Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2017, and for other purposes.

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2017, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for
5 military construction, the Department of Veterans Affairs,
and related agencies for the fiscal year ending September 30, 2017, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $532,359,000, to remain available until September 30, 2021.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $1,087,572,000, to remain available until September 30, 2021.
MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,579,798,000, to remain available until September 30, 2021.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $2,038,980,000, to remain available until September 30, 2021: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and ad-
ministration of the Army National Guard, and contribu-
tions therefor, as authorized by chapter 1803 of title 10,
United States Code, and Military Construction Authoriza-
tion Acts, $232,930,000, to remain available until Sep-
tember 30, 2021.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilita-
tion, and conversion of facilities for the training and ad-
ministration of the Air National Guard, and contributions
therefor, as authorized by chapter 1803 of title 10, United
States Code, and Military Construction Authorization
Acts, $143,957,000, to remain available until September
30, 2021.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilita-
tion, and conversion of facilities for the training and ad-
ministration of the Army Reserve as authorized by chapter
1803 of title 10, United States Code, and Military Con-
struction Authorization Acts, $68,230,000, to remain
available until September 30, 2021.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilita-
tion, and conversion of facilities for the training and ad-
ministration of the reserve components of the Navy and
Marine Corps as authorized by chapter 1803 of title 10,

**Military Construction, Air Force Reserve**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $188,950,000, to remain available until September 30, 2021.

**North Atlantic Treaty Organization Security Investment Program**

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $177,932,000, to remain available until expended.

**Department of Defense Base Closure Account**

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10
U.S.C. 2687 note), $205,237,000, to remain available until expended.

**Family Housing Operation and Maintenance,**

**Army**

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $325,995,000.

**Family Housing Operation and Maintenance,**

**Navy and Marine Corps**

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $300,915,000.

**Family Housing Operation and Maintenance,**

**Air Force**

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $274,429,000.
FAMILY HOUSING OPERATION AND MAINTENANCE,

DEFENSE-WIDE

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

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $3,258,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $200,735,000, to remain available until September 30, 2021.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replace-
ment, addition, expansion, extension, and alteration, as authorized by law, $94,011,000, to remain available until September 30, 2021.

**FAMILY HOUSING CONSTRUCTION, AIR FORCE**

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

**ADMINISTRATIVE PROVISIONS**

**Sec. 101.** None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

**Sec. 102.** Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

**Sec. 103.** Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects author-
ized therein are certified as important to the national defense by the Secretary of Defense.

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

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

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

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

Sec. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

Sec. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

Sec. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

Sec. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

Sec. 112. None of the funds made available in this title for military construction in the United States terri-
stories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

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

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.
SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be
transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in “Family Housing” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in “Military Construction” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: Provided further, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both
Houses of Congress all operation and maintenance expendi-
tures for each individual general or flag officer quar-
ters for the prior fiscal year.

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

(INCLUDING TRANSFER OFFUNDS)

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

SEC. 122. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of February 2009, as in effect on the date of enactment of this Act.

SEC. 123. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 124. For the purposes of this Act, the term “congressional defense committees” means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

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

“Military Construction, Army”, $40,500,000;
“Military Construction, Navy and Marine Corps”, $143,000,000;

“Military Construction, Air Force”, $195,465,000;

“Military Construction, Defense-Wide”, $64,364,000;

“Military Construction, Army National Guard”, $16,500,000;

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

“Military Construction, Army Reserve”, $30,000,000;

“Family Housing Construction, Army”, $14,400,000;

Provided, That such funds may only be obligated to carry out construction projects identified in the respective military department’s unfunded priority list for fiscal year 2017 submitted to Congress: Provided further, That such funds are subject to authorization prior to obligation and expenditure of funds to carry out construction: Provided further, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or their designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.
SEC. 126. Of the unobligated balances available to the Department of Defense from prior appropriation Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

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

“Military Construction, Air Force”, $22,340,000;

“Military Construction, Defense-Wide”, $132,283,000; and

“North Atlantic Treaty Organization Security Investment Program”, $15,000,000:

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

SEC. 127. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to consolidate or relocate any element of a United States Air Force Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) outside of the United States until the Secretary of the Air Force (1) completes
an analysis and comparison of the cost and infrastructure investment required to consolidate or relocate a RED HORSE squadron outside of the United States versus within the United States; (2) provides to the Committees on Appropriations of both Houses of Congress ("the Committees") a report detailing the findings of the cost analysis; and (3) certifies in writing to the Committees that the preferred site for the consolidation or relocation yields the greatest savings for the Air Force: Provided, That the term "United States" in this section does not include any territory or possession of the United States.

Sec. 128. None of the funds made available by this Act may be used to carry out the closure or transfer of the United States Naval Station, Guantánamo Bay, Cuba.
TITLE II

DEPARTMENT OF VETERANS AFFAIRS

Veterans Benefits Administration

Compensation and Pensions

(Including Transfer of Funds)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers’ retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $90,119,449,000, to remain available until expended and to become available on October 1, 2017: Provided, That not to exceed $17,224,000 of the amount made available for fiscal year 2018 under this heading shall be reimbursed to “General Operating Expenses, Veterans Bene-
fits Administration”, and “Information Technology Sys-
tems” for necessary expenses in implementing the provi-
sions of chapters 51, 53, and 55 of title 38, United States
Code, the funding source for which is specifically provided
as the “Compensation and Pensions” appropriation: Pro-
vided further, That such sums as may be earned on an
actual qualifying patient basis, shall be reimbursed to
“Medical Care Collections Fund” to augment the funding
of individual medical facilities for nursing home care pro-
vided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation
benefits to or on behalf of veterans as authorized by chap-
ters 21, 30, 31, 32, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, $13,708,648,000, to
remain available until expended and to become available
on October 1, 2017: Provided, That expenses for rehabili-
tation program services and assistance which the Sec-
retary is authorized to provide under subsection (a) of sec-
tion 3104 of title 38, United States Code, other than
under paragraphs (1), (2), (5), and (11) of that sub-
section, shall be charged to this account.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life
insurance, servicemen’s indemnities, service-disabled vet-
rans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, $124,504,000, to remain available until expended, of which $107,899,000 shall become available on October 1, 2017.

VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That, during fiscal year 2017, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

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

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $36,000, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to sub-
sidize gross obligations for the principal amount of direct loans not to exceed $2,517,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $389,000, which may be paid to the appropriation for “General Operating Expenses, Veterans Benefits Administration”.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

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

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, $2,856,160,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and
maintain suitable employment; or (2) to achieve maximum
independence in daily living, shall be charged to this ac-
count: Provided further, That, of the funds made available
under this heading, not to exceed 5 percent shall remain
available until September 30, 2018.

Veterans Health Administration

Medical Services

For necessary expenses for furnishing, as authorized
by law, inpatient and outpatient care and treatment to
beneficiaries of the Department of Veterans Affairs and
veterans described in section 1705(a) of title 38, United
States Code, including care and treatment in facilities not
under the jurisdiction of the Department, and including
medical supplies and equipment, bioengineering services,
food services, and salaries and expenses of healthcare em-
ployees hired under title 38, United States Code, aid to
State homes as authorized by section 1741 of title 38,
United States Code, assistance and support services for
caregivers as authorized by section 1720G of title 38,
United States Code, loan repayments authorized by sec-
tion 604 of the Caregivers and Veterans Omnibus Health
1174; 38 U.S.C. 7681 note), and hospital care and med-
ical services authorized by section 1787 of title 38, United
States Code; $1,078,993,000, which shall be in addition
to funds previously appropriated under this heading that became available on October 1, 2016; and, in addition, $44,886,554,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: *Provided*, That, of the amount made available on October 1, 2017, under this heading, $1,400,000,000 shall remain available until September 30, 2019: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: *Provided further*, That the Secretary of Veterans Affairs shall ensure
that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans.

**MEDICAL COMMUNITY CARE**

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

**MEDICAL SUPPORT AND COMPLIANCE**

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.), $6,654,480,000, plus
reimbursements, shall become available on October 1, 2017, and shall remain available until September 30, 2018: Provided, That, of the amount made available on October 1, 2017, under this heading, $100,000,000 shall remain available until September 30, 2019.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; $495,100,000, which shall be in addition to funds previously appropriated under this heading that became available on October 1, 2016; and, in addition, $5,434,880,000, plus reimbursements, shall become available on October 1, 2017, and shall remain available until
September 30, 2018: Provided, That, of the amount made available on October 1, 2017, under this heading, $250,000,000 shall remain available until September 30, 2019.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $675,366,000, plus reimbursements, shall remain available until September 30, 2018: Provided, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading are available for prosthetic research specifically for female veterans, and for toxic exposure research.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $286,193,000, of which not to exceed 10 percent shall remain available until September 30, 2018.
DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $417,959,000, of which not to exceed 5 percent shall remain available until September 30, 2018: Provided, That funds provided under this heading may be transferred to “General Operating Expenses, Veterans Benefits Administration”.

BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, $156,096,000, of which not to exceed 10 percent shall remain available until September 30, 2018: Provided, That up to $2,500,000 may be available to facilitate the furnishing of legal and other assistance, without charge, to veterans and other individuals who are unable to afford the cost of legal representation in connection with a decision by the Board of Veterans Appeals
under chapter 71 of title 38, United States Code, in accordance with the process and reporting procedures set forth in Public Law 102–229 under the heading “Salaries and Expenses” under the heading “Court of Veterans Appeals”: Provided further, That the Board of Veterans Appeals submits to the Committees on Appropriations of both Houses of Congress a certification that there is a substantial unmet need for pro bono representation before the Board of Veterans Appeals prior to expending funds for this purpose.

INFORMATION TECHNOLOGY SYSTEMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $4,278,259,000, plus reimbursements: Provided, That $1,272,548,000 shall be for pay and associated costs, of which not to exceed $37,100,000 shall remain available until September 30, 2018: Provided further, That $2,534,442,000 shall be for operations and mainte-
nance, of which not to exceed $180,200,000 shall remain available until September 30, 2018: Provided further, That $471,269,000 shall be for information technology systems development, modernization, and enhancement, and shall remain available until September 30, 2018: Provided further, That amounts made available for information technology systems development, modernization, and enhancement may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project: Provided further, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development, modernization, and enhancement may be transferred among the three sub-accounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That amounts made available for the “Information Technology Systems” account for development, modernization, and enhancement may be transferred among projects or to newly defined projects: Provided further, That no project may be in-
creased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: Provided further, That funds under this heading may be used by the Interagency Program Office through the Department of Veterans Affairs to define data standards, code sets, and value sets used to enable interoperability: Provided further, That of the funds made available for information technology systems development, modernization, and enhancement for VistA Evolution or any successor program, not more than 25 percent may be obligated or expended until the Secretary of Veterans Affairs:

(1) Certifies in writing to the Committees on Appropriations of both Houses of Congress that the Department of Veterans Affairs has met the requirements contained in the National Defense Authorization Act of Fiscal Year 2014 (Public Law 113–66) which require that electronic health record systems of the Department of Defense and the Department of Veterans Affairs have reached interoperability, comply with national standards and architectural requirements identified by the DoD/VA Interagency Program Office in collaboration with the Office of
National Coordinator for Health Information Technology;

(2) submits to the Committees on Appropriations of both Houses of Congress the VistA Evolution Business Case and supporting documents regarding continuation of VistA Evolution or alternatives to VistA Evolution, including an analysis of necessary or desired capabilities, technical and security requirements, the plan for modernizing the platform framework, and all associated costs;

(3) submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, the following: a report that describes a strategic plan for VistA Evolution, or any successor program, and the associated implementation plan including metrics and timelines; a master schedule and lifecycle cost estimate for VistA Evolution or any successor; and an implementation plan for the transition from the Project Management Accountability System to a new project delivery framework, the Veteran-focused Integration Process, that includes the methodology by which projects will be tracked, progress measured, and deliverables evaluated;
(4) submits to the Committees on Appropriations of both Houses of Congress a report outlining the strategic plan to reach interoperability with private sector healthcare providers, the timeline for reaching “meaningful use” as defined by the Office of National Coordinator for Health Information Technology for each data domain covered under the VistA Evolution program, and the extent to which the Department of Veterans Affairs leverages the State Health Information Exchanges to share health data with private sector providers; and

(5) submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, the following: a report that describes the extent to which VistA Evolution, or any successor program, maximizes the use of commercially available software used by DoD and the private sector, requires an open architecture that leverages best practices and rapidly adapts to technologies produced by the private sector, enhances full interoperability between the VA and DoD and between VA and the private sector, and ensures the security of personally identifiable information of veterans and beneficiaries:
Provided further, That the funds made available under this heading for information technology systems development, modernization, and enhancement, shall be for the projects, and in the amounts, specified under this heading in the report accompanying this Act.

OFFICE OF INSPECTOR GENERAL


CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title
38, United States Code, or where funds for a project were made available in a previous major project appropriation, $528,110,000, of which $448,110,000 shall remain available until September 30, 2021, and of which $80,000,000 shall remain available until expended: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account and contracting officers who manage specific major construction projects, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the budgetary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at
the time of enrollment: Provided further, That funds made available under this heading for fiscal year 2017, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2017; and (2) by the awarding of a construction contract by September 30, 2018: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: Provided further, That, of the amount made available under this heading, $222,620,000 for Veterans Health Administration major construction projects shall not be available until the Department of Veterans Affairs—

(1) enters into an agreement with an appropriate non-Department of Veterans Affairs Federal entity to serve as the design and/or construction agent for any Veterans Health Administration major construction project with a Total Estimated Cost of $100,000,000 or above by providing full project management services, including management of the project design, acquisition, construction, and contract changes, consistent with section 502 of Public Law 114–58; and
(2) certifies in writing that such an agreement is executed and intended to minimize or prevent subsequent major construction project cost overruns and provides a copy of the agreement entered into and any required supplementary information to the Committees on Appropriations of both Houses of Congress.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $372,069,000, to remain available until September 30, 2021, along with unobligated balances of previous “Construction, Minor Projects” appropriations.
which are hereby made available for any project where the
estimated cost is equal to or less than the amount set forth
in such section: Provided, That funds made available
under this heading shall be for: (1) repairs to any of the
nonmedical facilities under the jurisdiction or for the use
of the Department which are necessary because of loss or
damage caused by any natural disaster or catastrophe;
and (2) temporary measures necessary to prevent or to
minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE

FACILITIES

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

GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2017 for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2017, in this or any other Act, under the "Medical Services", "Medical Community Care", "Medical Support and Compliance", and "Medical Facilities" accounts may be transferred among the accounts: Provided, That any transfers between the "Medical Services" and "Medical Support and Compliance" accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of
the transfer: *Provided further*, That any transfers between
the “Medical Services” and “Medical Support and Compli-
ance” accounts in excess of 1 percent, or exceeding the
cumulative 1 percent for the fiscal year, may take place
only after the Secretary requests from the Committees on
Appropriations of both Houses of Congress the authority
to make the transfer and an approval is issued: *Provided
further*, That any transfers to or from the “Medical Facili-
ties” account may take place only after the Secretary re-
quests from the Committees on Appropriations of both
Houses of Congress the authority to make the transfer
and an approval is issued.

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

Sec. 204. No appropriations in this title (except the
appropriations for “Construction, Major Projects”, and
“Construction, Minor Projects”) shall be available for the
purchase of any site for or toward the construction of any
new hospital or home.
Sec. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the “Medical Services” account at such rates as may be fixed by the Secretary of Veterans Affairs.

Sec. 206. Appropriations available in this title for “Compensation and Pensions”, “Readjustment Benefits”, and “Veterans Insurance and Indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2016.

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

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Sec. 208. Notwithstanding any other provision of law, during fiscal year 2017, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans’ Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the “General Operating Expenses, Veterans Benefits Administration” and “Information Technology Systems” accounts for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2017 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2017 which is properly allocable to the provision of each such insurance program and to the provision of any total
disability income insurance included in that insurance pro-
gram.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Manage-
ment of the Department of Veterans Affairs and the Of-
ifice of Employment Discrimination Complaint Adjudica-
tion under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not to exceed $47,668,000 for the Office of Reso-
lution Management and $3,532,000 for the Office of Em-
ployment Discrimination Complaint Adjudication: Pro-
vided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the “General Administration” and “Information Technology Systems” accounts for use by the office that provided the service.

SEC. 211. None of the funds in this or any other Act may be used to close Department of Veterans Affairs (VA)
hospitals, domiciliaries, or clinics, conduct an environ-
mental assessment, or to diminish healthcare services at
existing Veterans Health Administration medical facilities
located in Veterans Integrated Service Network 23 as part
of a planned realignment of VA services until the Sec-
retary provides to the Committees on Appropriations of
both Houses of Congress a report including the following
elements:

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

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

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

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

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

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

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

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reason-
able charges for such care or services from any person who
does not make such disclosure as required: Provided fur-
ther, That any amounts so recovered for care or services
provided in a prior fiscal year may be obligated by the
Secretary during the fiscal year in which amounts are re-
ceived.

(INCLUDING TRANSFER OF FUNDS)

Sec. 213. Notwithstanding any other provision of
law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into
the “Construction, Major Projects” and “Construction,
Minor Projects” accounts and be used for construction
(including site acquisition and disposition), alterations,
and improvements of any medical facility under the juris-
diction or for the use of the Department of Veterans Af-
fairs. Such sums as realized are in addition to the amount
provided for in “Construction, Major Projects” and “Con-
struction, Minor Projects”.

Sec. 214. Amounts made available under “Medical
Services” are available—

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

(2) for funeral expenses, burial expenses, and
other expenses incidental to funerals and burials for
beneficiaries receiving care in the Department.
SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to the “Medical Services” and “Medical Community Care” accounts, to remain available until expended for the purposes of these accounts.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term “rural Alaska” shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the “Construction, Major Projects” and
“Construction, Minor Projects” accounts, to remain available until expended for the purposes of these accounts.

(RESCISSION OF FUNDS)

SEC. 218. Of the amounts appropriated in title II of division J of Public Law 114–113 under the heading “Medical Services” which become available on October 1, 2016, $7,246,181,000 are hereby rescinded.

SEC. 219. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter:

Provided, That, at a minimum, the report shall include the direction contained in the explanatory statement described in section 4 in the matter preceding division A of the Consolidated Appropriations Act, 2016 Public Law 114–113 in title II of Division J of the consolidated Act in the paragraph entitled “Quarterly Report”, under the heading “General Administration”.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, “Medical Facilities”, “General Operating Expenses, Veterans Benefits Administration”, “General Administration”, and “National Cemetery Ad-
ministration” accounts for fiscal year 2017 may be transferred to or from the “Information Technology Systems” account: Provided, That such transfers may not result in a more than 10 percent aggregate increase in the total amount made available by this Act for the “Information Technology Systems” account: Provided further, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

Sec. 221. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

(INCLUDING TRANSFER OF FUNDS)

Sec. 222. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2017 for “Medical Services”, “Medical Support and Compliance”, “Medical Facilities”, “Construction, Minor Projects”, and “Information Technology Systems”, up to $274,731,000,
plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500): Provided, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: Provided further, That section 223 of title II of division J of Public Law 114–113 is repealed.

(INCLUDING TRANSFER OF FUNDS)

Sec. 223. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2017, for “Medical Services”, “Medical Support and Compliance”, and “Medical Facilities”, up to $280,802,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, es-
established by section 1704 of the National Defense Author-
ization Act for Fiscal Year 2010 (Public Law 111–84; 123
Stat. 3571) and may be used for operation of the facilities
designated as combined Federal medical facilities as de-
scribed by section 706 of the Duncan Hunter National De-
defense Authorization Act for Fiscal Year 2009 (Public Law
110–417; 122 Stat. 4500): Provided, That additional
funds may be transferred from accounts designated in this
section to the Joint Department of Defense-Department
of Veterans Affairs Medical Facility Demonstration Fund
upon written notification by the Secretary of Veterans Af-
fairs to the Committees on Appropriations of both Houses
of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 224. Such sums as may be deposited to the
Medical Care Collections Fund pursuant to section 1729A
of title 38, United States Code, for healthcare provided
at facilities designated as combined Federal medical facili-
ties as described by section 706 of the Duncan Hunter
(Public Law 110–417; 122 Stat. 4500) shall also be avail-
able: (1) for transfer to the Joint Department of Defense-
Department of Veterans Affairs Medical Facility Dem-
onstration Fund, established by section 1704 of the Na-
tional Defense Authorization Act for Fiscal Year 2010
(Public Law 111–84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Of the amounts available in this title for “Medical Services”, “Medical Support and Compliance”, and “Medical Facilities”, a minimum of $15,000,000 shall be transferred to the DOD–VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 226. None of the funds available to the Department of Veterans Affairs, in this or any other Act, may be used to replace the current system by which the Veterans Integrated Service Networks select and contract for diabetes monitoring supplies and equipment.

SEC. 227. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: Provided, That such notification shall occur within 14 days.
of a contract identifying the programmed amount: *Provided further*, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

**SEC. 228.** None of the funds made available for “Construction, Major Projects” may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

**SEC. 229.** The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report that contains the following information from each Veterans Benefits Administration Regional Office: (1) the average time to complete a disability compensation claim; (2) the number of claims pending more than 125 days, disaggregated by initial and supplemental claims; (3) error rates; (4) the number of claims personnel; (5) any corrective action taken within the quarter to address poor performance; (6) training programs undertaken; and (7) the number and results of Quality Review Team audits: *Provided*, That each quar-
terly report shall be submitted no later than 30 days after the end of the respective quarter.

Sec. 230. Of the funds provided to the Department of Veterans Affairs for fiscal year 2017 for “Medical Support and Compliance” a maximum of $40,000,000 may be obligated from the “Medical Support and Compliance” account for the VistA Evolution and electronic health record interoperability projects: Provided, That funds in addition to these amounts may be obligated for the VistA Evolution and electronic health record interoperability projects upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

Sec. 231. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

(INCLUDING TRANSFER OF FUNDS)

Sec. 232. Amounts made available for the Department of Veterans Affairs for fiscal year 2017, under the “Board of Veterans Appeals” and the “General Operating Expenses, Veterans Benefits Administration” accounts may be transferred between such accounts: Provided, That
before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

(RESCISSION OF FUNDS)

SEC. 233. Of the unobligated balances available within the “DOD–VA Health Care Sharing Incentive Fund”, $52,000,000 are hereby rescinded.

SEC. 234. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such instance of reprogramming will exceed $5,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

SEC. 235. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

SEC. 236. Paragraph (3) of section 403(a) of the Veterans’ Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) is amended to read as follows:
“(3) DURATION.—A veteran may receive health services under this section during the period beginning on the date specified in paragraph (2) and ending on September 30, 2018.”.

Sec. 237. (a) Section 1722A(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(4) Paragraph (1) does not apply to opioid antagonists furnished under this chapter to a veteran who is at high risk for overdose of a specific medication or substance in order to reverse the effect of such an overdose.”.

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

(1) by striking “with respect to home health services” and inserting “with respect to the following:”

“(A) Home health services”; and

(2) by adding at the end the following new subparagraph:

“(B) Education on the use of opioid antagonists to reverse the effects of overdoses of specific medications or substances.”.

Sec. 238. Section 312 of title 38, United States Code, is amended in subsection(c)(1) by striking the
phrase “that makes a recommendation or otherwise sug-
gests corrective action,.”

SEC. 239. The Department of Veterans Affairs is au-
thorized to administer financial assistance grants and
enter into cooperative agreements with organizations, uti-
lizing a competitive selection process, to train and employ
homeless and at-risk veterans in natural resource con-
servation management.

SEC. 240. The Department of Veterans Affairs shall seek to enter into an agreement with the National Acad-
emy of Medicine for an assessment on research relating
to the descendants of individuals with toxic exposure and
to evaluate the feasibility of a research entity or entities
to conduct research relating to health conditions of de-
scendants of veterans with toxic exposure while serving in
the Armed Forces.

SEC. 241. Of the funds provided to the Department
of Veterans Affairs for each of fiscal year 2017 and fiscal
year 2018 for “Medical Services”, $3,000,000 in each year
for carrying out and expanding to each medical center of
the Department the child care program authorized by sec-
tion 205 of Public Law 111–163, notwithstanding sub-
section (e) of such section.

SEC. 242. Section 5701(l) of title 38, United States
Code, is amended by striking “may” and inserting “shall”.

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SEC. 243. (a) The Secretary of Veterans Affairs shall, as part of the hiring process for each health care provider considered for a position at the Department of Veterans Affairs after the date of the enactment of this Act, require from the medical board of each State in which the health care provider holds or has held a medical license—

(1) information on any violation of the requirements of the medical license of the health care provider; and

(2) information on whether the health care provider has entered into any settlement agreement for a disciplinary charge relating to the practice of medicine by the health care provider.

(b) The Secretary shall prescribe regulations to carry out this section.

SEC. 244. (a) Notwithstanding section 552a of title 5, United States Code, the Secretary of Veterans Affairs shall, with respect to each health care provider of the Department of Veterans Affairs that has violated a requirement of their medical license, provide to the medical board of each State in which the health care provider is licensed or practices all relevant information contained in the State Licensing Board Reporting File or any successor file of the Department with respect to such violation.
(b) The Secretary shall provide the information re-
quired in subsection (a) to a medical board described in
such subsection notwithstanding that such board may not
have formally requested such information from the De-
partment.

(INCLUDING TRANSFER OF FUNDS)

SEC. 245. Upon determination by the Secretary of
Veterans Affairs that such action is necessary for pro-
viding health care, benefits and other services, the Sec-
retary may transfer amounts made available to the De-
partment of Veterans Affairs for fiscal year 2017 by this
Act between any discretionary appropriations accounts for
fiscal year 2017: Provided, That amounts so transferred
shall be merged with the account to which transferred:

Provided further, That the total amount that the Secretary
may transfer under this section may not exceed two per-
cent of the total discretionary appropriations made avail-
able to the Department for fiscal year 2017 by this Act:

Provided further, That a transfer of funds between the
“Medical Services”, “Medical Community Care”, “Medical
Support and Compliance”, and “Medical Facilities” ac-
counts shall not be counted toward the two percent limita-
tion in the previous proviso: Provided further, That the
transfer authority provided by this section may be exer-
cised only to support activities in an appropriations ac-
count that have a higher priority than those undertaken in the appropriations account from which budget authority is transferred, as determined by the Secretary: Provided further, That such transfer authority may not be used to provide budget authority for an activity that the Secretary lacks the authority to carry out: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: Provided further, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

VA Patient Protection Act of 2016

Sec. 246. (a) Procedure and Administration.—

(1) In General.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

§ 731. Whistleblower complaint defined

“In this subchapter, the term ‘whistleblower complaint’ means a complaint by an employee of the Department disclosing, or assisting another employee to disclose, a potential violation of any law, rule, or regulation, or
§ 732. Treatment of whistleblower complaints

“(a) FILING.—(1) In addition to any other method established by law in which an employee may file a whistleblower complaint, an employee of the Department may file a whistleblower complaint in accordance with subsection (g) with a supervisor of the employee.

“(2) Except as provided by subsection (d)(1), in making a whistleblower complaint under paragraph (1), an employee shall file the initial complaint with the immediate supervisor of the employee.

“(b) NOTIFICATION.—(1)(A) Not later than four business days after the date on which a supervisor receives a whistleblower complaint by an employee under this section, the supervisor shall notify, in writing, the employee of whether the supervisor determines that there is a reasonable likelihood that the complaint discloses a violation of any law, rule, or regulation, or gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

“(B) The supervisor shall retain written documentation regarding the whistleblower complaint and shall submit to the next-level supervisor and the central whistleblower-
blower office described in subsection (h) a written report
on the complaint.

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

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

“(c) POSITIVE DETERMINATION.—If a supervisor
makes a positive determination under subsection (b)(1) re-
garding a whistleblower complaint of an employee, the su-
pervisor shall include in the notification to the employee
under such subsection the specific actions that the super-
visor will take to address the complaint.

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

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

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

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

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

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

“(e) Transfer of Employee Who Files Whis-
tleblower Complaint.—If a supervisor makes a posi-
tive determination under subsection (b)(1) regarding a
whistleblower complaint filed by an employee, the Sec-
retary shall—
“(1) inform the employee of the ability to vol-
unteer for a transfer in accordance with section
3352 of title 5; and
“(2) give preference to the employee for such a
transfer in accordance with such section.
“(f) PROHIBITION ON EXEMPTION.—The Secretary
may not exempt any employee of the Department from
being covered by this section.
“(g) WHISTLEBLOWER COMPLAINT FORM.—(1) A
whistleblower complaint filed by an employee under sub-
section (a) or (d) shall consist of the form described in
paragraph (2) and any supporting materials or docu-
mentation the employee determines necessary.
“(2) The form described in this paragraph is a form
developed by the Secretary, in consultation with the Spe-
cial Counsel, that includes the following:
“(A) An explanation of the purpose of the whis-
tleblower complaint form.
“(B) Instructions for filing a whistleblower
complaint as described in this section.
“(C) An explanation that filing a whistleblower
complaint under this section does not preclude the
employee from any other method established by law
in which an employee may file a whistleblower com-
plaint.
“(D) A statement directing the employee to information accessible on the Internet website of the Department as described in section 735(d).

“(E) Fields for the employee to provide—

“(i) the date that the form is submitted;
“(ii) the name of the employee;
“(iii) the contact information of the employee;
“(iv) a summary of the whistleblower complaint (including the option to append supporting documents pursuant to paragraph (1)); and
“(v) proposed solutions to the complaint.

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

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

“(h) CENTRAL WHISTLEBLOWER OFFICE.—(1) The Secretary shall ensure that the central whistleblower office—

“(A) is not an element of the Office of the General Counsel;
“(B) is not headed by an official who reports to the General Counsel;

“(C) does not provide, or receive from, the General Counsel any information regarding a whistleblower complaint except pursuant to an action regarding the complaint before an administrative body or court; and

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

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

“(3) The Secretary shall ensure that the central whistleblower office maintains a toll-free hotline to anonymously receive whistleblower complaints.

“(4) The Secretary shall ensure that the central whistleblower office has such staff and resources as the Secretary considers necessary to carry out the functions of the central whistleblower office.

“(5) In this subsection, the term ‘central whistleblower office’ means the Office of Accountability Review or a successor office that is established or designated by
§733. **Adverse actions against supervisory employees who commit prohibited personnel actions relating to whistleblower complaints**

“(a) **In General.**—(1) In accordance with paragraph (2), the Secretary shall carry out the following adverse actions against supervisory employees (as defined in section 7103(a) of title 5) whom the Secretary, an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or the Inspector General of the Department determines committed a prohibited personnel action described in subsection (c):

“(A) With respect to the first offense, an adverse action that is not less than a 12-day suspension and not more than removal.

“(B) With respect to the second offense, removal.

“(2)(A) An employee against whom an adverse action under paragraph (1) is proposed is entitled to written notice.

“(B)(i) An employee who is notified under subparagraph (A) of being the subject of a proposed adverse ac-
tion under paragraph (1) is entitled to 14 days following such notification to answer and furnish evidence in support of the answer.

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

“(C) Paragraphs (1) and (2) of subsection (b) of section 7513 of title 5, subsection (c) of such section, paragraphs (1) and (2) of subsection (b) of section 7543 of such title, and subsection (e) of such section shall not apply with respect to an adverse action carried out under paragraph (1).

“(b) LIMITATION ON OTHER ADVERSE ACTIONS.—With respect to a prohibited personnel action described in subsection (c), if the Secretary carries out an adverse action against a supervisory employee, the Secretary may carry out an additional adverse action under this section based on the same prohibited personnel action if the total severity of the adverse actions do not exceed the level specified in subsection (a).
“(c) Prohibited Personnel Action Described.—A prohibited personnel action described in this subsection is any of the following actions:

“(1) Taking or failing to take a personnel action in violation of section 2302 of title 5 against an employee relating to the employee—

“(A) filing a whistleblower complaint in accordance with section 732 of this title;

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

“(C) providing information or participating as a witness in an investigation of a whistleblower complaint in accordance with section 732 or with the Inspector General of the Department, the Special Counsel, or Congress;

“(D) participating in an audit or investigation by the Comptroller General of the United States;

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

“(F) engaging in communications that are related to the duties of the position or are otherwise protected.
“(2) Preventing or restricting an employee from making an action described in any of subparagraphs (A) through (F) of paragraph (1).

“(3) Conducting a negative peer review or opening a retaliatory investigation because of an activity of an employee that is protected by section 2302 of title 5.

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

§ 734. Evaluation criteria of supervisors and treatment of bonuses

“(a) Evaluation Criteria.—(1) In evaluating the performance of supervisors of the Department, the Secretary shall include the criteria described in paragraph (2).

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

“(A) Whether the supervisor treats whistleblower complaints in accordance with section 732 of this title.

“(B) Whether the appropriate deciding official, performance review board, or performance review committee determines that the supervisor was found to have committed a prohibited personnel action de-
scribed in section 733(b) of this title by an administrative judge, the Merit Systems Protection Board, the Office of Special Counsel, an adjudicating body provided under a union contract, a Federal judge, or, in the case of a settlement of a whistleblower complaint (regardless of whether any fault was assigned under such settlement), the Secretary.

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

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

“(A) such award or bonus was paid for performance during a period in which the supervisor committed a prohibited personnel action as determined pursuant to such subsection (a)(2)(B);

“(B) the Secretary determines such repayment appropriate pursuant to regulations prescribed by the Secretary to carry out this section; and
“(C) the supervisor is afforded notice and an opportunity for a hearing before making such repayment.

§ 735. Training regarding whistleblower complaints

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

“(1) an explanation of each method established by law in which an employee may file a whistleblower complaint;

“(2) an explanation of prohibited personnel actions described by section 733(e) of this title;

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

“(4) the right of the employee to petition Congress regarding a whistleblower complaint in accordance with section 7211 of title 5;

“(5) an explanation that the employee may not be prosecuted or reprised against for disclosing information to Congress, the Inspector General, or another investigatory agency in instances where such
disclosure is permitted by law, including under sections 5701, 5705, and 7732 of this title, under section 552a of title 5 (commonly referred to as the Privacy Act), under chapter 93 of title 18, and pursuant to regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191);

“(6) an explanation of the language that is required to be included in all nondisclosure policies, forms, and agreements pursuant to section 115(a)(1) of the Whistleblower Protection Enhancement Act of 2012 (5 U.S.C. 2302 note); and

“(7) the right of contractors to be protected from reprisal for the disclosure of certain information under section 4705 or 4712 of title 41.

“(b) MANNER TRAINING IS PROVIDED.—The Secretary shall ensure that training provided under subsection (a) is provided in person.

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

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

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

§ 736. Reports to Congress

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

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

“(A) the number of such complaints filed;
“(B) the disposition of such complaints;
and
“(C) the ways in which the Secretary ad-
dressed such complaints in which a positive de-
termination was made by a supervisor under
subsection (b)(1) of such section;

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

“(A) the method in which such complaints
were filed;
“(B) the disposition of such complaints;

and

“(C) the ways in which the Secretary addressed such complaints; and

“(3) with respect to disclosures made by a contractor under section 4705 or 4712 of title 41—

“(A) the number of complaints relating to such disclosures that were investigated by the Inspector General of the Department of Veterans Affairs during the year covered by the report;

“(B) the disposition of such complaints;

and

“(C) the ways in which the Secretary addressed such complaints.

“(b) NOTICE OF OFFICE OF SPECIAL COUNSEL DETERMINATIONS.—Not later than 30 days after the date on which the Secretary receives from the Special Counsel information relating to a whistleblower complaint pursuant to section 1213 of title 5, the Secretary shall notify the appropriate committees of Congress of such information, including the determination made by the Special Counsel.
“(c) Appropriate Committees of Congress.—In this section, the term ‘appropriate committees of Congress’ means—

“(1) the Committee on Veterans’ Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(2) the Committee on Veterans’ Affairs and the Committee on Oversight and Government Reform of the House of Representatives.”.

(2) Conforming and Clerical Amendments.—

(A) Conforming Amendment.—Such chapter is further amended by inserting before section 701 the following:

“SUBCHAPTER I—GENERAL EMPLOYEE MATTERS”.

(B) Clerical Amendments.—The table of sections at the beginning of such chapter is amended—

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

“SUBCHAPTER I—GENERAL EMPLOYEE MATTERS”;

and

(ii) by adding at the end the following new items:

“SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

“731. Whistleblower complaint defined.

“732. Treatment of whistleblower complaints.”
(b) Treatment of Congressional Testimony by Department of Veterans Affairs Employees as Official Duty.—

(1) In general.—Subchapter I of chapter 7 of title 38, United States Code, as designated by section 2(a)(2)(A), is amended by adding at the end the following new section:

§ 715. Congressional testimony by employees: treatment as official duty

“(a) Congressional Testimony.—An employee of the Department is performing official duty during the period with respect to which the employee is testifying in an official capacity in front of either chamber of Congress, a committee of either chamber of Congress, or a joint or select committee of Congress.

“(b) Travel Expenses.—The Secretary shall provide travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, to any employee of the Department of Veterans Affairs performing official duty described under subsection (a).”.

(2) Clerical amendment.—The table of sections at the beginning of such chapter, as amended
by section 2(a)(2)(B), is further amended by insert-
ing after the item relating to section 713 the fol-
lowing new item:

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

SEC. 247. (a) Notwithstanding any other provision
of law, of the amounts appropriated or otherwise made
available to the Department of Veterans Affairs for the
“Medical Services” account, for fiscal year 2017, not less
than $18,000,000, and for fiscal year 2018, not less than
$70,000,000, shall be used for the provision of fertility
treatment and counseling, including treatment using as-
sisted reproductive technology, to veterans and their
spouses if the veteran has a service-connected condition
that results in the veteran being unable to procreate with-
out the use of such fertility treatment.

(b) In this section, the term “service-connected condi-
tion” means a condition that was incurred or aggravated
in line of duty in the active military, naval, or air service
(as defined in section 101 of title 38, United States Code).

SEC. 248. None of the amounts appropriated or oth-
erwise made available by title II may be used to carry out
the Home Marketing Incentive Program of the Depart-
ment of Veterans Affairs or to carry out the Appraisal
Value Offer Program of the Department with respect to
an employee of the Department in a senior executive posi-
tion (as defined in section 713(g) of title 38, United States
Code): Provided, That the Secretary may waive this prohibition with respect to the use of the Home Marketing Incentive Program and Appraisal Value Offer Program to recruit for a position for which recruitment or retention of qualified personnel is likely to be difficult in the absence of the use of these incentives: Provided further, That within 15 days of a determination by the Secretary to waive this prohibition, the Secretary shall submit written notification thereof to the Committees on Appropriations of both Houses of Congress containing the reasons and identifying the position title for which the waiver has been issued.

SEC. 249. None of the funds appropriated or otherwise made available to the Department of Veterans Affairs in this Act may be used in a manner that would—

(1) interfere with the ability of a veteran to participate in a medicinal marijuana program approved by a State;

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

(3) limit or interfere with the ability of a health care provider of the Department to make appropriate recommendations, fill out forms, or take steps to comply with such a program.
SEC. 250. (a) In General.—For the purposes of verifying that an individual performed service under honorable conditions that satisfies the requirements of a coastwise merchant seaman who is recognized pursuant to section 401 of the GI Bill Improvement Act of 1977 (Public Law 95–202; 38 U.S.C. 106 note) as having performed active duty service for the purposes described in subsection (c)(1), the Secretary of Defense shall accept the following:

(1) In the case of an individual who served on a coastwise merchant vessel seeking such recognition for whom no applicable Coast Guard shipping or discharge form, ship logbook, merchant mariner’s document or Z-card, or other official employment record is available, the Secretary of Defense shall provide such recognition on the basis of applicable Social Security Administration records submitted for or by the individual, together with validated testimony given by the individual or the primary next of kin of the individual that the individual performed such service during the period beginning on December 7, 1941, and ending on December 31, 1946.

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

(3) For the purpose of determining whether to recognize service allegedly performed during the period beginning on December 7, 1941, and ending on December 31, 1946, the Secretary shall recognize masters of seagoing vessels or other officers in command of similarly organized groups as agents of the United States who were authorized to document any individual for purposes of hiring the individual to perform service in the merchant marine or discharging an individual from such service.

(b) TREATMENT OF OTHER DOCUMENTATION.—

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

(e) BENEFITS ALLOWED.—
(1) MEDALS, RIBBONS, AND DECORATIONS.—

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

(2) STATUS OF VETERAN.—An individual whose
service is recognized as active duty pursuant to sub-
section (a) shall be honored as a veteran but shall
not be entitled by reason of such recognized service
to any benefit that is not described in this sub-
section.
For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $75,100,000 to remain available until expended.

FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.
For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $30,945,100: Provided, That $2,500,000 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth under this heading in Public Law 102–229.

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers’ and Airmen’s Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed $1,000 for official reception and representation expenses, $70,800,000 of which not to exceed $28,000,000 shall remain available until September 30, 2019. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the “Lease
of Department of Defense Real Property for Defense
Agencies” account.

ARMED FORCES RETIREMENT HOME

TRUST FUND

For expenses necessary for the Armed Forces Retire-
ment Home to operate and maintain the Armed Forces
Retirement Home—Washington, District of Columbia,
and the Armed Forces Retirement Home—Gulfport, Mis-
sissippi, to be paid from funds available in the Armed
Forces Retirement Home Trust Fund, $64,300,000, of
which $1,000,000 shall remain available until expended
for construction and renovation of the physical plants at
the Armed Forces Retirement Home—Washington, Dis-
trict of Columbia, and the Armed Forces Retirement
Home—Gulfport, Mississippi: Provided, That of the
amounts made available under this heading from funds
available in the Armed Forces Retirement Home Trust
Fund, $22,000,000 shall be paid from the general fund
of the Treasury to the Trust Fund.

Administrative Provisions

Sec. 301. Funds appropriated in this Act under the
heading “Department of Defense—Civil, Cemeterial Ex-
penses, Army”, may be provided to Arlington County, Vir-
ginia, for the relocation of the federally owned water main
at Arlington National Cemetery, making additional land available for ground burials.

Sec. 302. Amounts deposited into the special account established under 10 U.S.C. 4727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.
TITLE IV
GENERAL PROVISIONS

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

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

Sec. 403. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

Sec. 404. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs,
and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 405. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 406. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

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

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

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

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

Sec. 409. (a) IN GENERAL.—None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to construct, renovate, or expand any facility in the United States, its territories, or possessions to house any individual detained at United States Naval Station, Guantánamo Bay, Cuba, for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense.

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

(e) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantánamo Bay, Cuba, and who—
(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

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

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

This Act may be cited as the “Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017”.

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2017, and for other purposes.

APRIL 18, 2016

Read twice and placed on the calendar

Voted on 18 July 2016

[Report No. 114-237]