

[COMMITTEE PRINT]

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

Calendar No. 000114TH CONGRESS
2^D SESSION**S. 0000****[Report No. 114-000]**

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.

IN THE SENATE OF THE UNITED STATES

APRIL _____, 2016

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

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 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,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for
3 military construction, the Department of Veterans Affairs,
4 and related agencies for the fiscal year ending September
5 30, 2017, and for other purposes, namely:

6 TITLE I

7 DEPARTMENT OF DEFENSE

8 MILITARY CONSTRUCTION, ARMY

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

18 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

19 For acquisition, construction, installation, and equip-
20 ment of temporary or permanent public works, naval in-
21 stallations, facilities, and real property for the Navy and
22 Marine Corps as currently authorized by law, including
23 personnel in the Naval Facilities Engineering Command
24 and other personal services necessary for the purposes of

1 this appropriation, \$1,087,572,000, to remain available
2 until September 30, 2021.

3 MILITARY CONSTRUCTION, AIR FORCE

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

9 MILITARY CONSTRUCTION, DEFENSE-WIDE

10 (INCLUDING TRANSFER OF FUNDS)

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

1 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

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

9 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Air National Guard, and contributions
13 therefor, as authorized by chapter 1803 of title 10, United
14 States Code, and Military Construction Authorization
15 Acts, \$143,957,000, to remain available until September
16 30, 2021.

17 MILITARY CONSTRUCTION, ARMY RESERVE

18 For construction, acquisition, expansion, rehabilita-
19 tion, and conversion of facilities for the training and ad-
20 ministration of the Army Reserve as authorized by chapter
21 1803 of title 10, United States Code, and Military Con-
22 struction Authorization Acts, \$68,230,000, to remain
23 available until September 30, 2021.

1 MILITARY CONSTRUCTION, NAVY RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the reserve components of the Navy and
5 Marine Corps as authorized by chapter 1803 of title 10,
6 United States Code, and Military Construction Authoriza-
7 tion Acts, \$38,597,000, to remain available until Sep-
8 tember 30, 2021.

9 MILITARY CONSTRUCTION, AIR FORCE RESERVE

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

16 NORTH ATLANTIC TREATY ORGANIZATION

17 SECURITY INVESTMENT PROGRAM

18 For the United States share of the cost of the North
19 Atlantic Treaty Organization Security Investment Pro-
20 gram for the acquisition and construction of military fa-
21 cilities and installations (including international military
22 headquarters) and for related expenses for the collective
23 defense of the North Atlantic Treaty Area as authorized
24 by section 2806 of title 10, United States Code, and Mili-

1 tary Construction Authorization Acts, \$177,932,000, to
2 remain available until expended.

3 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

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

9 FAMILY HOUSING OPERATION AND MAINTENANCE,

10 ARMY

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

15 FAMILY HOUSING OPERATION AND MAINTENANCE,

16 NAVY AND MARINE CORPS

17 For expenses of family housing for the Navy and Ma-
18 rine Corps for operation and maintenance, including debt
19 payment, leasing, minor construction, principal and inter-
20 est charges, and insurance premiums, as authorized by
21 law, \$300,915,000.

22 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR

23 FORCE

24 For expenses of family housing for the Air Force for
25 operation and maintenance, including debt payment, leas-

1 ing, minor construction, principal and interest charges,
2 and insurance premiums, as authorized by law,
3 \$274,429,000.

4 FAMILY HOUSING OPERATION AND MAINTENANCE,
5 DEFENSE-WIDE

6 For expenses of family housing for the activities and
7 agencies of the Department of Defense (other than the
8 military departments) for operation and maintenance,
9 leasing, and minor construction, as authorized by law,
10 \$59,157,000.

11 DEPARTMENT OF DEFENSE FAMILY HOUSING
12 IMPROVEMENT FUND

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

19 FAMILY HOUSING CONSTRUCTION, ARMY

20 For expenses of family housing for the Army for con-
21 struction, including acquisition, replacement, addition, ex-
22 pansion, extension, and alteration, as authorized by law,
23 \$200,735,000, to remain available until September 30,
24 2021.

1 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
2 CORPS

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

8 FAMILY HOUSING CONSTRUCTION, AIR FORCE

9 For expenses of family housing for the Air Force for
10 construction, including acquisition, replacement, addition,
11 expansion, extension, and alteration, as authorized by law,
12 \$61,352,000, to remain available until September 30,
13 2021.

14 ADMINISTRATIVE PROVISIONS

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

22 SEC. 102. Funds made available in this title for con-
23 struction shall be available for hire of passenger motor ve-
24 hicles.

1 SEC. 103. Funds made available in this title for con-
2 struction may be used for advances to the Federal High-
3 way Administration, Department of Transportation, for
4 the construction of access roads as authorized by section
5 210 of title 23, United States Code, when projects author-
6 ized therein are certified as important to the national de-
7 fense by the Secretary of Defense.

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

12 SEC. 105. None of the funds made available in this
13 title shall be used for purchase of land or land easements
14 in excess of 100 percent of the value as determined by
15 the Army Corps of Engineers or the Naval Facilities Engi-
16 neering Command, except: (1) where there is a determina-
17 tion of value by a Federal court; (2) purchases negotiated
18 by the Attorney General or the designee of the Attorney
19 General; (3) where the estimated value is less than
20 \$25,000; or (4) as otherwise determined by the Secretary
21 of Defense to be in the public interest.

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

1 in annual Acts making appropriations for military con-
2 struction.

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

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

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

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

21 SEC. 111. None of the funds made available in this
22 title may be obligated for architect and engineer contracts
23 estimated by the Government to exceed \$500,000 for
24 projects to be accomplished in Japan, in any North Atlan-
25 tic Treaty Organization member country, or in countries

1 bordering the Arabian Gulf, unless such contracts are
2 awarded to United States firms or United States firms
3 in joint venture with host nation firms.

4 SEC. 112. None of the funds made available in this
5 title for military construction in the United States terri-
6 tories and possessions in the Pacific and on Kwajalein
7 Atoll, or in countries bordering the Arabian Gulf, may be
8 used to award any contract estimated by the Government
9 to exceed \$1,000,000 to a foreign contractor: *Provided*,
10 That this section shall not be applicable to contract
11 awards for which the lowest responsive and responsible bid
12 of a United States contractor exceeds the lowest respon-
13 sive and responsible bid of a foreign contractor by greater
14 than 20 percent: *Provided further*, That this section shall
15 not apply to contract awards for military construction on
16 Kwajalein Atoll for which the lowest responsive and re-
17 sponsible bid is submitted by a Marshallese contractor.

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

1 SEC. 114. Funds appropriated to the Department of
2 Defense for construction in prior years shall be available
3 for construction authorized for each such military depart-
4 ment by the authorizations enacted into law during the
5 current session of Congress.

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

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 117. Subject to 30 days prior notification, or
3 14 days for a notification provided in an electronic me-
4 dium pursuant to sections 480 and 2883 of title 10,
5 United States Code, to the Committees on Appropriations
6 of both Houses of Congress, such additional amounts as
7 may be determined by the Secretary of Defense may be
8 transferred to: (1) the Department of Defense Family
9 Housing Improvement Fund from amounts appropriated
10 for construction in “Family Housing” accounts, to be
11 merged with and to be available for the same purposes
12 and for the same period of time as amounts appropriated
13 directly to the Fund; or (2) the Department of Defense
14 Military Unaccompanied Housing Improvement Fund
15 from amounts appropriated for construction of military
16 unaccompanied housing in “Military Construction” ac-
17 counts, to be merged with and to be available for the same
18 purposes and for the same period of time as amounts ap-
19 propriated directly to the Fund: *Provided*, That appropria-
20 tions made available to the Funds shall be available to
21 cover the costs, as defined in section 502(5) of the Con-
22 gressional Budget Act of 1974, of direct loans or loan
23 guarantees issued by the Department of Defense pursuant
24 to the provisions of subchapter IV of chapter 169 of title
25 10, United States Code, pertaining to alternative means

1 of acquiring and improving military family housing, mili-
2 tary unaccompanied housing, and supporting facilities.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 118. In addition to any other transfer authority
5 available to the Department of Defense, amounts may be
6 transferred from the Department of Defense Base Closure
7 Account to the fund established by section 1013(d) of the
8 Demonstration Cities and Metropolitan Development Act
9 of 1966 (42 U.S.C. 3374) to pay for expenses associated
10 with the Homeowners Assistance Program incurred under
11 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall
12 be merged with and be available for the same purposes
13 and for the same time period as the fund to which trans-
14 ferred.

15 SEC. 119. Notwithstanding any other provision of
16 law, funds made available in this title for operation and
17 maintenance of family housing shall be the exclusive
18 source of funds for repair and maintenance of all family
19 housing units, including general or flag officer quarters:
20 *Provided*, That not more than \$35,000 per unit may be
21 spent annually for the maintenance and repair of any gen-
22 eral or flag officer quarters without 30 days prior notifica-
23 tion, or 14 days for a notification provided in an electronic
24 medium pursuant to sections 480 and 2883 of title 10,
25 United States Code, to the Committees on Appropriations

1 of both Houses of Congress, except that an after-the-fact
2 notification shall be submitted if the limitation is exceeded
3 solely due to costs associated with environmental remedi-
4 ation that could not be reasonably anticipated at the time
5 of the budget submission: *Provided further*, That the
6 Under Secretary of Defense (Comptroller) is to report an-
7 nually to the Committees on Appropriations of both
8 Houses of Congress all operation and maintenance ex-
9 penditures for each individual general or flag officer quar-
10 ters for the prior fiscal year.

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

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 121. During the 5-year period after appropria-
19 tions available in this Act to the Department of Defense
20 for military construction and family housing operation and
21 maintenance and construction have expired for obligation,
22 upon a determination that such appropriations will not be
23 necessary for the liquidation of obligations or for making
24 authorized adjustments to such appropriations for obliga-
25 tions incurred during the period of availability of such ap-

1 appropriations, unobligated balances of such appropriations
2 may be transferred into the appropriation “Foreign Cur-
3 rency Fluctuations, Construction, Defense”, to be merged
4 with and to be available for the same time period and for
5 the same purposes as the appropriation to which trans-
6 ferred.

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

16 SEC. 123. None of the funds made available in this
17 title may be obligated or expended for planning and design
18 and construction of projects at Arlington National Ceme-
19 tery.

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

1 Construction and Veterans Affairs of the Committee on
2 Appropriations of the House of Representatives.

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

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

7 “Military Construction, Navy and Marine
8 Corps”, \$143,000,000;

9 “Military Construction, Air Force”,
10 \$195,465,000;

11 “Military Construction, Defense-Wide”,
12 \$64,364,000;

13 “Military Construction, Army National Guard”,
14 \$16,500,000;

15 “Military Construction, Air National Guard”,
16 \$11,000,000;

17 “Military Construction, Army Reserve”,
18 \$30,000,000;

19 “Family Housing Construction, Army”,
20 \$14,400,000:

21 *Provided*, That such funds may only be obligated to carry
22 out construction projects identified in the respective mili-
23 tary department’s unfunded priority list for fiscal year
24 2017 submitted to Congress: *Provided further*, That such
25 funds are subject to authorization prior to obligation and

1 expenditure of funds to carry out construction: *Provided*
2 *further*, That not later than 30 days after enactment of
3 this Act, the Secretary of the military department con-
4 cerned, or their designee, shall submit to the Committees
5 on Appropriations of both Houses of Congress an expendi-
6 ture plan for funds provided under this section.

7 (RESCISSIONS OF FUNDS)

8 SEC. 126. Of the unobligated balances available to
9 the Department of Defense from prior appropriation Acts,
10 the following funds are hereby rescinded from the fol-
11 lowing accounts in the amounts specified:

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

13 “Military Construction, Air Force”,
14 \$22,340,000;

15 “Military Construction, Defense-Wide”,
16 \$132,283,000; and

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

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

1 SEC. 127. Notwithstanding any other provision of
2 law, none of the funds appropriated or otherwise made
3 available by this or any other Act may be used to consoli-
4 date or relocate any element of a United States Air Force
5 Rapid Engineer Deployable Heavy Operational Repair
6 Squadron Engineer (RED HORSE) outside of the United
7 States until the Secretary of the Air Force (1) completes
8 an analysis and comparison of the cost and infrastructure
9 investment required to consolidate or relocate a RED
10 HORSE squadron outside of the United States versus
11 within the United States; (2) provides to the Committees
12 on Appropriations of both Houses of Congress (“the Com-
13 mittees”) a report detailing the findings of the cost anal-
14 ysis; and (3) certifies in writing to the Committees that
15 the preferred site for the consolidation or relocation yields
16 the greatest savings for the Air Force: *Provided*, That the
17 term “United States” in this section does not include any
18 territory or possession of the United States.

19 SEC. 128. None of the funds made available by this
20 Act may be used to carry out the closure or transfer of
21 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.

22 INFORMATION TECHNOLOGY SYSTEMS

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses for information technology
25 systems and telecommunications support, including devel-

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

1 and expenses, operations and maintenance, and informa-
2 tion technology systems development, modernization, and
3 enhancement may be transferred among the three sub-
4 accounts after the Secretary of Veterans Affairs requests
5 from the Committees on Appropriations of both Houses
6 of Congress the authority to make the transfer and an
7 approval is issued: *Provided further*, That amounts made
8 available for the “Information Technology Systems” ac-
9 count for development, modernization, and enhancement
10 may be transferred among projects or to newly defined
11 projects: *Provided further*, That no project may be in-
12 creased or decreased by more than \$1,000,000 of cost
13 prior to submitting a request to the Committees on Appro-
14 priations of both Houses of Congress to make the transfer
15 and an approval is issued, or absent a response, a period
16 of 30 days has elapsed: *Provided further*, That funds under
17 this heading may be used by the Interagency Program Of-
18 fice through the Department of Veterans Affairs to define
19 data standards, code sets, and value sets used to enable
20 interoperability: *Provided further*, That of the funds made
21 available for information technology systems development,
22 modernization, and enhancement for VistA Evolution or
23 any successor program, not more than 25 percent may be
24 obligated or expended until the Secretary of Veterans Af-
25 fairs:

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

14 (2) submits to the Committees on Appropria-
15 tions of both Houses of Congress the VistA Evo-
16 lution Business Case and supporting documents re-
17 garding continuation of VistA Evolution or alter-
18 natives to VistA Evolution, including an analysis of
19 necessary or desired capabilities, technical and secu-
20 rity requirements, the plan for modernizing the plat-
21 form framework, and all associated costs;

22 (3) submits to the Committees on Appropria-
23 tions of both Houses of Congress, and such Commit-
24 tees approve, the following: a report that describes
25 a strategic plan for VistA Evolution, or any suc-

1 cessor program, and the associated implementation
2 plan including metrics and timelines; a master
3 schedule and lifecycle cost estimate for VistA Evo-
4 lution or any successor; and an implementation plan
5 for the transition from the Project Management Ac-
6 countability System to a new project delivery frame-
7 work, the Veteran-focused Integration Process, that
8 includes the methodology by which projects will be
9 tracked, progress measured, and deliverables evalu-
10 ated;

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

22 (5) submits to the Committees on Appropria-
23 tions of both Houses of Congress, and such Commit-
24 tees approve, the following: a report that describes
25 the extent to which VistA Evolution, or any suc-

1 cessor program, maximizes the use of commercially
2 available software used by DoD and the private sec-
3 tor, requires an open architecture that leverages best
4 practices and rapidly adapts to technologies pro-
5 duced by the private sector, enhances full interoper-
6 ability between the VA and DoD and between VA
7 and the private sector, and ensures the security of
8 personally identifiable information of veterans and
9 beneficiaries:

10 *Provided further*, That the funds made available under this
11 heading for information technology systems development,
12 modernization, and enhancement, shall be for the projects,
13 and in the amounts, specified under this heading in the
14 report accompanying this Act.

15 OFFICE OF INSPECTOR GENERAL

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

21 CONSTRUCTION, MAJOR PROJECTS

22 For constructing, altering, extending, and improving
23 any of the facilities, including parking projects, under the
24 jurisdiction or for the use of the Department of Veterans
25 Affairs, or for any of the purposes set forth in sections

1 316, 2404, 2406 and chapter 81 of title 38, United States
2 Code, not otherwise provided for, including planning, ar-
3 chitectural and engineering services, construction manage-
4 ment services, maintenance or guarantee period services
5 costs associated with equipment guarantees provided
6 under the project, services of claims analysts, offsite utility
7 and storm drainage system construction costs, and site ac-
8 quisition, where the estimated cost of a project is more
9 than the amount set forth in section 8104(a)(3)(A) of title
10 38, United States Code, or where funds for a project were
11 made available in a previous major project appropriation,
12 \$528,110,000, of which \$448,110,000 shall remain avail-
13 able until September 30, 2021, and of which \$80,000,000
14 shall remain available until expended: *Provided*, That ex-
15 cept for advance planning activities, including needs as-
16 sessments which may or may not lead to capital invest-
17 ments, and other capital asset management related activi-
18 ties, including portfolio development and management ac-
19 tivities, and investment strategy studies funded through
20 the advance planning fund and the planning and design
21 activities funded through the design fund, including needs
22 assessments which may or may not lead to capital invest-
23 ments, and salaries and associated costs of the resident
24 engineers who oversee those capital investments funded
25 through this account and contracting officers who manage

1 specific major construction projects, and funds provided
2 for the purchase, security, and maintenance of land for
3 the National Cemetery Administration through the land
4 acquisition line item, none of the funds made available
5 under this heading shall be used for any project that has
6 not been notified to Congress through the budgetary proc-
7 ess or that has not been approved by the Congress through
8 statute, joint resolution, or in the explanatory statement
9 accompanying such Act and presented to the President at
10 the time of enrollment: *Provided further*, That funds made
11 available under this heading for fiscal year 2017, for each
12 approved project shall be obligated: (1) by the awarding
13 of a construction documents contract by September 30,
14 2017; and (2) by the awarding of a construction contract
15 by September 30, 2018: *Provided further*, That the Sec-
16 retary of Veterans Affairs shall promptly submit to the
17 Committees on Appropriations of both Houses of Congress
18 a written report on any approved major construction
19 project for which obligations are not incurred within the
20 time limitations established above: *Provided further*, That,
21 of the amount made available under this heading,
22 \$222,620,000 for Veterans Health Administration major
23 construction projects shall not be available until the De-
24 partment of Veterans Affairs—

1 vided under the project, services of claims analysts, offsite
2 utility and storm drainage system construction costs, and
3 site acquisition, or for any of the purposes set forth in
4 sections 316, 2404, 2406 and chapter 81 of title 38,
5 United States Code, not otherwise provided for, where the
6 estimated cost of a project is equal to or less than the
7 amount set forth in section 8104(a)(3)(A) of title 38,
8 United States Code, \$372,069,000, to remain available
9 until September 30, 2021, along with unobligated balances
10 of previous "Construction, Minor Projects" appropriations
11 which are hereby made available for any project where the
12 estimated cost is equal to or less than the amount set forth
13 in such section: *Provided*, That funds made available
14 under this heading shall be for: (1) repairs to any of the
15 nonmedical facilities under the jurisdiction or for the use
16 of the Department which are necessary because of loss or
17 damage caused by any natural disaster or catastrophe;
18 and (2) temporary measures necessary to prevent or to
19 minimize further loss by such causes.

20 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
21 FACILITIES

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

1 care to veterans as authorized by sections 8131 through
2 8137 of title 38, United States Code, \$90,000,000, to re-
3 main available until expended.

4 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

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

10 ADMINISTRATIVE PROVISIONS

11 (INCLUDING TRANSFER OF FUNDS)

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

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 202. Amounts made available for the Depart-
24 ment of Veterans Affairs for fiscal year 2017, in this or
25 any other Act, under the “Medical Services”, “Medical

1 Community Care”, “Medical Support and Compliance”,
2 and “Medical Facilities” accounts may be transferred
3 among the accounts: *Provided*, That any transfers between
4 the “Medical Services” and “Medical Support and Compli-
5 ance” accounts of 1 percent or less of the total amount
6 appropriated to the account in this or any other Act may
7 take place subject to notification from the Secretary of
8 Veterans Affairs to the Committees on Appropriations of
9 both Houses of Congress of the amount and purpose of
10 the transfer: *Provided further*, That any transfers between
11 the “Medical Services” and “Medical Support and Compli-
12 ance” accounts in excess of 1 percent, or exceeding the
13 cumulative 1 percent for the fiscal year, may take place
14 only after the Secretary requests from the Committees on
15 Appropriations of both Houses of Congress the authority
16 to make the transfer and an approval is issued: *Provided*
17 *further*, That any transfers to or from the “Medical Facili-
18 ties” account may take place only after the Secretary re-
19 quests from the Committees on Appropriations of both
20 Houses of Congress the authority to make the transfer
21 and an approval is issued.

22 SEC. 203. Appropriations available in this title for
23 salaries and expenses shall be available for services au-
24 thorized by section 3109 of title 5, United States Code;
25 hire of passenger motor vehicles; lease of a facility or land

1 or both; and uniforms or allowances therefore, as author-
2 ized by sections 5901 through 5902 of title 5, United
3 States Code.

4 SEC. 204. No appropriations in this title (except the
5 appropriations for “Construction, Major Projects”, and
6 “Construction, Minor Projects”) shall be available for the
7 purchase of any site for or toward the construction of any
8 new hospital or home.

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

20 SEC. 206. Appropriations available in this title for
21 “Compensation and Pensions”, “Readjustment Benefits”,
22 and “Veterans Insurance and Indemnities” shall be avail-
23 able for payment of prior year accrued obligations re-
24 quired to be recorded by law against the corresponding

1 prior year accounts within the last quarter of fiscal year
2 2016.

3 SEC. 207. Appropriations available in this title shall
4 be available to pay prior year obligations of corresponding
5 prior year appropriations accounts resulting from sections
6 3328(a), 3334, and 3712(a) of title 31, United States
7 Code, except that if such obligations are from trust fund
8 accounts they shall be payable only from “Compensation
9 and Pensions”.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 208. Notwithstanding any other provision of
12 law, during fiscal year 2017, the Secretary of Veterans
13 Affairs shall, from the National Service Life Insurance
14 Fund under section 1920 of title 38, United States Code,
15 the Veterans’ Special Life Insurance Fund under section
16 1923 of title 38, United States Code, and the United
17 States Government Life Insurance Fund under section
18 1955 of title 38, United States Code, reimburse the “Gen-
19 eral Operating Expenses, Veterans Benefits Administra-
20 tion” and “Information Technology Systems” accounts for
21 the cost of administration of the insurance programs fi-
22 nanced through those accounts: *Provided*, That reimburse-
23 ment shall be made only from the surplus earnings accu-
24 mulated in such an insurance program during fiscal year
25 2017 that are available for dividends in that program after

1 claims have been paid and actuarially determined reserves
2 have been set aside: *Provided further*, That if the cost of
3 administration of such an insurance program exceeds the
4 amount of surplus earnings accumulated in that program,
5 reimbursement shall be made only to the extent of such
6 surplus earnings: *Provided further*, That the Secretary
7 shall determine the cost of administration for fiscal year
8 2017 which is properly allocable to the provision of each
9 such insurance program and to the provision of any total
10 disability income insurance included in that insurance pro-
11 gram.

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

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 210. Funds available in this title or funds for
19 salaries and other administrative expenses shall also be
20 available to reimburse the Office of Resolution Manage-
21 ment of the Department of Veterans Affairs and the Of-
22 fice of Employment Discrimination Complaint Adjudica-
23 tion under section 319 of title 38, United States Code,
24 for all services provided at rates which will recover actual
25 costs but not to exceed \$47,668,000 for the Office of Reso-

1 lution Management and \$3,532,000 for the Office of Em-
2 ployment Discrimination Complaint Adjudication: *Pro-*
3 *vided*, That payments may be made in advance for services
4 to be furnished based on estimated costs: *Provided further*,
5 That amounts received shall be credited to the “General
6 Administration” and “Information Technology Systems”
7 accounts for use by the office that provided the service.

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

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

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

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

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

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

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

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

23 SEC. 212. No funds of the Department of Veterans
24 Affairs shall be available for hospital care, nursing home
25 care, or medical services provided to any person under

1 chapter 17 of title 38, United States Code, for a non-serv-
2 ice-connected disability described in section 1729(a)(2) of
3 such title, unless that person has disclosed to the Sec-
4 retary of Veterans Affairs, in such form as the Secretary
5 may require, current, accurate third-party reimbursement
6 information for purposes of section 1729 of such title: *Pro-*
7 *vided*, That the Secretary may recover, in the same man-
8 ner as any other debt due the United States, the reason-
9 able charges for such care or services from any person who
10 does not make such disclosure as required: *Provided fur-*
11 *ther*, That any amounts so recovered for care or services
12 provided in a prior fiscal year may be obligated by the
13 Secretary during the fiscal year in which amounts are re-
14 ceived.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 213. Notwithstanding any other provision of
17 law, proceeds or revenues derived from enhanced-use leas-
18 ing activities (including disposal) may be deposited into
19 the “Construction, Major Projects” and “Construction,
20 Minor Projects” accounts and be used for construction
21 (including site acquisition and disposition), alterations,
22 and improvements of any medical facility under the juris-
23 diction or for the use of the Department of Veterans Af-
24 fairs. Such sums as realized are in addition to the amount

1 provided for in “Construction, Major Projects” and “Con-
2 struction, Minor Projects”.

3 SEC. 214. Amounts made available under “Medical
4 Services” are available—

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

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

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 215. Such sums as may be deposited to the
12 Medical Care Collections Fund pursuant to section 1729A
13 of title 38, United States Code, may be transferred to the
14 “Medical Services” and “Medical Community Care” ac-
15 counts, to remain available until expended for the pur-
16 poses of these accounts.

17 SEC. 216. The Secretary of Veterans Affairs may
18 enter into agreements with Federally Qualified Health
19 Centers in the State of Alaska and Indian tribes and tribal
20 organizations which are party to the Alaska Native Health
21 Compact with the Indian Health Service, to provide
22 healthcare, including behavioral health and dental care, to
23 veterans in rural Alaska. The Secretary shall require par-
24 ticipating veterans and facilities to comply with all appro-
25 priate rules and regulations, as established by the Sec-

1 retary. The term “rural Alaska” shall mean those lands
2 which are not within the boundaries of the municipality
3 of Anchorage or the Fairbanks North Star Borough.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 217. Such sums as may be deposited to the De-
6 partment of Veterans Affairs Capital Asset Fund pursu-
7 ant to section 8118 of title 38, United States Code, may
8 be transferred to the “Construction, Major Projects” and
9 “Construction, Minor Projects” accounts, to remain avail-
10 able until expended for the purposes of these accounts.

11 (RESCISSION OF FUNDS)

12 SEC. 218. Of the amounts appropriated in title II of
13 division J of Public Law 114–113 under the heading
14 “Medical Services” which become available on October 1,
15 2016, \$7,246,181,000 are hereby rescinded.

16 SEC. 219. Not later than 30 days after the end of
17 each fiscal quarter, the Secretary of Veterans Affairs shall
18 submit to the Committees on Appropriations of both
19 Houses of Congress a report on the financial status of the
20 Department of Veterans Affairs for the preceding quarter:
21 *Provided*, That, at a minimum, the report shall include
22 the direction contained in the explanatory statement de-
23 scribed in section 4 in the matter preceding division A of
24 the Consolidated Appropriations Act, 2016 Public Law
25 114–113 in title II of Division J of the consolidated Act

1 in the paragraph entitled “Quarterly Report”, under the
2 heading “General Administration”.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 220. Amounts made available under the “Med-
5 ical Services”, “Medical Community Care”, “Medical Sup-
6 port and Compliance”, “Medical Facilities”, “General Op-
7 erating Expenses, Veterans Benefits Administration”,
8 “General Administration”, and “National Cemetery Ad-
9 ministration” accounts for fiscal year 2017 may be trans-
10 ferred to or from the “Information Technology Systems”
11 account: *Provided*, That such transfers may not result in
12 a more than 10 percent aggregate increase in the total
13 amount made available by this Act for the “Information
14 Technology Systems” account: *Provided further*, That, be-
15 fore a transfer may take place, the Secretary of Veterans
16 Affairs shall request from the Committees on Appropria-
17 tions of both Houses of Congress the authority to make
18 the transfer and an approval is issued.

19 SEC. 221. None of the funds appropriated or other-
20 wise made available by this Act or any other Act for the
21 Department of Veterans Affairs may be used in a manner
22 that is inconsistent with: (1) section 842 of the Transpor-
23 tation, Treasury, Housing and Urban Development, the
24 Judiciary, the District of Columbia, and Independent
25 Agencies Appropriations Act, 2006 (Public Law 109–115;

1 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
2 United States Code.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 222. Of the amounts appropriated to the De-
5 partment of Veterans Affairs for fiscal year 2017 for
6 “Medical Services”, “Medical Support and Compliance”,
7 “Medical Facilities”, “Construction, Minor Projects”, and
8 “Information Technology Systems”, up to \$274,731,000,
9 plus reimbursements, may be transferred to the Joint De-
10 partment of Defense-Department of Veterans Affairs
11 Medical Facility Demonstration Fund, established by sec-
12 tion 1704 of the National Defense Authorization Act for
13 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571)
14 and may be used for operation of the facilities designated
15 as combined Federal medical facilities as described by sec-
16 tion 706 of the Duncan Hunter National Defense Author-
17 ization Act for Fiscal Year 2009 (Public Law 110–417;
18 122 Stat. 4500): *Provided*, That additional funds may be
19 transferred from accounts designated in this section to the
20 Joint Department of Defense-Department of Veterans Af-
21 fairs Medical Facility Demonstration Fund upon written
22 notification by the Secretary of Veterans Affairs to the
23 Committees on Appropriations of both Houses of Con-
24 gress: *Provided further*, That section 223 of title II of divi-
25 sion J of Public Law 114–113 is repealed.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 223. Of the amounts appropriated to the De-
3 partment of Veterans Affairs which become available on
4 October 1, 2017, for “Medical Services”, “Medical Sup-
5 port and Compliance”, and “Medical Facilities”, up to
6 \$280,802,000, plus reimbursements, may be transferred
7 to the Joint Department of Defense-Department of Vet-
8 erans Affairs Medical Facility Demonstration Fund, es-
9 tablished by section 1704 of the National Defense Author-
10 ization Act for Fiscal Year 2010 (Public Law 111–84; 123
11 Stat. 3571) and may be used for operation of the facilities
12 designated as combined Federal medical facilities as de-
13 scribed by section 706 of the Duncan Hunter National De-
14 fense Authorization Act for Fiscal Year 2009 (Public Law
15 110–417; 122 Stat. 4500): *Provided*, That additional
16 funds may be transferred from accounts designated in this
17 section to the Joint Department of Defense-Department
18 of Veterans Affairs Medical Facility Demonstration Fund
19 upon written notification by the Secretary of Veterans Af-
20 fairs to the Committees on Appropriations of both Houses
21 of Congress.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 224. Such sums as may be deposited to the
24 Medical Care Collections Fund pursuant to section 1729A
25 of title 38, United States Code, for healthcare provided

1 at facilities designated as combined Federal medical facili-
2 ties as described by section 706 of the Duncan Hunter
3 National Defense Authorization Act for Fiscal Year 2009
4 (Public Law 110–417; 122 Stat. 4500) shall also be avail-
5 able: (1) for transfer to the Joint Department of Defense-
6 Department of Veterans Affairs Medical Facility Dem-
7 onstration Fund, established by section 1704 of the Na-
8 tional Defense Authorization Act for Fiscal Year 2010
9 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-
10 ations of the facilities designated as combined Federal
11 medical facilities as described by section 706 of the Dun-
12 can Hunter National Defense Authorization Act for Fiscal
13 Year 2009 (Public Law 110–417; 122 Stat. 4500).

14 (INCLUDING TRANSFER OF FUNDS)

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

23 SEC. 226. None of the funds available to the Depart-
24 ment of Veterans Affairs, in this or any other Act, may
25 be used to replace the current system by which the Vet-

1 erans Integrated Service Networks select and contract for
2 diabetes monitoring supplies and equipment.

3 SEC. 227. The Secretary of Veterans Affairs shall no-
4 tify the Committees on Appropriations of both Houses of
5 Congress of all bid savings in a major construction project
6 that total at least \$5,000,000, or 5 percent of the pro-
7 grammed amount of the project, whichever is less: *Pro-*
8 *vided*, That such notification shall occur within 14 days
9 of a contract identifying the programmed amount: *Pro-*
10 *vided further*, That the Secretary shall notify the Commit-
11 tees on Appropriations of both Houses of Congress 14
12 days prior to the obligation of such bid savings and shall
13 describe the anticipated use of such savings.

14 SEC. 228. None of the funds made available for
15 “Construction, Major Projects” may be used for a project
16 in excess of the scope specified for that project in the origi-
17 nal justification data provided to the Congress as part of
18 the request for appropriations unless the Secretary of Vet-
19 erans Affairs receives approval from the Committees on
20 Appropriations of both Houses of Congress.

21 SEC. 229. The Secretary of Veterans Affairs shall
22 submit to the Committees on Appropriations of both
23 Houses of Congress a quarterly report that contains the
24 following information from each Veterans Benefits Admin-
25 istration Regional Office: (1) the average time to complete

1 a disability compensation claim; (2) the number of claims
2 pending more than 125 days, disaggregated by initial and
3 supplemental claims; (3) error rates; (4) the number of
4 claims personnel; (5) any corrective action taken within
5 the quarter to address poor performance; (6) training pro-
6 grams undertaken; and (7) the number and results of
7 Quality Review Team audits: *Provided*, That each quar-
8 terly report shall be submitted no later than 30 days after
9 the end of the respective quarter.

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

21 SEC. 231. The Secretary of Veterans Affairs shall
22 provide written notification to the Committees on Appro-
23 priations of both Houses of Congress 15 days prior to or-
24 ganizational changes which result in the transfer of 25 or

1 more full-time equivalents from one organizational unit of
2 the Department of Veterans Affairs to another.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 232. Amounts made available for the Depart-
5 ment of Veterans Affairs for fiscal year 2017, under the
6 “Board of Veterans Appeals” and the “General Operating
7 Expenses, Veterans Benefits Administration” accounts
8 may be transferred between such accounts: *Provided*, That
9 before a transfer may take place, the Secretary of Vet-
10 erans Affairs shall request from the Committees on Appro-
11 priations of both Houses of Congress the authority to
12 make the transfer and receive approval of that request.

13 (RESCISSION OF FUNDS)

14 SEC. 233. Of the unobligated balances available with-
15 in the “DOD–VA Health Care Sharing Incentive Fund”,
16 \$52,000,000 are hereby rescinded.

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

23 SEC. 235. None of the funds appropriated in this or
24 prior appropriations Acts or otherwise made available to
25 the Department of Veterans Affairs may be used to trans-

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

4 SEC. 236. Paragraph (3) of section 403(a) of the Vet-
5 erans' Mental Health and Other Care Improvements Act
6 of 2008 (Public Law 110-387; 38 U.S.C. 1703 note) is
7 amended to read as follows:

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

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

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

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

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

24 “(A) Home health services”; and

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

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

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

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

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

24 SEC. 241. Of the funds provided to the Department
25 of Veterans Affairs for each of fiscal year 2017 and fiscal

1 year 2018 for “Medical Services”, \$3,000,000 in each year
2 for carrying out and expanding to each medical center of
3 the Department the child care program authorized by sec-
4 tion 205 of Public Law 111–163, notwithstanding sub-
5 section (e) of such section.

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

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

15 (1) information on any violation of the require-
16 ments of the medical license of the health care pro-
17 vider; and

18 (2) information on whether the health care pro-
19 vider has entered into any settlement agreement for
20 a disciplinary charge relating to the practice of med-
21 icine by the health care provider.

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

24 SEC. 244. (a) Notwithstanding section 552a of title
25 5, United States Code, the Secretary of Veterans Affairs

1 shall, with respect to each health care provider of the De-
2 partment of Veterans Affairs that has violated a require-
3 ment of their medical license, provide to the medical board
4 of each State in which the health care provider is licensed
5 or practices all relevant information contained in the State
6 Licensing Board Reporting File or any successor file of
7 the Department with respect to such violation.

8 (b) The Secretary shall provide the information re-
9 quired in subsection (a) to a medical board described in
10 such subsection notwithstanding that such board may not
11 have formally requested such information from the De-
12 partment.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 245. Upon determination by the Secretary of
15 Veterans Affairs that such action is necessary for pro-
16 viding health care, benefits and other services, the Sec-
17 retary may transfer amounts made available to the De-
18 partment of Veterans Affairs for fiscal year 2017 by this
19 Act between any discretionary appropriations accounts for
20 fiscal year 2017: *Provided*, That amounts so transferred
21 shall be merged with the account to which transferred:
22 *Provided further*, That the total amount that the Secretary
23 may transfer under this section may not exceed two per-
24 cent of the total discretionary appropriations made avail-
25 able to the Department for fiscal year 2017 by this Act:

1 *Provided further*, That a transfer of funds between the
2 “Medical Services”, “Medical Community Care”, “Medical
3 Support and Compliance”, and “Medical Facilities” ac-
4 counts shall not be counted toward the two percent limita-
5 tion in the previous proviso: *Provided further*, That the
6 transfer authority provided by this section may be exer-
7 cised only to support activities in an appropriations ac-
8 count that have a higher priority than those undertaken
9 in the appropriations account from which budget authority
10 is transferred, as determined by the Secretary: *Provided*
11 *further*, That such transfer authority may not be used to
12 provide budget authority for an activity that the Secretary
13 lacks the authority to carry out: *Provided further*, That
14 the transfer authority provided in this section is in addi-
15 tion to any other transfer authority provided by law: *Pro-*
16 *vided further*, That before a transfer may take place, the
17 Secretary of Veterans Affairs shall request from the Com-
18 mittees on Appropriations of both Houses of Congress the
19 authority to make the transfer and receive approval of
20 that request.

21 VA PATIENT PROTECTION ACT OF 2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(ii) the name of the employee;

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

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

17 and

18 “(v) proposed solutions to the complaint.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 **“§ 736. Reports to Congress**

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

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

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

22 “(B) the disposition of such complaints;

23 and

24 “(C) the ways in which the Secretary ad-

25 dressed such complaints in which a positive de-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (2) CONFORMING AND CLERICAL AMENDMENTS.—

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

19 “SUBCHAPTER I—GENERAL EMPLOYEE
20 MATTERS”.

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

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

“SUBCHAPTER I—GENERAL EMPLOYEE MATTERS”;

1 and

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

3 items:

“SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

“731. Whistleblower complaint defined.

“732. Treatment of whistleblower complaints.

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

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

“735. Training regarding whistleblower complaints.

“736. Reports to Congress.”.

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

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

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

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

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

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

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

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

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

pendent, 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.

1

TITLE IV

2

GENERAL PROVISIONS

3

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.

6

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.

13

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.

19

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”.

[COMMITTEE PRINT]

Calendar No. 000

114TH CONGRESS
2^D SESSION

S. 0000

[Report No. 114-000]

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.

JUNE 00, 2016

Read twice and placed on the calendar