

**Calendar No. 424**114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2806****[Report No. 114–237]**

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.

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**IN THE SENATE OF THE UNITED STATES**

APRIL 18, 2016

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

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**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,

1 and related agencies for the fiscal year ending September  
2 30, 2017, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF DEFENSE

5 MILITARY CONSTRUCTION, ARMY

6 For acquisition, construction, installation, and equip-  
7 ment of temporary or permanent public works, military  
8 installations, facilities, and real property for the Army as  
9 currently authorized by law, including personnel in the  
10 Army Corps of Engineers and other personal services nec-  
11 essary for the purposes of this appropriation, and for con-  
12 struction and operation of facilities in support of the func-  
13 tions of the Commander in Chief, \$532,359,000, to re-  
14 main available until September 30, 2021.

15 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

16 For acquisition, construction, installation, and equip-  
17 ment of temporary or permanent public works, naval in-  
18 stallations, facilities, and real property for the Navy and  
19 Marine Corps as currently authorized by law, including  
20 personnel in the Naval Facilities Engineering Command  
21 and other personal services necessary for the purposes of  
22 this appropriation, \$1,087,572,000, to remain available  
23 until September 30, 2021.

## 1           MILITARY CONSTRUCTION, AIR FORCE

2           For acquisition, construction, installation, and equip-  
3 ment of temporary or permanent public works, military  
4 installations, facilities, and real property for the Air Force  
5 as currently authorized by law, \$1,579,798,000, to remain  
6 available until September 30, 2021.

## 7           MILITARY CONSTRUCTION, DEFENSE-WIDE

8                           (INCLUDING TRANSFER OF FUNDS)

9           For acquisition, construction, installation, and equip-  
10 ment of temporary or permanent public works, installa-  
11 tions, facilities, and real property for activities and agen-  
12 cies of the Department of Defense (other than the military  
13 departments), as currently authorized by law,  
14 \$2,038,980,000, to remain available until September 30,  
15 2021: *Provided*, That such amounts of this appropriation  
16 as may be determined by the Secretary of Defense may  
17 be transferred to such appropriations of the Department  
18 of Defense available for military construction or family  
19 housing as the Secretary may designate, to be merged with  
20 and to be available for the same purposes, and for the  
21 same time period, as the appropriation or fund to which  
22 transferred.

## 23           MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

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

1 ministration of the Army National Guard, and contribu-  
2 tions therefor, as authorized by chapter 1803 of title 10,  
3 United States Code, and Military Construction Authoriza-  
4 tion Acts, \$232,930,000, to remain available until Sep-  
5 tember 30, 2021.

6       MILITARY CONSTRUCTION, AIR NATIONAL GUARD

7       For construction, acquisition, expansion, rehabilita-  
8 tion, and conversion of facilities for the training and ad-  
9 ministration of the Air National Guard, and contributions  
10 therefor, as authorized by chapter 1803 of title 10, United  
11 States Code, and Military Construction Authorization  
12 Acts, \$143,957,000, to remain available until September  
13 30, 2021.

14       MILITARY CONSTRUCTION, ARMY RESERVE

15       For construction, acquisition, expansion, rehabilita-  
16 tion, and conversion of facilities for the training and ad-  
17 ministration of the Army Reserve as authorized by chapter  
18 1803 of title 10, United States Code, and Military Con-  
19 struction Authorization Acts, \$68,230,000, to remain  
20 available until September 30, 2021.

21       MILITARY CONSTRUCTION, NAVY RESERVE

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

1 United States Code, and Military Construction Authoriza-  
2 tion Acts, \$38,597,000, to remain available until Sep-  
3 tember 30, 2021.

4 MILITARY CONSTRUCTION, AIR FORCE RESERVE

5 For construction, acquisition, expansion, rehabilita-  
6 tion, and conversion of facilities for the training and ad-  
7 ministration of the Air Force Reserve as authorized by  
8 chapter 1803 of title 10, United States Code, and Military  
9 Construction Authorization Acts, \$188,950,000, to remain  
10 available until September 30, 2021.

11 NORTH ATLANTIC TREATY ORGANIZATION

12 SECURITY INVESTMENT PROGRAM

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

22 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

23 For deposit into the Department of Defense Base  
24 Closure Account, established by section 2906(a) of the De-  
25 fense Base Closure and Realignment Act of 1990 (10

1 U.S.C. 2687 note), \$205,237,000, to remain available  
2 until expended.

3 FAMILY HOUSING OPERATION AND MAINTENANCE,

4 ARMY

5 For expenses of family housing for the Army for op-  
6 eration and maintenance, including debt payment, leasing,  
7 minor construction, principal and interest charges, and in-  
8 surance premiums, as authorized by law, \$325,995,000.

9 FAMILY HOUSING OPERATION AND MAINTENANCE,

10 NAVY AND MARINE CORPS

11 For expenses of family housing for the Navy and Ma-  
12 rine Corps for operation and maintenance, including debt  
13 payment, leasing, minor construction, principal and inter-  
14 est charges, and insurance premiums, as authorized by  
15 law, \$300,915,000.

16 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR

17 FORCE

18 For expenses of family housing for the Air Force for  
19 operation and maintenance, including debt payment, leas-  
20 ing, minor construction, principal and interest charges,  
21 and insurance premiums, as authorized by law,  
22 \$274,429,000.



1 ment, addition, expansion, extension, and alteration, as  
2 authorized by law, \$94,011,000, to remain available until  
3 September 30, 2021.

4 FAMILY HOUSING CONSTRUCTION, AIR FORCE

5 For expenses of family housing for the Air Force for  
6 construction, including acquisition, replacement, addition,  
7 expansion, extension, and alteration, as authorized by law,  
8 \$61,352,000, to remain available until September 30,  
9 2021.

10 ADMINISTRATIVE PROVISIONS

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

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

21 SEC. 103. Funds made available in this title for con-  
22 struction may be used for advances to the Federal High-  
23 way Administration, Department of Transportation, for  
24 the construction of access roads as authorized by section  
25 210 of title 23, United States Code, when projects author-



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19                                    (INCLUDING TRANSFER OF FUNDS)

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

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

21 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

10                                   (INCLUDING TRANSFER OF FUNDS)

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

1       SEC. 122. Amounts appropriated or otherwise made  
2 available in an account funded under the headings in this  
3 title may be transferred among projects and activities  
4 within the account in accordance with the reprogramming  
5 guidelines for military construction and family housing  
6 construction contained in Department of Defense Finan-  
7 cial Management Regulation 7000.14–R, Volume 3, Chap-  
8 ter 7, of February 2009, as in effect on the date of enact-  
9 ment of this Act.

10       SEC. 123. None of the funds made available in this  
11 title may be obligated or expended for planning and design  
12 and construction of projects at Arlington National Ceme-  
13 tery.

14       SEC. 124. For the purposes of this Act, the term  
15 “congressional defense committees” means the Commit-  
16 tees on Armed Services of the House of Representatives  
17 and the Senate, the Subcommittee on Military Construc-  
18 tion and Veterans Affairs of the Committee on Appropria-  
19 tions of the Senate, and the Subcommittee on Military  
20 Construction and Veterans Affairs of the Committee on  
21 Appropriations of the House of Representatives.

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

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



1           “Military Construction, Navy and Marine  
2 Corps”, \$143,000,000;

3           “Military Construction, Air Force”,  
4 \$195,465,000;

5           “Military Construction, Defense-Wide”,  
6 \$64,364,000;

7           “Military Construction, Army National Guard”,  
8 \$16,500,000;

9           “Military Construction, Air National Guard”,  
10 \$11,000,000;

11           “Military Construction, Army Reserve”,  
12 \$30,000,000;

13           “Family Housing Construction, Army”,  
14 \$14,400,000:

15 *Provided*, That such funds may only be obligated to carry  
16 out construction projects identified in the respective mili-  
17 tary department’s unfunded priority list for fiscal year  
18 2017 submitted to Congress: *Provided further*, That such  
19 funds are subject to authorization prior to obligation and  
20 expenditure of funds to carry out construction: *Provided*  
21 *further*, That not later than 30 days after enactment of  
22 this Act, the Secretary of the military department con-  
23 cerned, or their designee, shall submit to the Committees  
24 on Appropriations of both Houses of Congress an expendi-  
25 ture plan for funds provided under this section.

## (RESCISSIONS OF FUNDS)

1  
2 SEC. 126. Of the unobligated balances available to  
3 the Department of Defense from prior appropriation Acts,  
4 the following funds are hereby rescinded from the fol-  
5 lowing accounts in the amounts specified:

6 "Military Construction, Army", \$30,000,000;

7 "Military Construction, Air Force",  
8 \$22,340,000;

9 "Military Construction, Defense-Wide",  
10 \$132,283,000; and

11 "North Atlantic Treaty Organization Security  
12 Investment Program", \$15,000,000:

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

19 SEC. 127. Notwithstanding any other provision of  
20 law, none of the funds appropriated or otherwise made  
21 available by this or any other Act may be used to consoli-  
22 date or relocate any element of a United States Air Force  
23 Rapid Engineer Deployable Heavy Operational Repair  
24 Squadron Engineer (RED HORSE) outside of the United  
25 States until the Secretary of the Air Force (1) completes

1 an analysis and comparison of the cost and infrastructure  
2 investment required to consolidate or relocate a RED  
3 HORSE squadron outside of the United States versus  
4 within the United States; (2) provides to the Committees  
5 on Appropriations of both Houses of Congress (“the Com-  
6 mittees”) a report detailing the findings of the cost anal-  
7 ysis; and (3) certifies in writing to the Committees that  
8 the preferred site for the consolidation or relocation yields  
9 the greatest savings for the Air Force: *Provided*, That the  
10 term “United States” in this section does not include any  
11 territory or possession of the United States.

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

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

6 For the payment of compensation benefits to or on  
7 behalf of veterans and a pilot program for disability ex-  
8 aminations as authorized by section 107 and chapters 11,  
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;  
10 pension benefits to or on behalf of veterans as authorized  
11 by chapters 15, 51, 53, 55, and 61 of title 38, United  
12 States Code; and burial benefits, the Reinstated Entitle-  
13 ment Program for Survivors, emergency and other offi-  
14 cers' retirement pay, adjusted-service credits and certifi-  
15 cates, payment of premiums due on commercial life insur-  
16 ance policies guaranteed under the provisions of title IV  
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.  
18 541 et seq.) and for other benefits as authorized by sec-  
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,  
20 53, 55, and 61 of title 38, United States Code,  
21 \$90,119,449,000, to remain available until expended and  
22 to become available on October 1, 2017: *Provided*, That  
23 not to exceed \$17,224,000 of the amount made available  
24 for fiscal year 2018 under this heading shall be reim-  
25 bursed to "General Operating Expenses, Veterans Bene-

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

11 READJUSTMENT BENEFITS

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

23 VETERANS INSURANCE AND INDEMNITIES

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

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

6 VETERANS HOUSING BENEFIT PROGRAM FUND

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

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

19 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

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

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

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

7 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

8 ACCOUNT

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

12 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

13 ADMINISTRATION

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

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

6 VETERANS HEALTH ADMINISTRATION

7 MEDICAL SERVICES

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



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

1 that sufficient amounts appropriated under this heading  
2 for medical supplies and equipment are available for the  
3 acquisition of prosthetics designed specifically for female  
4 veterans.

5 MEDICAL COMMUNITY CARE

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

16 MEDICAL SUPPORT AND COMPLIANCE

17 For necessary expenses in the administration of the  
18 medical, hospital, nursing home, domiciliary, construction,  
19 supply, and research activities, as authorized by law; ad-  
20 ministrative expenses in support of capital policy activi-  
21 ties; and administrative and legal expenses of the Depart-  
22 ment for collecting and recovering amounts owed the De-  
23 partment as authorized under chapter 17 of title 38,  
24 United States Code, and the Federal Medical Care Recov-  
25 ery Act (42 U.S.C. 2651 et seq.), \$6,654,480,000, plus

1 reimbursements, shall become available on October 1,  
2 2017, and shall remain available until September 30,  
3 2018: *Provided*, That, of the amount made available on  
4 October 1, 2017, under this heading, \$100,000,000 shall  
5 remain available until September 30, 2019.

6 MEDICAL FACILITIES

7 For necessary expenses for the maintenance and op-  
8 eration of hospitals, nursing homes, domiciliary facilities,  
9 and other necessary facilities of the Veterans Health Ad-  
10 ministration; for administrative expenses in support of  
11 planning, design, project management, real property ac-  
12 quisition and disposition, construction, and renovation of  
13 any facility under the jurisdiction or for the use of the  
14 Department; for oversight, engineering, and architectural  
15 activities not charged to project costs; for repairing, alter-  
16 ing, improving, or providing facilities in the several hos-  
17 pitals and homes under the jurisdiction of the Depart-  
18 ment, not otherwise provided for, either by contract or by  
19 the hire of temporary employees and purchase of mate-  
20 rials; for leases of facilities; and for laundry services;  
21 \$495,100,000, which shall be in addition to funds pre-  
22 viously appropriated under this heading that became avail-  
23 able on October 1, 2016; and, in addition,  
24 \$5,434,880,000, plus reimbursements, shall become avail-  
25 able on October 1, 2017, and shall remain available until

1 September 30, 2018: *Provided*, That, of the amount made  
2 available on October 1, 2017, under this heading,  
3 \$250,000,000 shall remain available until September 30,  
4 2019.

5 MEDICAL AND PROSTHETIC RESEARCH

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

15 NATIONAL CEMETERY ADMINISTRATION

16 For necessary expenses of the National Cemetery Ad-  
17 ministration for operations and maintenance, not other-  
18 wise provided for, including uniforms or allowances there-  
19 for; cemeterial expenses as authorized by law; purchase  
20 of one passenger motor vehicle for use in cemeterial oper-  
21 ations; hire of passenger motor vehicles; and repair, alter-  
22 ation or improvement of facilities under the jurisdiction  
23 of the National Cemetery Administration, \$286,193,000,  
24 of which not to exceed 10 percent shall remain available  
25 until September 30, 2018.

## 1 DEPARTMENTAL ADMINISTRATION

## 2 GENERAL ADMINISTRATION

## 3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary operating expenses of the Department  
5 of Veterans Affairs, not otherwise provided for, including  
6 administrative expenses in support of Department-wide  
7 capital planning, management and policy activities, uni-  
8 forms, or allowances therefor; not to exceed \$25,000 for  
9 official reception and representation expenses; hire of pas-  
10 senger motor vehicles; and reimbursement of the General  
11 Services Administration for security guard services,  
12 \$417,959,000, of which not to exceed 5 percent shall re-  
13 main available until September 30, 2018: *Provided*, That  
14 funds provided under this heading may be transferred to  
15 “General Operating Expenses, Veterans Benefits Adminis-  
16 tration”.

## 17 BOARD OF VETERANS APPEALS

18 For necessary operating expenses of the Board of  
19 Veterans Appeals, \$156,096,000, of which not to exceed  
20 10 percent shall remain available until September 30,  
21 2018: *Provided*, That up to \$2,500,000 may be available  
22 to facilitate the furnishing of legal and other assistance,  
23 without charge, to veterans and other individuals who are  
24 unable to afford the cost of legal representation in connec-  
25 tion with a decision by the Board of Veterans Appeals

1 under chapter 71 of title 38, United States Code, in ac-  
2 cordance with the process and reporting procedures set  
3 forth in Public Law 102–229 under the heading “Salaries  
4 and Expenses” under the heading “Court of Veterans Ap-  
5 peals”: *Provided further*, That the Board of Veterans Ap-  
6 peals submits to the Committees on Appropriations of  
7 both Houses of Congress a certification that there is a  
8 substantial unmet need for pro bono representation before  
9 the Board of Veterans Appeals prior to expending funds  
10 for this purpose.

11 INFORMATION TECHNOLOGY SYSTEMS

12 (INCLUDING TRANSFER OF FUNDS)

13 For necessary expenses for information technology  
14 systems and telecommunications support, including devel-  
15 opmental information systems and operational information  
16 systems; for pay and associated costs; and for the capital  
17 asset acquisition of information technology systems, in-  
18 cluding management and related contractual costs of said  
19 acquisitions, including contractual costs associated with  
20 operations authorized by section 3109 of title 5, United  
21 States Code, \$4,278,259,000, plus reimbursements: *Pro-*  
22 *vided*, That \$1,272,548,000 shall be for pay and associ-  
23 ated costs, of which not to exceed \$37,100,000 shall re-  
24 main available until September 30, 2018: *Provided further*,  
25 That \$2,534,442,000 shall be for operations and mainte-

1 nance, of which not to exceed \$180,200,000 shall remain  
2 available until September 30, 2018: *Provided further*, That  
3 \$471,269,000 shall be for information technology systems  
4 development, modernization, and enhancement, and shall  
5 remain available until September 30, 2018: *Provided fur-*  
6 *ther*, That amounts made available for information tech-  
7 nology systems development, modernization, and enhance-  
8 ment may not be obligated or expended until the Secretary  
9 of Veterans Affairs or the Chief Information Officer of  
10 the Department of Veterans Affairs submits to the Com-  
11 mittees on Appropriations of both Houses of Congress a  
12 certification of the amounts, in parts or in full, to be obli-  
13 gated and expended for each development project: *Pro-*  
14 *vided further*, That amounts made available for salaries  
15 and expenses, operations and maintenance, and informa-  
16 tion technology systems development, modernization, and  
17 enhancement may be transferred among the three sub-  
18 accounts after the Secretary of Veterans Affairs requests  
19 from the Committees on Appropriations of both Houses  
20 of Congress the authority to make the transfer and an  
21 approval is issued: *Provided further*, That amounts made  
22 available for the “Information Technology Systems” ac-  
23 count for development, modernization, and enhancement  
24 may be transferred among projects or to newly defined  
25 projects: *Provided further*, That no project may be in-

1 creased or decreased by more than \$1,000,000 of cost  
2 prior to submitting a request to the Committees on Appro-  
3 priations of both Houses of Congress to make the transfer  
4 and an approval is issued, or absent a response, a period  
5 of 30 days has elapsed: *Provided further*, That funds under  
6 this heading may be used by the Interagency Program Of-  
7 fice through the Department of Veterans Affairs to define  
8 data standards, code sets, and value sets used to enable  
9 interoperability: *Provided further*, That of the funds made  
10 available for information technology systems development,  
11 modernization, and enhancement for VistA Evolution or  
12 any successor program, not more than 25 percent may be  
13 obligated or expended until the Secretary of Veterans Af-  
14 fairs:

15           (1) Certifies in writing to the Committees on  
16           Appropriations of both Houses of Congress that the  
17           Department of Veterans Affairs has met the require-  
18           ments contained in the National Defense Authoriza-  
19           tion Act of Fiscal Year 2014 (Public Law 113–66)  
20           which require that electronic health record systems  
21           of the Department of Defense and the Department  
22           of Veterans Affairs have reached interoperability,  
23           comply with national standards and architectural re-  
24           quirements identified by the DoD/VA Interagency  
25           Program Office in collaboration with the Office of



1 National Coordinator for Health Information Tech-  
2 nology;

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

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

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

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

1 *Provided further*, That the funds made available under this  
2 heading for information technology systems development,  
3 modernization, and enhancement, shall be for the projects,  
4 and in the amounts, specified under this heading in the  
5 report accompanying this Act.

6 OFFICE OF INSPECTOR GENERAL

7 For necessary expenses of the Office of Inspector  
8 General, to include information technology, in carrying out  
9 the provisions of the Inspector General Act of 1978 (5  
10 U.S.C. App.), \$160,106,000, of which not to exceed 10  
11 percent shall remain available until September 30, 2018.

12 CONSTRUCTION, MAJOR PROJECTS

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

1 38, United States Code, or where funds for a project were  
2 made available in a previous major project appropriation,  
3 \$528,110,000, of which \$448,110,000 shall remain avail-  
4 able until September 30, 2021, and of which \$80,000,000  
5 shall remain available until expended: *Provided*, That ex-  
6 cept for advance planning activities, including needs as-  
7 sessments which may or may not lead to capital invest-  
8 ments, and other capital asset management related activi-  
9 ties, including portfolio development and management ac-  
10 tivities, and investment strategy studies funded through  
11 the advance planning fund and the planning and design  
12 activities funded through the design fund, including needs  
13 assessments which may or may not lead to capital invest-  
14 ments, and salaries and associated costs of the resident  
15 engineers who oversee those capital investments funded  
16 through this account and contracting officers who manage  
17 specific major construction projects, and funds provided  
18 for the purchase, security, and maintenance of land for  
19 the National Cemetery Administration through the land  
20 acquisition line item, none of the funds made available  
21 under this heading shall be used for any project that has  
22 not been notified to Congress through the budgetary proc-  
23 ess or that has not been approved by the Congress through  
24 statute, joint resolution, or in the explanatory statement  
25 accompanying such Act and presented to the President at

1 the time of enrollment: *Provided further*, That funds made  
2 available under this heading for fiscal year 2017, for each  
3 approved project shall be obligated: (1) by the awarding  
4 of a construction documents contract by September 30,  
5 2017; and (2) by the awarding of a construction contract  
6 by September 30, 2018: *Provided further*, That the Sec-  
7 retary of Veterans Affairs shall promptly submit to the  
8 Committees on Appropriations of both Houses of Congress  
9 a written report on any approved major construction  
10 project for which obligations are not incurred within the  
11 time limitations established above: *Provided further*, That,  
12 of the amount made available under this heading,  
13 \$222,620,000 for Veterans Health Administration major  
14 construction projects shall not be available until the De-  
15 partment of Veterans Affairs—

16           (1) enters into an agreement with an appro-  
17           priate non-Department of Veterans Affairs Federal  
18           entity to serve as the design and/or construction  
19           agent for any Veterans Health Administration major  
20           construction project with a Total Estimated Cost of  
21           \$100,000,000 or above by providing full project  
22           management services, including management of the  
23           project design, acquisition, construction, and con-  
24           tract changes, consistent with section 502 of Public  
25           Law 114–58; and

1           (2) certifies in writing that such an agreement  
2           is executed and intended to minimize or prevent sub-  
3           sequent major construction project cost overruns  
4           and provides a copy of the agreement entered into  
5           and any required supplementary information to the  
6           Committees on Appropriations of both Houses of  
7           Congress.

8                           CONSTRUCTION, MINOR PROJECTS

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

1 which are hereby made available for any project where the  
2 estimated cost is equal to or less than the amount set forth  
3 in such section: *Provided*, That funds made available  
4 under this heading shall be for: (1) repairs to any of the  
5 nonmedical facilities under the jurisdiction or for the use  
6 of the Department which are necessary because of loss or  
7 damage caused by any natural disaster or catastrophe;  
8 and (2) temporary measures necessary to prevent or to  
9 minimize further loss by such causes.

10 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE  
11 FACILITIES

12 For grants to assist States to acquire or construct  
13 State nursing home and domiciliary facilities and to re-  
14 model, modify, or alter existing hospital, nursing home,  
15 and domiciliary facilities in State homes, for furnishing  
16 care to veterans as authorized by sections 8131 through  
17 8137 of title 38, United States Code, \$90,000,000, to re-  
18 main available until expended.

19 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

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

## 1 ADMINISTRATIVE PROVISIONS

## 2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 201. Any appropriation for fiscal year 2017 for  
4 “Compensation and Pensions”, “Readjustment Benefits”,  
5 and “Veterans Insurance and Indemnities” may be trans-  
6 ferred as necessary to any other of the mentioned appro-  
7 priations: *Provided*, That, before a transfer may take  
8 place, the Secretary of Veterans Affairs shall request from  
9 the Committees on Appropriations of both Houses of Con-  
10 gress the authority to make the transfer and such Com-  
11 mittees issue an approval, or absent a response, a period  
12 of 30 days has elapsed.

## 13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 202. Amounts made available for the Depart-  
15 ment of Veterans Affairs for fiscal year 2017, in this or  
16 any other Act, under the “Medical Services”, “Medical  
17 Community Care”, “Medical Support and Compliance”,  
18 and “Medical Facilities” accounts may be transferred  
19 among the accounts: *Provided*, That any transfers between  
20 the “Medical Services” and “Medical Support and Compli-  
21 ance” accounts of 1 percent or less of the total amount  
22 appropriated to the account in this or any other Act may  
23 take place subject to notification from the Secretary of  
24 Veterans Affairs to the Committees on Appropriations of  
25 both Houses of Congress of the amount and purpose of



1 the transfer: *Provided further*, That any transfers between  
2 the “Medical Services” and “Medical Support and Compli-  
3 ance” accounts in excess of 1 percent, or exceeding the  
4 cumulative 1 percent for the fiscal year, may take place  
5 only after the Secretary requests from the Committees on  
6 Appropriations of both Houses of Congress the authority  
7 to make the transfer and an approval is issued: *Provided*  
8 *further*, That any transfers to or from the “Medical Facili-  
9 ties” account may take place only after the Secretary re-  
10 quests from the Committees on Appropriations of both  
11 Houses of Congress the authority to make the transfer  
12 and an approval is issued.

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

20       SEC. 204. No appropriations in this title (except the  
21 appropriations for “Construction, Major Projects”, and  
22 “Construction, Minor Projects”) shall be available for the  
23 purchase of any site for or toward the construction of any  
24 new hospital or home.

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

12        SEC. 206. Appropriations available in this title for  
13 “Compensation and Pensions”, “Readjustment Benefits”,  
14 and “Veterans Insurance and Indemnities” shall be avail-  
15 able for payment of prior year accrued obligations re-  
16 quired to be recorded by law against the corresponding  
17 prior year accounts within the last quarter of fiscal year  
18 2016.

19        SEC. 207. Appropriations available in this title shall  
20 be available to pay prior year obligations of corresponding  
21 prior year appropriations accounts resulting from sections  
22 3328(a), 3334, and 3712(a) of title 31, United States  
23 Code, except that if such obligations are from trust fund  
24 accounts they shall be payable only from “Compensation  
25 and Pensions”.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 208. Notwithstanding any other provision of  
3 law, during fiscal year 2017, the Secretary of Veterans  
4 Affairs shall, from the National Service Life Insurance  
5 Fund under section 1920 of title 38, United States Code,  
6 the Veterans' Special Life Insurance Fund under section  
7 1923 of title 38, United States Code, and the United  
8 States Government Life Insurance Fund under section  
9 1955 of title 38, United States Code, reimburse the "Gen-  
10 eral Operating Expenses, Veterans Benefits Administra-  
11 tion" and "Information Technology Systems" accounts for  
12 the cost of administration of the insurance programs fi-  
13 nanced through those accounts: *Provided*, That reimburse-  
14 ment shall be made only from the surplus earnings accu-  
15 mulated in such an insurance program during fiscal year  
16 2017 that are available for dividends in that program after  
17 claims have been paid and actuarially determined reserves  
18 have been set aside: *Provided further*, That if the cost of  
19 administration of such an insurance program exceeds the  
20 amount of surplus earnings accumulated in that program,  
21 reimbursement shall be made only to the extent of such  
22 surplus earnings: *Provided further*, That the Secretary  
23 shall determine the cost of administration for fiscal year  
24 2017 which is properly allocable to the provision of each  
25 such insurance program and to the provision of any total

1 disability income insurance included in that insurance pro-  
2 gram.

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

8 (INCLUDING TRANSFER OF FUNDS)

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

24 SEC. 211. None of the funds in this or any other Act  
25 may be used to close Department of Veterans Affairs (VA)

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

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

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

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

21           (4) an analysis of how any such planned re-  
22 alignment of services will impact access to care for  
23 veterans living in rural or highly rural areas, includ-  
24 ing travel distances and transportation costs to ac-

1       cess a VA medical facility and availability of local  
2       specialty and primary care;

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

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

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

15      SEC. 212. No funds of the Department of Veterans  
16      Affairs shall be available for hospital care, nursing home  
17      care, or medical services provided to any person under  
18      chapter 17 of title 38, United States Code, for a non-serv-  
19      ice-connected disability described in section 1729(a)(2) of  
20      such title, unless that person has disclosed to the Sec-  
21      retary of Veterans Affairs, in such form as the Secretary  
22      may require, current, accurate third-party reimbursement  
23      information for purposes of section 1729 of such title: *Pro-*  
24      *vided*, That the Secretary may recover, in the same man-  
25      ner as any other debt due the United States, the reason-

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

7 (INCLUDING TRANSFER OF FUNDS)

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

19 SEC. 214. Amounts made available under “Medical  
20 Services” are available—

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

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 215. Such sums as may be deposited to the  
3 Medical Care Collections Fund pursuant to section 1729A  
4 of title 38, United States Code, may be transferred to the  
5 “Medical Services” and “Medical Community Care” ac-  
6 counts, to remain available until expended for the pur-  
7 poses of these accounts.

8 SEC. 216. The Secretary of Veterans Affairs may  
9 enter into agreements with Federally Qualified Health  
10 Centers in the State of Alaska and Indian tribes and tribal  
11 organizations which are party to the Alaska Native Health  
12 Compact with the Indian Health Service, to provide  
13 healthcare, including behavioral health and dental care, to  
14 veterans in rural Alaska. The Secretary shall require par-  
15 ticipating veterans and facilities to comply with all appro-  
16 priate rules and regulations, as established by the Sec-  
17 retary. The term “rural Alaska” shall mean those lands  
18 which are not within the boundaries of the municipality  
19 of Anchorage or the Fairbanks North Star Borough.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 217. Such sums as may be deposited to the De-  
22 partment of Veterans Affairs Capital Asset Fund pursu-  
23 ant to section 8118 of title 38, United States Code, may  
24 be transferred to the “Construction, Major Projects” and



1 “Construction, Minor Projects” accounts, to remain avail-  
2 able until expended for the purposes of these accounts.

3 (RESCISSION OF FUNDS)

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

8 SEC. 219. Not later than 30 days after the end of  
9 each fiscal quarter, the Secretary of Veterans Affairs shall  
10 submit to the Committees on Appropriations of both  
11 Houses of Congress a report on the financial status of the  
12 Department of Veterans Affairs for the preceding quarter:  
13 *Provided*, That, at a minimum, the report shall include  
14 the direction contained in the explanatory statement de-  
15 scribed in section 4 in the matter preceding division A of  
16 the Consolidated Appropriations Act, 2016 Public Law  
17 114–113 in title II of Division J of the consolidated Act  
18 in the paragraph entitled “Quarterly Report”, under the  
19 heading “General Administration”.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 220. Amounts made available under the “Med-  
22 ical Services”, “Medical Community Care”, “Medical Sup-  
23 port and Compliance”, “Medical Facilities”, “General Op-  
24 erating Expenses, Veterans Benefits Administration”,  
25 “General Administration”, and “National Cemetery Ad-

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

11       SEC. 221. None of the funds appropriated or other-  
12  wise made available by this Act or any other Act for the  
13  Department of Veterans Affairs may be used in a manner  
14  that is inconsistent with: (1) section 842 of the Transpor-  
15  tation, Treasury, Housing and Urban Development, the  
16  Judiciary, the District of Columbia, and Independent  
17  Agencies Appropriations Act, 2006 (Public Law 109–115;  
18  119 Stat. 2506); or (2) section 8110(a)(5) of title 38,  
19  United States Code.

20                   (INCLUDING TRANSFER OF FUNDS)

21       SEC. 222. Of the amounts appropriated to the De-  
22  partment of Veterans Affairs for fiscal year 2017 for  
23  “Medical Services”, “Medical Support and Compliance”,  
24  “Medical Facilities”, “Construction, Minor Projects”, and  
25  “Information Technology Systems”, up to \$274,731,000,

1 plus reimbursements, may be transferred to the Joint De-  
2 partment of Defense-Department of Veterans Affairs  
3 Medical Facility Demonstration Fund, established by sec-  
4 tion 1704 of the National Defense Authorization Act for  
5 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571)  
6 and may be used for operation of the facilities designated  
7 as combined Federal medical facilities as described by sec-  
8 tion 706 of the Duncan Hunter National Defense Author-  
9 ization Act for Fiscal Year 2009 (Public Law 110–417;  
10 122 Stat. 4500): *Provided*, That additional funds may be  
11 transferred from accounts designated in this section to the  
12 Joint Department of Defense-Department of Veterans Af-  
13 fairs Medical Facility Demonstration Fund upon written  
14 notification by the Secretary of Veterans Affairs to the  
15 Committees on Appropriations of both Houses of Con-  
16 gress: *Provided further*, That section 223 of title II of divi-  
17 sion J of Public Law 114–113 is repealed.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 223. Of the amounts appropriated to the De-  
20 partment of Veterans Affairs which become available on  
21 October 1, 2017, for “Medical Services”, “Medical Sup-  
22 port and Compliance”, and “Medical Facilities”, up to  
23 \$280,802,000, plus reimbursements, may be transferred  
24 to the Joint Department of Defense-Department of Vet-  
25 erans Affairs Medical Facility Demonstration Fund, es-

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

14 (INCLUDING TRANSFER OF FUNDS)

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

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

6 (INCLUDING TRANSFER OF FUNDS)

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

15 SEC. 226. None of the funds available to the Depart-  
16 ment of Veterans Affairs, in this or any other Act, may  
17 be used to replace the current system by which the Vet-  
18 erans Integrated Service Networks select and contract for  
19 diabetes monitoring supplies and equipment.

20 SEC. 227. The Secretary of Veterans Affairs shall no-  
21 tify the Committees on Appropriations of both Houses of  
22 Congress of all bid savings in a major construction project  
23 that total at least \$5,000,000, or 5 percent of the pro-  
24 grammed amount of the project, whichever is less: *Pro-*  
25 *vided*, That such notification shall occur within 14 days

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

6 SEC. 228. None of the funds made available for  
7 “Construction, Major Projects” may be used for a project  
8 in excess of the scope specified for that project in the origi-  
9 nal justification data provided to the Congress as part of  
10 the request for appropriations unless the Secretary of Vet-  
11 erans Affairs receives approval from the Committees on  
12 Appropriations of both Houses of Congress.

13 SEC. 229. The Secretary of Veterans Affairs shall  
14 submit to the Committees on Appropriations of both  
15 Houses of Congress a quarterly report that contains the  
16 following information from each Veterans Benefits Admin-  
17 istration Regional Office: (1) the average time to complete  
18 a disability compensation claim; (2) the number of claims  
19 pending more than 125 days, disaggregated by initial and  
20 supplemental claims; (3) error rates; (4) the number of  
21 claims personnel; (5) any corrective action taken within  
22 the quarter to address poor performance; (6) training pro-  
23 grams undertaken; and (7) the number and results of  
24 Quality Review Team audits: *Provided*, That each quar-

1 terly report shall be submitted no later than 30 days after  
2 the end of the respective quarter.

3 SEC. 230. Of the funds provided to the Department  
4 of Veterans Affairs for fiscal year 2017 for “Medical Sup-  
5 port and Compliance” a maximum of \$40,000,000 may  
6 be obligated from the “Medical Support and Compliance”  
7 account for the VistA Evolution and electronic health  
8 record interoperability projects: *Provided*, That funds in  
9 addition to these amounts may be obligated for the VistA  
10 Evolution and electronic health record interoperability  
11 projects upon written notification by the Secretary of Vet-  
12 erans Affairs to the Committees on Appropriations of both  
13 Houses of Congress.

14 SEC. 231. The Secretary of Veterans Affairs shall  
15 provide written notification to the Committees on Appro-  
16 priations of both Houses of Congress 15 days prior to or-  
17 ganizational changes which result in the transfer of 25 or  
18 more full-time equivalents from one organizational unit of  
19 the Department of Veterans Affairs to another.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 232. Amounts made available for the Depart-  
22 ment of Veterans Affairs for fiscal year 2017, under the  
23 “Board of Veterans Appeals” and the “General Operating  
24 Expenses, Veterans Benefits Administration” accounts  
25 may be transferred between such accounts: *Provided*, That

1 before a transfer may take place, the Secretary of Vet-  
2 erans Affairs shall request from the Committees on Appro-  
3 priations of both Houses of Congress the authority to  
4 make the transfer and receive approval of that request.

5 (RESCISSION OF FUNDS)

6 SEC. 233. Of the unobligated balances available with-  
7 in the “DOD–VA Health Care Sharing Incentive Fund”,  
8 \$52,000,000 are hereby rescinded.

9 SEC. 234. The Secretary of Veterans Affairs may not  
10 reprogram funds among major construction projects or  
11 programs if such instance of reprogramming will exceed  
12 \$5,000,000, unless such reprogramming is approved by  
13 the Committees on Appropriations of both Houses of Con-  
14 gress.

15 SEC. 235. None of the funds appropriated in this or  
16 prior appropriations Acts or otherwise made available to  
17 the Department of Veterans Affairs may be used to trans-  
18 fer any amounts from the Filipino Veterans Equity Com-  
19 pensation Fund to any other account within the Depart-  
20 ment of Veterans Affairs.

21 SEC. 236. Paragraph (3) of section 403(a) of the Vet-  
22 erans’ Mental Health and Other Care Improvements Act  
23 of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) is  
24 amended to read as follows:



1           “(3) DURATION.—A veteran may receive health  
2 services under this section during the period begin-  
3 ning on the date specified in paragraph (2) and end-  
4 ing on September 30, 2018.”.

5           SEC. 237. (a) Section 1722A(a) of title 38, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new paragraph:

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

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

14           (1) by striking “with respect to home health  
15 services” and inserting “with respect to the fol-  
16 lowing:”

17           “(A) Home health services”; and

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

20           “(B) Education on the use of opioid an-  
21 tagonists to reverse the effects of overdoses of  
22 specific medications or substances.”.

23           SEC. 238. Section 312 of title 38, United States  
24 Code, is amended in subsection(c)(1) by striking the

1 phrase “that makes a recommendation or otherwise sug-  
2 gests corrective action,”.

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

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

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

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

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

8               (1) information on any violation of the require-  
9               ments of the medical license of the health care pro-  
10              vider; and

11              (2) information on whether the health care pro-  
12              vider has entered into any settlement agreement for  
13              a disciplinary charge relating to the practice of med-  
14              icine by the health care provider.

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

17       SEC. 244. (a) Notwithstanding section 552a of title  
18 5, United States Code, the Secretary of Veterans Affairs  
19 shall, with respect to each health care provider of the De-  
20 partment of Veterans Affairs that has violated a require-  
21 ment of their medical license, provide to the medical board  
22 of each State in which the health care provider is licensed  
23 or practices all relevant information contained in the State  
24 Licensing Board Reporting File or any successor file of  
25 the Department with respect to such violation.

1 (b) The Secretary shall provide the information re-  
2 quired in subsection (a) to a medical board described in  
3 such subsection notwithstanding that such board may not  
4 have formally requested such information from the De-  
5 partment.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 245. Upon determination by the Secretary of  
8 Veterans Affairs that such action is necessary for pro-  
9 viding health care, benefits and other services, the Sec-  
10 retary may transfer amounts made available to the De-  
11 partment of Veterans Affairs for fiscal year 2017 by this  
12 Act between any discretionary appropriations accounts for  
13 fiscal year 2017: *Provided*, That amounts so transferred  
14 shall be merged with the account to which transferred:  
15 *Provided further*, That the total amount that the Secretary  
16 may transfer under this section may not exceed two per-  
17 cent of the total discretionary appropriations made avail-  
18 able to the Department for fiscal year 2017 by this Act:  
19 *Provided further*, That a transfer of funds between the  
20 “Medical Services”, “Medical Community Care”, “Medical  
21 Support and Compliance”, and “Medical Facilities” ac-  
22 counts shall not be counted toward the two percent limita-  
23 tion in the previous proviso: *Provided further*, That the  
24 transfer authority provided by this section may be exer-  
25 cised only to support activities in an appropriations ac-

1 count that have a higher priority than those undertaken  
 2 in the appropriations account from which budget authority  
 3 is transferred, as determined by the Secretary: *Provided*  
 4 *further*, That such transfer authority may not be used to  
 5 provide budget authority for an activity that the Secretary  
 6 lacks the authority to carry out: *Provided further*, That  
 7 the transfer authority provided in this section is in addi-  
 8 tion to any other transfer authority provided by law: *Pro-*  
 9 *vided further*, That before a transfer may take place, the  
 10 Secretary of Veterans Affairs shall request from the Com-  
 11 mittees on Appropriations of both Houses of Congress the  
 12 authority to make the transfer and receive approval of  
 13 that request.

14 VA PATIENT PROTECTION ACT OF 2016

15 SEC. 246. (a) PROCEDURE AND ADMINISTRATION.—

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

19 “SUBCHAPTER II—WHISTLEBLOWER

20 COMPLAINTS

21 “§ 731. Whistleblower complaint defined

22 “In this subchapter, the term ‘whistleblower com-  
 23 plaint’ means a complaint by an employee of the Depart-  
 24 ment disclosing, or assisting another employee to disclose,  
 25 a potential violation of any law, rule, or regulation, or

1 gross mismanagement, gross waste of funds, abuse of au-  
2 thority, or substantial and specific danger to public health  
3 and safety.

4 **“§ 732. Treatment of whistleblower complaints**

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

10 “(2) Except as provided by subsection (d)(1), in mak-  
11 ing a whistleblower complaint under paragraph (1), an  
12 employee shall file the initial complaint with the imme-  
13 diate supervisor of the employee.

14 “(b) NOTIFICATION.—(1)(A) Not later than four  
15 business days after the date on which a supervisor receives  
16 a whistleblower complaint by an employee under this sec-  
17 tion, the supervisor shall notify, in writing, the employee  
18 of whether the supervisor determines that there is a rea-  
19 sonable likelihood that the complaint discloses a violation  
20 of any law, rule, or regulation, or gross mismanagement,  
21 gross waste of funds, abuse of authority, or substantial  
22 and specific danger to public health and safety.

23 “(B) The supervisor shall retain written documenta-  
24 tion regarding the whistleblower complaint and shall sub-  
25 mit to the next-level supervisor and the central whistle-

1 blower office described in subsection (h) a written report  
2 on the complaint.

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

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

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

22       “(d) FILING COMPLAINT WITH NEXT-LEVEL SUPER-  
23 VISORS.—(1) If any circumstance described in paragraph  
24 (3) is met, an employee may file a whistleblower complaint  
25 in accordance with subsection (g) with the next-level su-

1   pervisor who shall treat such complaint in accordance with  
2   this section.

3       “(2) An employee may file a whistleblower complaint  
4   with the Secretary if the employee has filed the whistle-  
5   blower complaint to each level of supervisors between the  
6   employee and the Secretary in accordance with paragraph  
7   (1).

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

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

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

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

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



1           “(1) inform the employee of the ability to vol-  
2           unteer for a transfer in accordance with section  
3           3352 of title 5; and

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

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

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

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

17                 “(A) An explanation of the purpose of the whis-  
18                 tleblower complaint form.

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

21                 “(C) An explanation that filing a whistleblower  
22                 complaint under this section does not preclude the  
23                 employee from any other method established by law  
24                 in which an employee may file a whistleblower com-  
25                 plaint.

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

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

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

6                   “(ii) the name of the employee;

7                   “(iii) the contact information of the em-  
8           ployee;

9                   “(iv) a summary of the whistleblower com-  
10           plaint (including the option to append sup-  
11           porting documents pursuant to paragraph (1));  
12           and

13                   “(v) proposed solutions to the complaint.

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

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

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

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

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

3           “(C) does not provide, or receive from, the Gen-  
4           eral Counsel any information regarding a whistle-  
5           blower complaint except pursuant to an action re-  
6           garding the complaint before an administrative body  
7           or court; and

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

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

15          “(3) The Secretary shall ensure that the central whis-  
16          tleblower office maintains a toll-free hotline to anony-  
17          mously receive whistleblower complaints.

18          “(4) The Secretary shall ensure that the central whis-  
19          tleblower office has such staff and resources as the Sec-  
20          retary considers necessary to carry out the functions of  
21          the central whistleblower office.

22          “(5) In this subsection, the term ‘central whistle-  
23          blower office’ means the Office of Accountability Review  
24          or a successor office that is established or designated by

1 the Secretary to investigate whistleblower complaints filed  
2 under this section or any other method established by law.

3 **“§ 733. Adverse actions against supervisory employ-**  
4 **ees who commit prohibited personnel ac-**  
5 **tions relating to whistleblower com-**  
6 **plaints**

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

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

19 “(B) With respect to the second offense, re-  
20 moval.

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

24 “(B)(i) An employee who is notified under subpara-  
25 graph (A) of being the subject of a proposed adverse ac-

1 tion under paragraph (1) is entitled to 14 days following  
2 such notification to answer and furnish evidence in sup-  
3 port of the answer.

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

10 “(C) Paragraphs (1) and (2) of subsection (b) of sec-  
11 tion 7513 of title 5, subsection (c) of such section, para-  
12 graphs (1) and (2) of subsection (b) of section 7543 of  
13 such title, and subsection (c) of such section shall not  
14 apply with respect to an adverse action carried out under  
15 paragraph (1).

16 “(b) LIMITATION ON OTHER ADVERSE ACTIONS.—  
17 With respect to a prohibited personnel action described in  
18 subsection (c), if the Secretary carries out an adverse ac-  
19 tion against a supervisory employee, the Secretary may  
20 carry out an additional adverse action under this section  
21 based on the same prohibited personnel action if the total  
22 severity of the adverse actions do not exceed the level spec-  
23 ified in subsection (a).

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

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

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

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

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

17                      “(D) participating in an audit or investiga-  
18 tion by the Comptroller General of the United  
19 States;

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

22                      “(F) engaging in communications that are  
23 related to the duties of the position or are oth-  
24 erwise protected.

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

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

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

11 **“§ 734. Evaluation criteria of supervisors and treat-**  
12 **ment of bonuses**

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

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

19                 “(A) Whether the supervisor treats whistle-  
20                 blower complaints in accordance with section 732 of  
21                 this title.

22                 “(B) Whether the appropriate deciding official,  
23                 performance review board, or performance review  
24                 committee determines that the supervisor was found  
25                 to have committed a prohibited personnel action de-

1 scribed in section 733(b) of this title by an adminis-  
2 trative judge, the Merit Systems Protection Board,  
3 the Office of Special Counsel, an adjudicating body  
4 provided under a union contract, a Federal judge,  
5 or, in the case of a settlement of a whistleblower  
6 complaint (regardless of whether any fault was as-  
7 signed under such settlement), the Secretary.

8 “(b) BONUSES.—(1) The Secretary may not pay to  
9 a supervisor described in subsection (a)(2)(B) an award  
10 or bonus under this title or title 5, including under chapter  
11 45 or 53 of such title, during the one-year period begin-  
12 ning on the date on which the determination was made  
13 under such subsection.

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

19 “(A) such award or bonus was paid for per-  
20 formance during a period in which the supervisor  
21 committed a prohibited personnel action as deter-  
22 mined pursuant to such subsection (a)(2)(B);

23 “(B) the Secretary determines such repayment  
24 appropriate pursuant to regulations prescribed by  
25 the Secretary to carry out this section; and



1           “(C) the supervisor is afforded notice and an  
2           opportunity for a hearing before making such repay-  
3           ment.

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

5           “(a) TRAINING.—Not less frequently than once each  
6           year, the Secretary, in coordination with the Whistleblower  
7           Protection Ombudsman designated under section  
8           3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C.  
9           App.), shall provide to each employee of the Department  
10          training regarding whistleblower complaints, including—

11           “(1) an explanation of each method established  
12          by law in which an employee may file a whistle-  
13          blower complaint;

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

16           “(3) with respect to supervisors, how to treat  
17          whistleblower complaints in accordance with section  
18          732 of this title;

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

22           “(5) an explanation that the employee may not  
23          be prosecuted or reprimed against for disclosing in-  
24          formation to Congress, the Inspector General, or an-  
25          other investigatory agency in instances where such

1 disclosure is permitted by law, including under sec-  
2 tions 5701, 5705, and 7732 of this title, under sec-  
3 tion 552a of title 5 (commonly referred to as the  
4 Privacy Act), under chapter 93 of title 18, and pur-  
5 suant to regulations promulgated under section  
6 264(c) of the Health Insurance Portability and Ac-  
7 countability Act of 1996 (Public Law 104–191);

8 “(6) an explanation of the language that is re-  
9 quired to be included in all nondisclosure policies,  
10 forms, and agreements pursuant to section  
11 115(a)(1) of the Whistleblower Protection Enhance-  
12 ment Act of 2012 (5 U.S.C. 2302 note); and

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

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

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

23 “(d) PUBLICATION.—(1) The Secretary shall publish  
24 on the Internet website of the Department, and display  
25 prominently at each facility of the Department, the rights

1 of an employee to file a whistleblower complaint, including  
2 the information described in paragraphs (1) through (7)  
3 of subsection (a).

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

7 **“§ 736. Reports to Congress**

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

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

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

15 “(B) the disposition of such complaints;

16 and

17 “(C) the ways in which the Secretary ad-  
18 dressed such complaints in which a positive de-  
19 termination was made by a supervisor under  
20 subsection (b)(1) of such section;

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

24 “(A) the method in which such complaints  
25 were filed;

1           “(B) the disposition of such complaints;  
2           and

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

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

7           “(A) the number of complaints relating to  
8           such disclosures that were investigated by the  
9           Inspector General of the Department of Vet-  
10          erans Affairs during the year covered by the re-  
11          port;

12          “(B) the disposition of such complaints;  
13          and

14          “(C) the ways in which the Secretary ad-  
15          dressed such complaints.

16          “(b) NOTICE OF OFFICE OF SPECIAL COUNSEL DE-  
17          TERMINATIONS.—Not later than 30 days after the date  
18          on which the Secretary receives from the Special Counsel  
19          information relating to a whistleblower complaint pursu-  
20          ant to section 1213 of title 5, the Secretary shall notify  
21          the appropriate committees of Congress of such informa-  
22          tion, including the determination made by the Special  
23          Counsel.

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

4 “(1) the Committee on Veterans’ Affairs and  
 5 the Committee on Homeland Security and Govern-  
 6 mental Affairs of the Senate; and

7 “(2) the Committee on Veterans’ Affairs and  
 8 the Committee on Oversight and Government Re-  
 9 form of the House of Representatives.”.

10 (2) CONFORMING AND CLERICAL AMENDMENTS.—

11 (A) CONFORMING AMENDMENT.—Such chapter  
 12 is further amended by inserting before section 701  
 13 the following:

14 “SUBCHAPTER I—GENERAL EMPLOYEE  
 15 MATTERS”.

16 (B) CLERICAL AMENDMENTS.—The table of  
 17 sections at the beginning of such chapter is amend-  
 18 ed—

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

“SUBCHAPTER I—GENERAL EMPLOYEE MATTERS”;

21 and

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

“SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

“731. Whistleblower complaint defined.

“732. Treatment of whistleblower complaints.

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

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

“735. Training regarding whistleblower complaints.

“736. Reports to Congress.”.

1 (b) TREATMENT OF CONGRESSIONAL TESTIMONY BY  
2 DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES AS  
3 OFFICIAL DUTY.—

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

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

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

16 “(b) TRAVEL EXPENSES.—The Secretary shall pro-  
17 vide travel expenses, including per diem in lieu of subsist-  
18 ence, in accordance with applicable provisions under sub-  
19 chapter I of chapter 57 of title 5, to any employee of the  
20 Department of Veterans Affairs performing official duty  
21 described under subsection (a).”.

22 (2) CLERICAL AMENDMENT.—The table of sec-  
23 tions at the beginning of such chapter, as amended

1 by section 2(a)(2)(B), is further amended by insert-  
2 ing after the item relating to section 713 the fol-  
3 lowing new item:

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

4 SEC. 247. (a) Notwithstanding any other provision  
5 of law, of the amounts appropriated or otherwise made  
6 available to the Department of Veterans Affairs for the  
7 “Medical Services” account, for fiscal year 2017, not less  
8 than \$18,000,000, and for fiscal year 2018, not less than  
9 \$70,000,000, shall be used for the provision of fertility  
10 treatment and counseling, including treatment using as-  
11 sisted reproductive technology, to veterans and their  
12 spouses if the veteran has a service-connected condition  
13 that results in the veteran being unable to procreate with-  
14 out the use of such fertility treatment.

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

19 SEC. 248. None of the amounts appropriated or oth-  
20 erwise made available by title II may be used to carry out  
21 the Home Marketing Incentive Program of the Depart-  
22 ment of Veterans Affairs or to carry out the Appraisal  
23 Value Offer Program of the Department with respect to  
24 an employee of the Department in a senior executive posi-  
25 tion (as defined in section 713(g) of title 38, United States

1 Code): *Provided*, That the Secretary may waive this prohi-  
2 bition with respect to the use of the Home Marketing In-  
3 centive Program and Appraisal Value Offer Program to  
4 recruit for a position for which recruitment or retention  
5 of qualified personnel is likely to be difficult in the absence  
6 of the use of these incentives: *Provided further*, That with-  
7 in 15 days of a determination by the Secretary to waive  
8 this prohibition, the Secretary shall submit written notifi-  
9 cation thereof to the Committees on Appropriations of  
10 both Houses of Congress containing the reasons and iden-  
11 tifying the position title for which the waiver has been  
12 issued.

13 SEC. 249. None of the funds appropriated or other-  
14 wise made available to the Department of Veterans Affairs  
15 in this Act may be used in a manner that would—

16 (1) interfere with the ability of a veteran to  
17 participate in a medicinal marijuana program ap-  
18 proved by a State;

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

21 (3) limit or interfere with the ability of a health  
22 care provider of the Department to make appro-  
23 priate recommendations, fill out forms, or take steps  
24 to comply with such a program.



1        SEC. 250. (a) IN GENERAL.—For the purposes of  
2 verifying that an individual performed service under hon-  
3 orable conditions that satisfies the requirements of a  
4 coastwise merchant seaman who is recognized pursuant to  
5 section 401 of the GI Bill Improvement Act of 1977 (Pub-  
6 lic Law 95–202; 38 U.S.C. 106 note) as having performed  
7 active duty service for the purposes described in subsection  
8 (c)(1), the Secretary of Defense shall accept the following:

9            (1) In the case of an individual who served on  
10 a coastwise merchant vessel seeking such recognition  
11 for whom no applicable Coast Guard shipping or dis-  
12 charge form, ship logbook, merchant mariner’s docu-  
13 ment or Z-card, or other official employment record  
14 is available, the Secretary of Defense shall provide  
15 such recognition on the basis of applicable Social Se-  
16 curity Administration records submitted for or by  
17 the individual, together with validated testimony  
18 given by the individual or the primary next of kin  
19 of the individual that the individual performed such  
20 service during the period beginning on December 7,  
21 1941, and ending on December 31, 1946.

22            (2) In the case of an individual who served on  
23 a coastwise merchant vessel seeking such recognition  
24 for whom the applicable Coast Guard shipping or  
25 discharge form, ship logbook, merchant mariner’s

1 document or Z-card, or other official employment  
2 record has been destroyed or otherwise become un-  
3 available by reason of any action committed by a  
4 person responsible for the control and maintenance  
5 of such form, logbook, or record, the Secretary of  
6 Defense shall accept other official documentation  
7 demonstrating that the individual performed such  
8 service during period beginning on December 7,  
9 1941, and ending on December 31, 1946.

10 (3) For the purpose of determining whether to  
11 recognize service allegedly performed during the pe-  
12 riod beginning on December 7, 1941, and ending on  
13 December 31, 1946, the Secretary shall recognize  
14 masters of seagoing vessels or other officers in com-  
15 mand of similarly organized groups as agents of the  
16 United States who were authorized to document any  
17 individual for purposes of hiring the individual to  
18 perform service in the merchant marine or dis-  
19 charging an individual from such service.

20 (b) TREATMENT OF OTHER DOCUMENTATION.—  
21 Other documentation accepted by the Secretary of Defense  
22 pursuant to subsection (a)(2) shall satisfy all requirements  
23 for eligibility of service during the period beginning on De-  
24 cember 7, 1941, and ending on December 31, 1946.

25 (c) BENEFITS ALLOWED.—

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

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

6           (2) STATUS OF VETERAN.—An individual whose

7           service is recognized as active duty pursuant to sub-  
8           section (a) shall be honored as a veteran but shall  
9           not be entitled by reason of such recognized service  
10          to any benefit that is not described in this sub-  
11          section.

1 TITLE III  
2 RELATED AGENCIES  
3 AMERICAN BATTLE MONUMENTS COMMISSION  
4 SALARIES AND EXPENSES

5 For necessary expenses, not otherwise provided for,  
6 of the American Battle Monuments Commission, including  
7 the acquisition of land or interest in land in foreign coun-  
8 tries; purchases and repair of uniforms for caretakers of  
9 national cemeteries and monuments outside of the United  
10 States and its territories and possessions; rent of office  
11 and garage space in foreign countries; purchase (one-for-  
12 one replacement basis only) and hire of passenger motor  
13 vehicles; not to exceed \$7,500 for official reception and  
14 representation expenses; and insurance of official motor  
15 vehicles in foreign countries, when required by law of such  
16 countries, \$75,100,000 to remain available until expended.

17 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

18 For necessary expenses, not otherwise provided for,  
19 of the American Battle Monuments Commission, such  
20 sums as may be necessary, to remain available until ex-  
21 pended, for purposes authorized by section 2109 of title  
22 36, United States Code.

1 UNITED STATES COURT OF APPEALS FOR VETERANS  
2 CLAIMS  
3 SALARIES AND EXPENSES

4 For necessary expenses for the operation of the  
5 United States Court of Appeals for Veterans Claims as  
6 authorized by sections 7251 through 7298 of title 38,  
7 United States Code, \$30,945,100: *Provided*, That  
8 \$2,500,000 shall be available for the purpose of providing  
9 financial assistance as described, and in accordance with  
10 the process and reporting procedures set forth under this  
11 heading in Public Law 102–229.

12 DEPARTMENT OF DEFENSE—CIVIL  
13 CEMETERIAL EXPENSES, ARMY  
14 SALARIES AND EXPENSES

15 For necessary expenses for maintenance, operation,  
16 and improvement of Arlington National Cemetery and Sol-  
17 diers' and Airmen's Home National Cemetery, including  
18 the purchase or lease of passenger motor vehicles for re-  
19 placement on a one-for-one basis only, and not to exceed  
20 \$1,000 for official reception and representation expenses,  
21 \$70,800,000 of which not to exceed \$28,000,000 shall re-  
22 main available until September 30, 2019. In addition,  
23 such sums as may be necessary for parking maintenance,  
24 repairs and replacement, to be derived from the "Lease

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

3                   ARMED FORCES RETIREMENT HOME

4                                   TRUST FUND

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

20                                   ADMINISTRATIVE PROVISIONS

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

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

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

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## 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,



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

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

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

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

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

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

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

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

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

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

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

12 SEC. 409. (a) IN GENERAL.—None of the funds ap-  
13 propriated or otherwise made available to the Department  
14 of Defense in this Act may be used to construct, renovate,  
15 or expand any facility in the United States, its territories,  
16 or possessions to house any individual detained at United  
17 States Naval Station, Guantánamo Bay, Cuba, for the  
18 purposes of detention or imprisonment in the custody or  
19 under the control of the Department of Defense.

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

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

1           (1) is not a citizen of the United States or a  
2 member of the Armed Forces of the United States;  
3 and

4           (2) is—

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

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

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

Calendar No. 424

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2806**

[Report No. 114-237]

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## **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.

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APRIL 18, 2016

Read twice and placed on the calendar