. 401. Each amount designated in this Act by the
14 Congress for Overseas Contingency Operations/Global
15 War on Terrorism pursuant to section 251(b)(2)(A)(ii) of
16 the Balanced Budget and Emergency Deficit Control Act
17 of 1985 shall be available only if the President subse-
18 quently so designates all such amounts and transmits such
19 designations to the Congress.

1 TITLE V

2 GENERAL PROVISIONS

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

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

13 SEC. 503. All departments and agencies funded under
14 this Act are encouraged, within the limits of the existing
15 statutory authorities and funding, to expand their use of
16 "E-Commerce" technologies and procedures in the con-
17 duct of their business practices and public service activi-
18 ties.

19 SEC. 504. Unless stated otherwise, all reports and no-
20 tifications required by this Act shall be submitted to the
21 Subcommittee on Military Construction and Veterans Af-
22 fairs, and Related Agencies of the Committee on Appro-
23 priations of the House of Representatives and the Sub-
24 committee on Military Construction and Veterans Affairs,

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

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

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

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

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

20 (1) the public posting of the report com-
21 promises national security; or

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

24 (c) The head of the agency posting such report shall
25 do so only after such report has been made available to

1 the requesting Committee or Committees of Congress for
2 no less than 45 days.

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

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

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

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

20 SEC. 511. None of the funds made available by this
21 Act may be used by the Department of Defense or the
22 Department of Veterans Affairs to lease or purchase new
23 light duty vehicles for any executive fleet, or for an agen-
24 cy's fleet inventory, except in accordance with Presidential

1 Memorandum—Federal Fleet Performance, dated May
2 24, 2011.

3 SEC. 512. (a) IN GENERAL.—None of the funds ap-
4 propriated or otherwise made available to the Department
5 of Defense in this Act may be used to construct, renovate,
6 or expand any facility in the United States, its territories,
7 or possessions to house any individual detained at United
8 States Naval Station, Guantánamo Bay, Cuba, for the
9 purposes of detention or imprisonment in the custody or
10 under the control of the Department of Defense.

11 (b) The prohibition in subsection (a) shall not apply
12 to any modification of facilities at United States Naval
13 Station, Guantánamo Bay, Cuba.

14 (c) An individual described in this subsection is any
15 individual who, as of June 24, 2009, is located at United
16 States Naval Station, Guantánamo Bay, Cuba, and who—

17 (1) is not a citizen of the United States or a
18 member of the Armed Forces of the United States;
19 and

20 (2) is—

21 (A) in the custody or under the effective
22 control of the Department of Defense; or

23 (B) otherwise under detention at United
24 States Naval Station, Guantánamo Bay, Cuba.

1 This division may be cited as the “Military Construc-
2 tion, Veterans Affairs, and Related Agencies Appropria-
3 tions Act, 2017”.

XEROX

1 **DIVISION B—ZIKA RESPONSE AND**
2 **PREPAREDNESS**

3 **TITLE I**

4 **DEPARTMENT OF HEALTH AND HUMAN**
5 **SERVICES**

6 **CENTERS FOR DISEASE CONTROL AND PREVENTION**
7 **CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT**

8 For an additional amount for fiscal year 2016 for
9 “CDC-Wide Activities and Program Support”,
10 \$476,000,000, to remain available until September 30,
11 2017, to prevent, prepare for, and respond to Zika virus,
12 health conditions related to such virus, and other vector-
13 borne diseases, domestically and internationally: *Provided*,
14 That products purchased with these funds may, at the dis-
15 cretion of the Secretary of Health and Human Services,
16 be deposited in the Strategic National Stockpile under sec-
17 tion 319F-2 of the PHS Act: *Provided further*, That funds
18 may be used for purchase and insurance of official motor
19 vehicles in foreign countries: *Provided further*, That the
20 provisions in section 317S of the PHS Act shall apply to
21 the use of funds appropriated in this paragraph as deter-
22 mined by the Director of the Centers for Disease Control
23 and Prevention to be appropriate: *Provided further*, That
24 funds appropriated in this paragraph may be used for

Public
Health
Service
("PHS")
Act

1 grants for the construction, alteration, or renovation of
2 non-federally owned facilities to improve preparedness and
3 response capability at State and local laboratories: *Pro-*
4 *vided further*, That of the amount appropriated in this
5 paragraph, \$88,000,000 may be used to reimburse ac-
6 counts administered by the Centers for Disease Control
7 and Prevention for obligations incurred for Zika virus re-
8 sponse prior to the enactment of this Act: *Provided fur-*
9 *ther*, That such amount is designated by the Congress as
10 an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 NATIONAL INSTITUTES OF HEALTH
14 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
15 DISEASES
16 (INCLUDING TRANSFER OF FUNDS)

17 For an additional amount for fiscal year 2016 for
18 “National Institute of Allergy and Infectious Diseases”,
19 \$230,000,000, to remain available until September 30,
20 2017, for research on the virology, natural history, and
21 pathogenesis of the Zika virus infection and preclinical
22 and clinical development of vaccines and other medical
23 countermeasures for the Zika virus and other vector-borne
24 diseases, domestically and internationally: *Provided*, That
25 such funds may be transferred by the Director of the Na-

1 tional Institutes of Health (“NIH”) to other accounts of
2 the NIH for the purposes provided in this paragraph: *Pro-*
3 *vided further*, That such amount is designated by the Con-
4 gress as an emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7 OFFICE OF THE SECRETARY
8 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
9 FUND
10 (INCLUDING TRANSFER OF FUNDS)

11 For an additional amount for fiscal year 2016 for
12 “Public Health and Social Services Emergency Fund”,
13 \$227,000,000, to remain available until September 30,
14 2017, to prevent, prepare for, and respond to Zika virus,
15 health conditions related to such virus, and other vector-
16 borne diseases, domestically and internationally; to de-
17 velop necessary countermeasures and vaccines, including
18 the development and purchase of vaccines, therapeutics,
19 diagnostics, necessary medical supplies, and administra-
20 tive activities; for additional payments for distribution as
21 provided for under the “Social Services Block Grant Pro-
22 gram”; and for carrying out sections 330 through 336 and
23 338 of the PHS Act: *Provided*, That funds appropriated
24 in this paragraph may be used to procure security counter-
25 measures (as defined in section 319F–2(c)(1)(B) of the

1 PHS Act): *Provided further*, That paragraphs (1) and
2 (7)(C) of subsection (c) of section 319F–2 of the PHS
3 Act, but no other provisions of such section, shall apply
4 to such security countermeasures procured with funds ap-
5 propriated in this paragraph: *Provided further*, That prod-
6 ucts purchased with funds appropriated in this paragraph
7 may, at the discretion of the Secretary of Health and
8 Human Services, be deposited in the Strategic National
9 Stockpile under section 319F–2 of the PHS Act: *Provided*
10 *further*, That funds appropriated in this paragraph may
11 be transferred to the fund authorized by section 319F–
12 4 of the PHS Act: *Provided further*, That of the funds
13 appropriated under this heading, \$95,000,000 shall be
14 transferred to the “Social Services Block Grant” for
15 health services provided by public health departments,
16 hospitals, or reimbursed through public health plans, not-
17 withstanding section 2005(a)(4) of the Social Security
18 Act, in States, territories, or tribal lands with active or
19 local transmission cases of the Zika virus, as confirmed
20 by the Centers for Disease Control and Prevention, of
21 which not less than \$80,000,000 shall be for territories
22 with the highest rates of Zika transmission: *Provided fur-*
23 *ther*, That the Secretary of Health and Human Services
24 shall distribute funds transferred to the “Social Services
25 Block Grant” in this paragraph in accordance with objec-

1 tive criteria that are made available to the public: *Provided*
2 *further*, That of the funds appropriated under this head-
3 ing, \$40,000,000 shall be used to expand the delivery of
4 primary health services authorized by section 330 of the
5 PHS Act in Puerto Rico and other territories: *Provided*
6 *further*, That of the funds appropriated under this head-
7 ing, \$6,000,000 shall, for purposes of providing primary
8 health services in areas affected by Zika virus or other
9 vector-borne diseases, be used to assign National Health
10 Service Corps (NHSC) members to Puerto Rico and other
11 territories, notwithstanding the assignment priorities and
12 limitations in or under sections 333(a)(1)(D), 333(b), or
13 333A(a) of the PHS Act, and to make NHSC Loan Re-
14 payment Program awards under section 338B of such Act:
15 *Provided further*, That for purposes of the previous pro-
16 viso, section 331(a)(3)(D) of the PHS Act shall be applied
17 as if the term “primary health services” included health
18 services regarding pediatric subspecialists: *Provided fur-*
19 *ther*, That such amount is designated by the Congress as
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

1 GENERAL PROVISIONS—THIS TITLE

2 (INCLUDING TRANSFER OF FUNDS)

3 DIRECT HIRES

4 SEC. 101. Funds appropriated by this title may be
5 used by the heads of the Department of Health and
6 Human Services, Department of State, and the United
7 States Agency for International Development to appoint,
8 without regard to the provisions of sections 3309 through
9 3319 of title 5 of the United States Code, candidates need-
10 ed for positions to perform critical work relating to Zika
11 response for which—

12 (1) public notice has been given; and

13 (2) the Secretary of Health and Human Serv-
14 ices has determined that such a public health threat
15 exists.

16 TRANSFER AUTHORITIES

17 SEC. 102. Funds appropriated by this title may be
18 transferred to, and merged with, other appropriation ac-
19 counts under the headings “Centers for Disease Control
20 and Prevention”, “Public Health and Social Services
21 Emergency Fund”, and “National Institutes of Health”
22 for the purposes specified in this title following consulta-
23 tion with the Office of Management and Budget: *Provided*,
24 That the Committees on Appropriations shall be notified
25 10 days in advance of any such transfer: *Provided further*,

1 That, upon a determination that all or part of the funds
2 transferred from an appropriation are not necessary, such
3 amounts may be transferred back to that appropriation:
4 *Provided further*, That none of the funds made available
5 by this title may be transferred pursuant to the authority
6 in section 205 of division H of Public Law 114–113 or
7 section 241(a) of the PHS Act.

8 REPORTING REQUIREMENTS

9 SEC. 103. Not later than 30 days after enactment
10 of this Act, the Secretary of Health and Human Services
11 shall provide a detailed spend plan of anticipated uses of
12 funds made available in this title, including estimated per-
13 sonnel and administrative costs, to the Committees on Ap-
14 propriations: *Provided*, That such plans shall be updated
15 and submitted to the Committees on Appropriations every
16 60 days until September 30, 2017.

17 OVERSIGHT

18 SEC. 104. Of the funds appropriated by this title
19 under the heading “Public Health and Social Services
20 Emergency Fund”, up to—

21 (1) \$500,000 shall be transferred to, and
22 merged with, funds made available under the head-
23 ing “Office of the Secretary, Office of Inspector
24 General”, and shall remain available until expended,
25 for oversight of activities supported with funds ap-

1 September 30, 2017: *Provided*, That such costs, including
2 costs of modifying such loans, shall be as defined in sec-
3 tion 502 of the Congressional Budget Act of 1974: *Pro-*
4 *vided further*, That such funds are available to subsidize
5 an additional amount of gross obligations for the principal
6 amount of direct loans not to exceed \$1,880,406: *Provided*
7 *further*, That such amount is designated by the Congress
8 as an emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 UNITED STATES AGENCY FOR INTERNATIONAL
12 DEVELOPMENT

13 FUNDS APPROPRIATED TO THE PRESIDENT

14 OPERATING EXPENSES

15 For an additional amount for fiscal year 2016 for
16 “Operating Expenses”, \$10,000,000, to remain available
17 until September 30, 2017, for necessary expenses to sup-
18 port response efforts related to the Zika virus, health con-
19 ditions related to such virus, and other vector-borne dis-
20 eases: *Provided*, That such amount is designated by the
21 Congress as an emergency requirement pursuant to sec-
22 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985.

1 BILATERAL ECONOMIC ASSISTANCE

2 FUNDS APPROPRIATED TO THE PRESIDENT

3 GLOBAL HEALTH PROGRAMS

4 For an additional amount for fiscal year 2016 for
5 “Global Health Programs”, \$145,500,000, to remain
6 available until September 30, 2017, for necessary expenses
7 to prevent, prepare for, and respond to the Zika virus,
8 health conditions related to such virus, and other vector-
9 borne diseases: *Provided*, That funds appropriated under
10 this heading shall be made available for vector control ac-
11 tivities, vaccines, diagnostics, and vector control tech-
12 nologies: *Provided further*, That funds appropriated under
13 this heading may be made available as contributions to
14 the World Health Organization, the United Nations Chil-
15 dren’s Fund, the Pan American Health Organization, the
16 International Atomic Energy Agency, and the Food and
17 Agriculture Organization: *Provided further*, That funds
18 made available under this heading shall be subject to prior
19 consultation with the Committees on Appropriations: *Pro-*
20 *vided further*, That none of the funds appropriated under
21 this heading may be made available for the Grand Chal-
22 lenges for Development program: *Provided further*, That
23 such amount is designated by the Congress as an emer-
24 gency requirement pursuant to section 251(b)(2)(A)(i) of

1 the Balanced Budget and Emergency Deficit Control Act
2 of 1985.

3 GENERAL PROVISIONS—THIS TITLE

4 TRANSFER AUTHORITIES

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 201. (a) Funds appropriated by this title under
7 the headings “Diplomatic and Consular Programs”,
8 “Emergencies in the Diplomatic and Consular Service”,
9 “Repatriation Loans Program Account”, and “Operating
10 Expenses” may be transferred to, and merged with, funds
11 appropriated by this title under such headings to carry
12 out the purposes of this title.

13 (b) The transfer authorities provided by this section
14 are in addition to any other transfer authority provided
15 by law.

16 (c) Upon a determination that all or part of the funds
17 transferred pursuant to the authorities provided by this
18 section are not necessary for such purposes, such amounts
19 may be transferred back to such appropriations.

20 (d) No funds shall be transferred pursuant to this
21 section unless at least 5 days prior to making such trans-
22 fer the Secretary of State or the Administrator of the
23 United States Agency for International Development, as
24 appropriate, notifies the Committees on Appropriations in
25 writing of the details of any such transfer.

1 NOTIFICATION REQUIREMENT

2 SEC. 202. Funds appropriated by this title shall only
3 be available for obligation if the Secretary of State or the
4 Administrator of the United States Agency for Inter-
5 national Development, as appropriate, notifies the Com-
6 mittees on Appropriations in writing at least 15 days in
7 advance of such obligation.

8 CONSOLIDATED REPORTING REQUIREMENT

9 SEC. 203. Not later than 30 days after enactment
10 of this Act and prior to the initial obligation of funds made
11 available by this title, the Secretary of State and the Ad-
12 ministrator of the United States Agency for International
13 Development shall submit a consolidated report to the
14 Committees on Appropriations on the anticipated uses of
15 such funds on a country and project basis, including esti-
16 mated personnel and administrative costs: *Provided*, That
17 such report shall be updated and submitted to the Com-
18 mittees on Appropriations every 60 days until September
19 30, 2017.

20 OVERSIGHT

21 SEC. 204. Of the funds appropriated by this title, up
22 to—

23 (1) \$500,000 shall be transferred to, and
24 merged with, funds available under the heading
25 “United States Agency for International Develop-

1 ment, Funds Appropriated to the President, Office
2 of Inspector General”, and shall remain available
3 until expended, for oversight of activities supported
4 with funds appropriated by this title: *Provided*, That
5 the transfer authority provided by this paragraph is
6 in addition to any other transfer authority provided
7 by law; and

8 (2) \$500,000 shall be made available to the
9 Comptroller General of the United States, and shall
10 remain available until expended, for oversight of ac-
11 tivities supported with funds appropriated by this
12 title: *Provided*, That the Secretary of State and the
13 Comptroller General, as appropriate, shall consult
14 with the Committees on Appropriations prior to obli-
15 gating such funds.

16 RESCISSION

17 SEC. 205. Of the unobligated balances available
18 under the heading “Operating Expenses” in title IX of
19 the Department of State, Foreign Operations, and Related
20 Programs Appropriations Act, 2015 (division J of Public
21 Law 113–235), \$10,000,000 are rescinded: *Provided*,
22 That such amounts are designated by the Congress as an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1

TITLE III

2

GENERAL PROVISIONS—THIS DIVISION

3

EXTENSION OF AUTHORITIES AND PROVISIONS

4

SEC. 301. Unless otherwise provided for by this divi-

5

sion, the additional amounts appropriated pursuant to this

6

division are subject to the requirements for funds con-

7

tained in the Consolidated Appropriations Act, 2016 (Pub-

8

lic Law 114–113).

9

PERSONAL SERVICE CONTRACTORS

10

SEC. 302. Funds made available by this division may

11

be used to enter into contracts with individuals for the

12

provision of personal services (as described in section 104

13

of part 37 of title 48, Code of Federal Regulations (48

14

CFR 37.104)) to support the purposes of titles I and II

15

of this division, within the United States and abroad, sub-

16

ject to prior consultation with, and the notification proce-

17

dures of, the Committees on Appropriations: *Provided,*

18

That such individuals may not be deemed employees of

19

the United States for the purpose of any law administered

20

by the Office of Personnel Management: *Provided further,*

21

That the authority made available pursuant to this section

22

shall expire on September 30, 2017.

23

DESIGNATION RETENTION

24

SEC. 303. Any amount appropriated by this division,

25

designated by the Congress as an emergency requirement

1 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
2 et and Emergency Deficit Control Act of 1985 and subse-
3 quently so designated by the President, and transferred
4 pursuant to transfer authorities provided by this division
5 shall retain such designation.

6

EFFECTIVE DATE

7

SEC. 304. This division shall become effective imme-
8 diately upon enactment of this Act.

9

This division may be cited as the “Zika Response and
10 Preparedness Appropriations Act, 2016”.

XEROX

1 **DIVISION C—ZIKA VECTOR**
2 **CONTROL**

3 **SECTION 1. SHORT TITLE.**

4 This division may be cited as the “Zika Vector Con-
5 trol Act”.

6 **SEC. 2. MOSQUITO CONTROL WAIVER.**

7 Notwithstanding section 402 of the Federal Water
8 Pollution Control Act (33 U.S.C. 1342), during the 180
9 day period following the date of enactment of this Act the
10 Administrator of the United States Environmental Protec-
11 tion Agency (or a State, in the case of a permit program
12 approved under subsection (b)) shall not require a permit
13 for a discharge from the application by an entity author-
14 ized under State or local law, such as a vector control dis-
15 trict, of a pesticide in compliance with all relevant require-
16 ments of the Federal Insecticide, Fungicide, and
17 Rodenticide Act (7 U.S.C. 136 et seq.) to control mos-
18 quitos or mosquito larvae for the prevention or control of
19 the Zika virus.

XEROX

1 **DIVISION D—RESCISSIONS OF FUNDS**

2 SEC. 101. (a) Of the unobligated amounts made
3 available under section 1323(c)(1) of the Patient Protec-
4 tion and Affordable Care Act (42 U.S.C. 18043(c)(1)),
5 \$543,000,000 is rescinded immediately upon enactment of
6 this Act.

7 (b) Of the unobligated balances available in the Non-
8 recurring expenses fund established in section 223 of divi-
9 sion G of Public Law 110–161 (42 U.S.C. 3514a) from
10 any fiscal year, \$100,000,000 is rescinded immediately
11 upon enactment of this Act.

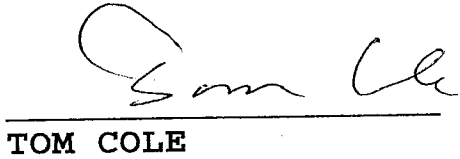
12 (c) Of the unobligated balances of appropriations
13 made available under the heading “Bilateral Economic As-
14 sistance, Funds Appropriated to the President, Economic
15 Support Fund” in title IX of the Department of State,
16 Foreign Operations, and Related Programs Appropria-
17 tions Act, 2015 (division J of Public Law 113–235),
18 \$107,000,000 is rescinded immediately upon enactment of
19 this Act: *Provided*, That such amounts are designated by
20 the Congress as an emergency requirement pursuant to
21 section 251(b)(2)(A)(i) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

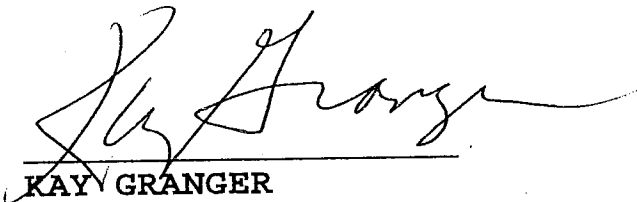
GPO
SET ROMAN

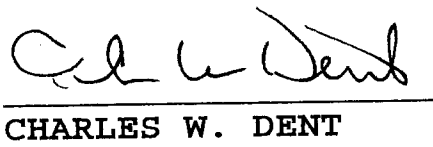
1 And the House agree to the same.

Managers on the part of the
HOUSE

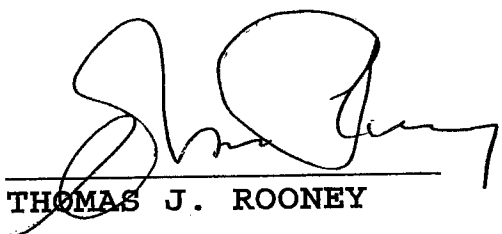

HAROLD ROGERS


TOM COLE


KAY GRANGER


CHARLES W. DENT


JEFF FORTENBERRY


THOMAS J. ROONEY

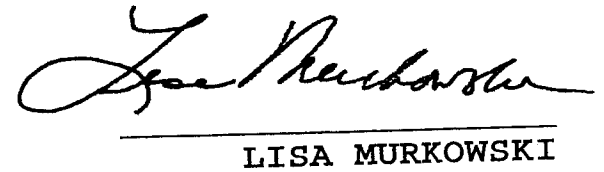
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Managers on the part of the
Senate

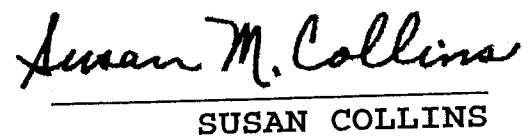

THAD COCHRAN


MARK KIRK


MITCH McCONNELL


LISA MURKOWSKI


JOHN HOEVEN


SUSAN COLLINS

Martha Roby
MARTHA ROBY

John Boozman
JOHN BOOZMAN

David G. Valadao
DAVID G. VALADAO

Shelley Moore Capito
SHELLEY MOORE CAPITO

Nita M. Lowey
NITA M. LOWEY

Roy Blunt
ROY BLUNT

Jose E. Serrano
JOSE E. SERRANO

Lindsey Graham
LINDSEY GRAHAM

Rosa L. DeLauro
ROSA L. DELAURO

Barbara Mikulski
BARBARA MIKULSKI

Sanford D. Bishop
SANFORD D. BISHOP

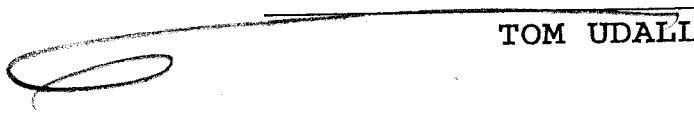
Jon Tester
JON TESTER

Debbie Wasserman Schultz
DEBBIE WASSERMAN SCHULTZ

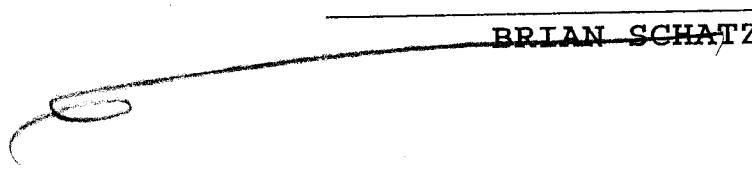
Patty Murray
PATTY MURRAY



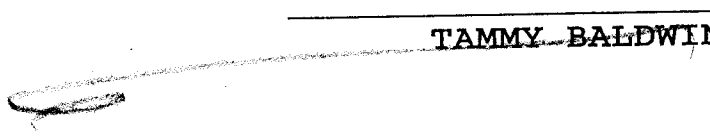
JACK REED



TOM UDALL




BRIAN SCHATZ



TAMMY BALDWIN



CHRIS MURPHY



PATRICK LEAHY