

***In the Senate of the United States,***

*September 28, 2016.*

*Resolved*, That the bill from the House of Representatives (H.R. 5325) entitled “An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike all after the enacting clause, and insert in lieu thereof:

1 ***SECTION 1. SHORT TITLE.***

2       *This Act may be cited as the “Continuing Appropria-*  
3 *tions and Military Construction, Veterans Affairs, and Re-*  
4 *lated Agencies Appropriations Act, 2017, and Zika Re-*  
5 *sponse and Preparedness Act”.*

1 **SEC. 2. TABLE OF CONTENTS.**

*Sec. 1. Short title.*  
*Sec. 2. Table of contents.*  
*Sec. 3. References.*  
*Sec. 4. Statement of appropriations.*  
*Sec. 5. Availability of funds.*  
*Sec. 6. Explanatory statement.*

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

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

*DIVISION B—ZIKA RESPONSE AND PREPAREDNESS*

*Title I—Department of Health and Human Services*  
*Title II—Department of State*  
*Title III—General Provisions—This Division*

*DIVISION C—CONTINUING APPROPRIATIONS ACT, 2017*

*DIVISION D—RESCISSIONS OF FUNDS*

2 **SEC. 3. REFERENCES.**

3 *Except as expressly provided otherwise, any reference*  
 4 *to “this Act” contained in any division of this Act shall*  
 5 *be treated as referring only to the provisions of that divi-*  
 6 *sion.*

7 **SEC. 4. STATEMENT OF APPROPRIATIONS.**

8 *The following sums in this Act are appropriated, out*  
 9 *of any money in the Treasury not otherwise appropriated,*  
 10 *for the fiscal year ending September 30, 2017.*

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

12 *Each amount designated in this Act by the Congress*  
 13 *as an emergency requirement pursuant to section*  
 14 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*

1 *Deficit Control Act of 1985 shall be available (or rescinded,*  
2 *if applicable) only if the President subsequently so des-*  
3 *ignates all such amounts and transmits such designations*  
4 *to the Congress.*

5 **SEC. 6. EXPLANATORY STATEMENT.**

6 *(a) The explanatory statement regarding this Act,*  
7 *printed in the Senate section of the Congressional Record*  
8 *on or about September 22, 2016, by the Chairman of the*  
9 *Committee on Appropriations of the Senate, shall have the*  
10 *same effect with respect to the allocation of funds and im-*  
11 *plementation of divisions A through D of this Act as if it*  
12 *were a joint explanatory statement of a committee of con-*  
13 *ference.*

14 *(b) Any reference to the “joint explanatory statement*  
15 *accompanying this Act” contained in division A of this Act*  
16 *shall be considered to be a reference to the explanatory state-*  
17 *ment described in subsection (a).*

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

21 ***TITLE I***

22 ***DEPARTMENT OF DEFENSE***

23 ***MILITARY CONSTRUCTION, ARMY***

24 *For acquisition, construction, installation, and equip-*  
25 *ment of temporary or permanent public works, military in-*

1 *stallations, facilities, and real property for the Army as*  
2 *currently authorized by law, including personnel in the*  
3 *Army Corps of Engineers and other personal services nec-*  
4 *essary for the purposes of this appropriation, and for con-*  
5 *struction and operation of facilities in support of the func-*  
6 *tions of the Commander in Chief, \$513,459,000, to remain*  
7 *available until September 30, 2021: Provided, That, of this*  
8 *amount, not to exceed \$98,159,000 shall be available for*  
9 *study, planning, design, architect and engineer services,*  
10 *and host nation support, as authorized by law, unless the*  
11 *Secretary of the Army determines that additional obliga-*  
12 *tions are necessary for such purposes and notifies the Com-*  
13 *mittees on Appropriations of both Houses of Congress of the*  
14 *determination and the reasons therefor.*

15 *MILITARY CONSTRUCTION, NAVY AND MARINE CORPS*

16 *For acquisition, construction, installation, and equip-*  
17 *ment of temporary or permanent public works, naval in-*  
18 *stallations, facilities, and real property for the Navy and*  
19 *Marine Corps as currently authorized by law, including*  
20 *personnel in the Naval Facilities Engineering Command*  
21 *and other personal services necessary for the purposes of this*  
22 *appropriation, \$1,021,580,000, to remain available until*  
23 *September 30, 2021: Provided, That, of this amount, not*  
24 *to exceed \$88,230,000 shall be available for study, planning,*  
25 *design, and architect and engineer services, as authorized*

1 *by law, unless the Secretary of the Navy determines that*  
2 *additional obligations are necessary for such purposes and*  
3 *notifies the Committees on Appropriations of both Houses*  
4 *of Congress of the determination and the reasons therefor.*

5 *MILITARY CONSTRUCTION, AIR FORCE*

6 *For acquisition, construction, installation, and equip-*  
7 *ment of temporary or permanent public works, military in-*  
8 *stallations, facilities, and real property for the Air Force*  
9 *as currently authorized by law, \$1,491,058,000, to remain*  
10 *available until September 30, 2021: Provided, That of this*  
11 *amount, not to exceed \$143,582,000 shall be available for*  
12 *study, planning, design, and architect and engineer serv-*  
13 *ices, as authorized by law, unless the Secretary of the Air*  
14 *Force determines that additional obligations are necessary*  
15 *for such purposes and notifies the Committees on Appro-*  
16 *priations of both Houses of Congress of the determination*  
17 *and the reasons therefor: Provided further, That none of the*  
18 *funds made available under this heading shall be for con-*  
19 *struction of the Joint Intelligence Analysis Complex Con-*  
20 *solidation, Phase 3, at Royal Air Force Croughton, United*  
21 *Kingdom, unless authorized in an Act authorizing appro-*  
22 *priations for fiscal year 2017 for military construction.*

1            *MILITARY CONSTRUCTION, DEFENSE-WIDE*2                            *(INCLUDING TRANSFER OF FUNDS)*

3            *For acquisition, construction, installation, and equip-*  
4 *ment of temporary or permanent public works, installa-*  
5 *tions, facilities, and real property for activities and agen-*  
6 *cies of the Department of Defense (other than the military*  
7 *departments), as currently authorized by law,*  
8 *\$2,025,444,000, to remain available until September 30,*  
9 *2021: Provided, That such amounts of this appropriation*  
10 *as may be determined by the Secretary of Defense may be*  
11 *transferred to such appropriations of the Department of De-*  
12 *fense available for military construction or family housing*  
13 *as the Secretary may designate, to be merged with and to*  
14 *be available for the same purposes, and for the same time*  
15 *period, as the appropriation or fund to which transferred:*  
16 *Provided further, That of the amount appropriated, not to*  
17 *exceed \$180,775,000 shall be available for study, planning,*  
18 *design, and architect and engineer services, as authorized*  
19 *by law, unless the Secretary of Defense determines that ad-*  
20 *ditional obligations are necessary for such purposes and no-*  
21 *tifies the Committees on Appropriations of both Houses of*  
22 *Congress of the determination and the reasons therefor.*

23            *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

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

1 *ministration of the Army National Guard, and contribu-*  
2 *tions therefor, as authorized by chapter 1803 of title 10,*  
3 *United States Code, and Military Construction Authoriza-*  
4 *tion Acts, \$232,930,000, to remain available until Sep-*  
5 *tember 30, 2021: Provided, That, of the amount appro-*  
6 *priated, not to exceed \$8,729,000 shall be available for*  
7 *study, planning, design, and architect and engineer serv-*  
8 *ices, as authorized by law, unless the Director of the Army*  
9 *National Guard determines that additional obligations are*  
10 *necessary for such purposes and notifies the Committees on*  
11 *Appropriations of both Houses of Congress of the determina-*  
12 *tion and the reasons therefor.*

13 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

14 *For construction, acquisition, expansion, rehabilita-*  
15 *tion, and conversion of facilities for the training and ad-*  
16 *ministration of the Air National Guard, and contributions*  
17 *therefor, as authorized by chapter 1803 of title 10, United*  
18 *States Code, and Military Construction Authorization Acts,*  
19 *\$143,957,000, to remain available until September 30,*  
20 *2021: Provided, That, of the amount appropriated, not to*  
21 *exceed \$10,462,000 shall be available for study, planning,*  
22 *design, and architect and engineer services, as authorized*  
23 *by law, unless the Director of the Air National Guard deter-*  
24 *mines that additional obligations are necessary for such*  
25 *purposes and notifies the Committees on Appropriations of*

1 *both Houses of Congress of the determination and the rea-*  
2 *sons therefor.*

3 *MILITARY CONSTRUCTION, ARMY RESERVE*

4 *For construction, acquisition, expansion, rehabilita-*  
5 *tion, and conversion of facilities for the training and ad-*  
6 *ministration of the Army Reserve as authorized by chapter*  
7 *1803 of title 10, United States Code, and Military Con-*  
8 *struction Authorization Acts, \$68,230,000, to remain avail-*  
9 *able until September 30, 2021: Provided, That, of the*  
10 *amount appropriated, not to exceed \$7,500,000 shall be*  
11 *available for study, planning, design, and architect and en-*  
12 *gineer services, as authorized by law, unless the Chief of*  
13 *the Army Reserve determines that additional obligations*  
14 *are necessary for such purposes and notifies the Committees*  
15 *on Appropriations of both Houses of Congress of the deter-*  
16 *mination and the reasons therefor.*

17 *MILITARY CONSTRUCTION, NAVY RESERVE*

18 *For construction, acquisition, expansion, rehabilita-*  
19 *tion, and conversion of facilities for the training and ad-*  
20 *ministration of the reserve components of the Navy and Ma-*  
21 *rine Corps as authorized by chapter 1803 of title 10, United*  
22 *States Code, and Military Construction Authorization Acts,*  
23 *\$38,597,000, to remain available until September 30, 2021:*  
24 *Provided, That, of the amount appropriated, not to exceed*  
25 *\$3,783,000 shall be available for study, planning, design,*

1 *and architect and engineer services, as authorized by law,*  
2 *unless the Secretary of the Navy determines that additional*  
3 *obligations are necessary for such purposes and notifies the*  
4 *Committees on Appropriations of both Houses of Congress*  
5 *of the determination and the reasons therefor.*

6 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

7 *For construction, acquisition, expansion, rehabilita-*  
8 *tion, and conversion of facilities for the training and ad-*  
9 *ministration of the Air Force Reserve as authorized by*  
10 *chapter 1803 of title 10, United States Code, and Military*  
11 *Construction Authorization Acts, \$188,950,000, to remain*  
12 *available until September 30, 2021: Provided, That, of the*  
13 *amount appropriated, not to exceed \$4,500,000 shall be*  
14 *available for study, planning, design, and architect and en-*  
15 *gineer services, as authorized by law, unless the Chief of*  
16 *the Air Force Reserve determines that additional obliga-*  
17 *tions are necessary for such purposes and notifies the Com-*  
18 *mittees on Appropriations of both Houses of Congress of the*  
19 *determination and the reasons therefor.*

20 *NORTH ATLANTIC TREATY ORGANIZATION*

21 *SECURITY INVESTMENT PROGRAM*

22 *For the United States share of the cost of the North*  
23 *Atlantic Treaty Organization Security Investment Pro-*  
24 *gram for the acquisition and construction of military facili-*  
25 *ties and installations (including international military*

1 headquarters) and for related expenses for the collective de-  
2 fense of the North Atlantic Treaty Area as authorized by  
3 section 2806 of title 10, United States Code, and Military  
4 Construction Authorization Acts, \$177,932,000, to remain  
5 available until expended.

6 *DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT*

7 *For deposit into the Department of Defense Base Clo-*  
8 *sure Account, established by section 2906(a) of the Defense*  
9 *Base Closure and Realignment Act of 1990 (10 U.S.C. 2687*  
10 *note), \$240,237,000, to remain available until expended.*

11 *FAMILY HOUSING CONSTRUCTION, ARMY*

12 *For expenses of family housing for the Army for con-*  
13 *struction, including acquisition, replacement, addition, ex-*  
14 *pansion, extension, and alteration, as authorized by law,*  
15 *\$157,172,000, to remain available until September 30,*  
16 *2021.*

17 *FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY*

18 *For expenses of family housing for the Army for oper-*  
19 *ation and maintenance, including debt payment, leasing,*  
20 *minor construction, principal and interest charges, and in-*  
21 *surance premiums, as authorized by law, \$325,995,000.*

22 *FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE*  
23 *CORPS*

24 *For expenses of family housing for the Navy and Ma-*  
25 *rine Corps for construction, including acquisition, replace-*

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

4 *FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY*  
5 *AND MARINE CORPS*

6 *For expenses of family housing for the Navy and Ma-*  
7 *rine Corps for operation and maintenance, including debt*  
8 *payment, leasing, minor construction, principal and inter-*  
9 *est charges, and insurance premiums, as authorized by law,*  
10 *\$300,915,000.*

11 *FAMILY HOUSING CONSTRUCTION, AIR FORCE*

12 *For expenses of family housing for the Air Force for*  
13 *construction, including acquisition, replacement, addition,*  
14 *expansion, extension, and alteration, as authorized by law,*  
15 *\$61,352,000, to remain available until September 30, 2021.*

16 *FAMILY HOUSING OPERATION AND MAINTENANCE, AIR*  
17 *FORCE*

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



1       *SEC. 103. Funds made available in this title for con-*  
2 *struction may be used for advances to the Federal Highway*  
3 *Administration, Department of Transportation, for the con-*  
4 *struction of access roads as authorized by section 210 of*  
5 *title 23, United States Code, when projects authorized there-*  
6 *in are certified as important to the national defense by the*  
7 *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 the*  
10 *United States for which specific appropriations have not*  
11 *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 the*  
15 *Army Corps of Engineers or the Naval Facilities Engineer-*  
16 *ing Command, except: (1) where there is a determination*  
17 *of value by a Federal court; (2) purchases negotiated by*  
18 *the Attorney General or the designee of the Attorney Gen-*  
19 *eral; (3) where the estimated value is less than \$25,000; or*  
20 *(4) as otherwise determined by the Secretary of Defense to*  
21 *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 relo-*  
5 *cate any activity from one base or installation to another,*  
6 *without prior notification to the Committees on Appropria-*  
7 *tions 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 the*  
12 *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 housing*  
15 *during the current fiscal year may be used to pay real prop-*  
16 *erty 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 Appropria-*  
20 *tions 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 projects*  
24 *to be accomplished in Japan, in any North Atlantic Treaty*  
25 *Organization member country, or in countries bordering the*

1 *Arabian Gulf, unless such contracts are awarded to United*  
2 *States firms or United States firms in joint venture with*  
3 *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 *ories 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, That*  
10 *this section shall not be applicable to contract awards for*  
11 *which the lowest responsive and responsible bid of a United*  
12 *States contractor exceeds the lowest responsive and respon-*  
13 *sible bid of a foreign contractor by greater than 20 percent:*  
14 *Provided further, That this section shall not apply to con-*  
15 *tract awards for military construction on Kwajalein Atoll*  
16 *for which the lowest responsive and responsible bid is sub-*  
17 *mitted by a Marshallese contractor.*

18       *SEC. 113. The Secretary of Defense shall inform the*  
19 *appropriate committees of both Houses of Congress, includ-*  
20 *ing the Committees on Appropriations, of plans and scope*  
21 *of any proposed military exercise involving United States*  
22 *personnel 30 days prior to its occurring, if amounts ex-*  
23 *pended 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 cur-*  
5 *rent 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, inspection,*  
10 *overhead, engineering and design on those projects and on*  
11 *subsequent claims, if any.*

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

1 (INCLUDING TRANSFER OF FUNDS)

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

1 *acquiring and improving military family housing, military*  
2 *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 of*  
9 *1966 (42 U.S.C. 3374) to pay for expenses associated with*  
10 *the Homeowners Assistance Program incurred under 42*  
11 *U.S.C. 3374(a)(1)(A). Any amounts transferred shall be*  
12 *merged with and be available for the same purposes and*  
13 *for the same time period as the fund to which transferred.*

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

1 *be submitted if the limitation is exceeded solely due to costs*  
2 *associated with environmental remediation that could not*  
3 *be reasonably anticipated at the time of the budget submis-*  
4 *sion: Provided further, That the Under Secretary of Defense*  
5 *(Comptroller) is to report annually to the Committees on*  
6 *Appropriations of both Houses of Congress all operation*  
7 *and maintenance expenditures for each individual general*  
8 *or flag officer quarters for the prior fiscal year.*

9       *SEC. 120. Amounts contained in the Ford Island Im-*  
10 *provement Account established by subsection (h) of section*  
11 *2814 of title 10, United States Code, are appropriated and*  
12 *shall be available until expended for the purposes specified*  
13 *in subsection (i)(1) of such section or until transferred pur-*  
14 *suant to subsection (i)(3) of such section.*

15                   *(INCLUDING TRANSFER OF FUNDS)*

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

1 *rency Fluctuations, Construction, Defense*”, to be merged  
2 *with and to be available for the same time period and for*  
3 *the same purposes as the appropriation to which trans-*  
4 *ferred.*

5 *SEC. 122. (a) Except as provided in subsection (b),*  
6 *none of the funds made available in this Act may be used*  
7 *by the Secretary of the Army to relocate a unit in the Army*  
8 *that—*

9 *(1) performs a testing mission or function that*  
10 *is not performed by any other unit in the Army and*  
11 *is specifically stipulated in title 10, United States*  
12 *Code; and*

13 *(2) is located at a military installation at which*  
14 *the total number of civilian employees of the Depart-*  
15 *ment of the Army and Army contractor personnel em-*  
16 *ployed exceeds 10 percent of the total number of mem-*  
17 *bers of the regular and reserve components of the*  
18 *Army assigned to the installation.*

19 *(b) EXCEPTION.—Subsection (a) shall not apply if the*  
20 *Secretary of the Army certifies to the congressional defense*  
21 *committees that in proposing the relocation of the unit of*  
22 *the Army, the Secretary complied with Army Regulation*  
23 *5–10 relating to the policy, procedures, and responsibilities*  
24 *for Army stationing actions.*

1        *SEC. 123. Amounts appropriated or otherwise made*  
2 *available in an account funded under the headings in this*  
3 *title may be transferred among projects and activities with-*  
4 *in the account in accordance with the reprogramming*  
5 *guidelines for military construction and family housing*  
6 *construction contained in Department of Defense Financial*  
7 *Management Regulation 7000.14–R, Volume 3, Chapter 7,*  
8 *of March 2011, as in effect on the date of enactment of this*  
9 *Act.*

10        *SEC. 124. None of the funds made available in this*  
11 *title may be obligated or expended for planning and design*  
12 *and construction of projects at Arlington National Ceme-*  
13 *tery.*

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

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

18                *“Military Construction, Navy and Marine*  
19 *Corps”, \$227,099,000;*

20                *“Military Construction, Air Force”,*  
21 *\$149,500,000;*

22                *“Military Construction, Army National Guard”,*  
23 *\$67,500,000;*

24                *“Military Construction, Air National Guard”,*  
25 *\$11,000,000;*

1           “*Military Construction, Army Reserve*”,  
2           \$30,000,000:

3   *Provided, That such funds may only be obligated to carry*  
4   *out construction projects identified in the respective mili-*  
5   *tary department’s unfunded priority list for fiscal year*  
6   *2017 submitted to Congress by the Secretary of Defense:*  
7   *Provided further, That such projects are subject to author-*  
8   *ization prior to obligation and expenditure of funds to*  
9   *carry out construction: Provided further, That not later*  
10   *than 30 days after enactment of this Act, the Secretary of*  
11   *the military department concerned, or his or her designee,*  
12   *shall submit to the Committees on Appropriations of both*  
13   *Houses of Congress an expenditure plan for funds provided*  
14   *under this section.*

15       *SEC. 126. For an additional amount for “Military*  
16   *Construction, Navy and Marine Corps”, \$89,400,000, to re-*  
17   *main available until September 30, 2021: Provided, That,*  
18   *such funds may only be obligated to carry out construction*  
19   *projects identified by the Department of the Navy in its*  
20   *June 8, 2016, unfunded priority list submission to the Com-*  
21   *mittees on Appropriations of both Houses of Congress de-*  
22   *tailing unfunded reprogramming and emergency construc-*  
23   *tion requirements: Provided further, That, not later than*  
24   *30 days after enactment of this Act, the Secretary of the*

1 *Navy, or his or her designee, shall submit to the Committees*  
2 *an expenditure plan for funds provided under this section.*

3 *(RESCISSIONS OF FUNDS)*

4 *SEC. 127. Of the unobligated balances available to the*  
5 *Department of Defense from prior appropriation Acts, the*  
6 *following funds are hereby rescinded from the following ac-*  
7 *counts in the amounts specified:*

8 *“Military Construction, Army”, \$29,602,000;*

9 *“Military Construction, Air Force”, \$51,460,000;*

10 *“Military Construction, Defense-Wide”,*  
11 *\$171,600,000, of which \$30,000,000 are to be derived*  
12 *from amounts made available for Missile Defense*  
13 *Agency planning and design; and*

14 *“North Atlantic Treaty Organization Security*  
15 *Investment Program”, \$30,000,000:*

16 *Provided, That no amounts may be rescinded from amounts*  
17 *that were designated by the Congress for Overseas Contin-*  
18 *gency Operations/Global War on Terrorism or as an emer-*  
19 *gency requirement pursuant to a concurrent resolution on*  
20 *the budget or the Balanced Budget and Emergency Deficit*  
21 *Control Act of 1985, as amended.*

22 *(RESCISSION OF FUNDS)*

23 *SEC. 128. Of the unobligated balances made available*  
24 *in prior appropriation Acts for the fund established in sec-*  
25 *tion 1013(d) of the Demonstration Cities and Metropolitan*

1 *Development Act of 1966 (42 U.S.C. 3374) (other than ap-*  
2 *propriations designated by law as being for contingency op-*  
3 *erations directly related to the global war on terrorism or*  
4 *as an emergency requirement), \$25,000,000 are hereby re-*  
5 *scinded.*

6       *SEC. 129. For the purposes of this Act, the term “con-*  
7 *gressional defense committees” means the Committees on*  
8 *Armed Services of the House of Representatives and the*  
9 *Senate, the Subcommittee on Military Construction and*  
10 *Veterans Affairs of the Committee on Appropriations of the*  
11 *Senate, and the Subcommittee on Military Construction*  
12 *and Veterans Affairs of the Committee on Appropriations*  
13 *of the House of Representatives.*

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

18       *SEC. 131. Notwithstanding any other provision of law,*  
19 *none of the funds appropriated or otherwise made available*  
20 *by this or any other Act may be used to consolidate or relo-*  
21 *cate any element of a United States Air Force Rapid Engi-*  
22 *neer Deployable Heavy Operational Repair Squadron En-*  
23 *gineer (RED HORSE) outside of the United States until*  
24 *the Secretary of the Air Force (1) completes an analysis*  
25 *and comparison of the cost and infrastructure investment*

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

11 *TITLE II*

12 *DEPARTMENT OF VETERANS AFFAIRS*

13 *VETERANS BENEFITS ADMINISTRATION*

14 *COMPENSATION AND PENSIONS*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For the payment of compensation benefits to or on be-*  
17 *half of veterans and a pilot program for disability examina-*  
18 *tions as authorized by section 107 and chapters 11, 13, 18,*  
19 *51, 53, 55, and 61 of title 38, United States Code; pension*  
20 *benefits to or on behalf of veterans as authorized by chapters*  
21 *15, 51, 53, 55, and 61 of title 38, United States Code; and*  
22 *burial benefits, the Reinstated Entitlement Program for*  
23 *Survivors, emergency and other officers’ retirement pay, ad-*  
24 *justed-service credits and certificates, payment of premiums*  
25 *due on commercial life insurance policies guaranteed under*

1 *the provisions of title IV of the Servicemembers Civil Relief*  
2 *Act (50 U.S.C. App. 541 et seq.) and for other benefits as*  
3 *authorized by sections 107, 1312, 1977, and 2106, and*  
4 *chapters 23, 51, 53, 55, and 61 of title 38, United States*  
5 *Code, \$90,119,449,000, to remain available until expended*  
6 *and to become available on October 1, 2017: Provided, That*  
7 *not to exceed \$17,224,000 of the amount made available for*  
8 *fiscal year 2018 under this heading shall be reimbursed to*  
9 *“General Operating Expenses, Veterans Benefits Adminis-*  
10 *tration”, and “Information Technology Systems” for nec-*  
11 *essary expenses in implementing the provisions of chapters*  
12 *51, 53, and 55 of title 38, United States Code, the funding*  
13 *source for which is specifically provided as the “Compensa-*  
14 *tion and Pensions” appropriation: Provided further, That*  
15 *such sums as may be earned on an actual qualifying pa-*  
16 *tient basis, shall be reimbursed to “Medical Care Collections*  
17 *Fund” to augment the funding of individual medical facili-*  
18 *ties for nursing home care provided to pensioners as author-*  
19 *ized.*

20 *READJUSTMENT BENEFITS*

21 *For the payment of readjustment and rehabilitation*  
22 *benefits to or on behalf of veterans as authorized by chapters*  
23 *21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of*  
24 *title 38, United States Code, \$13,708,648,000, to remain*  
25 *available until expended and to become available on October*

1 1, 2017: *Provided, That expenses for rehabilitation program*  
2 *services and assistance which the Secretary is authorized*  
3 *to provide under subsection (a) of section 3104 of title 38,*  
4 *United States Code, other than under paragraphs (1), (2),*  
5 *(5), and (11) of that subsection, shall be charged to this*  
6 *account.*

7 *VETERANS INSURANCE AND INDEMNITIES*

8 *For military and naval insurance, national service life*  
9 *insurance, servicemen's indemnities, service-disabled vet-*  
10 *erans insurance, and veterans mortgage life insurance as*  
11 *authorized by chapters 19 and 21, title 38, United States*  
12 *Code, \$124,504,000, to remain available until expended, of*  
13 *which \$107,899,000 shall become available on October 1,*  
14 *2017.*

15 *VETERANS HOUSING BENEFIT PROGRAM FUND*

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



1 eral Services Administration for security guard services,  
2 and reimbursement of the Department of Defense for the  
3 cost of overseas employee mail, \$2,856,160,000: Provided,  
4 That expenses for services and assistance authorized under  
5 paragraphs (1), (2), (5), and (11) of section 3104(a) of title  
6 38, United States Code, that the Secretary of Veterans Af-  
7 fairs determines are necessary to enable entitled veterans:  
8 (1) to the maximum extent feasible, to become employable  
9 and to obtain and maintain suitable employment; or (2)  
10 to achieve maximum independence in daily living, shall be  
11 charged to this account: Provided further, That, of the funds  
12 made available under this heading, not to exceed 5 percent  
13 shall remain available until September 30, 2018.

14 *VETERANS HEALTH ADMINISTRATION*

15 *MEDICAL SERVICES*

16 *For necessary expenses for furnishing, as authorized*  
17 *by law, inpatient and outpatient care and treatment to*  
18 *beneficiaries of the Department of Veterans Affairs and vet-*  
19 *erans described in section 1705(a) of title 38, United States*  
20 *Code, including care and treatment in facilities not under*  
21 *the jurisdiction of the Department, and including medical*  
22 *supplies and equipment, bioengineering services, food serv-*  
23 *ices, and salaries and expenses of healthcare employees*  
24 *hired under title 38, United States Code, aid to State homes*  
25 *as authorized by section 1741 of title 38, United States*

1 Code, assistance and support services for caregivers as au-  
2 thorized by section 1720G of title 38, United States Code,  
3 loan repayments authorized by section 604 of the Caregivers  
4 and Veterans Omnibus Health Services Act of 2010 (Public  
5 Law 111–163; 124 Stat. 1174; 38 U.S.C. 7681 note), and  
6 hospital care and medical services authorized by section  
7 1787 of title 38, United States Code; \$1,078,993,000, which  
8 shall be in addition to funds previously appropriated under  
9 this heading that become available on October 1, 2016; and,  
10 in addition, \$44,886,554,000, plus reimbursements, shall  
11 become available on October 1, 2017, and shall remain  
12 available until September 30, 2018: Provided, That, of the  
13 amount made available on October 1, 2017, under this  
14 heading, \$1,400,000,000 shall remain available until Sep-  
15 tember 30, 2019: Provided further, That, notwithstanding  
16 any other provision of law, the Secretary of Veterans Affairs  
17 shall establish a priority for the provision of medical treat-  
18 ment for veterans who have service-connected disabilities,  
19 lower income, or have special needs: Provided further, That,  
20 notwithstanding any other provision of law, the Secretary  
21 of Veterans Affairs shall give priority funding for the provi-  
22 sion of basic medical benefits to veterans in enrollment pri-  
23 ority groups 1 through 6: Provided further, That, notwith-  
24 standing any other provision of law, the Secretary of Vet-  
25 erans Affairs may authorize the dispensing of prescription

1 *drugs from Veterans Health Administration facilities to en-*  
2 *rolled veterans with privately written prescriptions based*  
3 *on requirements established by the Secretary: Provided fur-*  
4 *ther, That the implementation of the program described in*  
5 *the previous proviso shall incur no additional cost to the*  
6 *Department of Veterans Affairs: Provided further, That the*  
7 *Secretary of Veterans Affairs shall ensure that sufficient*  
8 *amounts appropriated under this heading for medical sup-*  
9 *plies and equipment are available for the acquisition of*  
10 *prosthetics designed specifically for female veterans: Pro-*  
11 *vided further, That the Secretary of Veterans Affairs shall*  
12 *provide access to therapeutic listening devices to veterans*  
13 *struggling with mental health related problems, substance*  
14 *abuse, or traumatic brain injury.*

15 *MEDICAL COMMUNITY CARE*

16 *For necessary expenses for furnishing health care to*  
17 *individuals pursuant to chapter 17 of title 38, United*  
18 *States Code, at non-Department facilities, \$7,246,181,000,*  
19 *plus reimbursements, of which \$2,000,000,000 shall remain*  
20 *available until September 30, 2020; and, in addition,*  
21 *\$9,409,118,000 shall become available on October 1, 2017,*  
22 *and shall remain available until September 30, 2018: Pro-*  
23 *vided, That of the amount made available on October 1,*  
24 *2017, \$1,500,000,000 shall remain available until Sep-*  
25 *tember 30, 2021.*

1                    *MEDICAL SUPPORT AND COMPLIANCE*

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

16                    *MEDICAL FACILITIES*

17            *For necessary expenses for the maintenance and oper-*  
18 *ation of hospitals, nursing homes, domiciliary facilities,*  
19 *and other necessary facilities of the Veterans Health Admin-*  
20 *istration; for administrative expenses in support of plan-*  
21 *ning, design, project management, real property acquisition*  
22 *and disposition, construction, and renovation of any facil-*  
23 *ity under the jurisdiction or for the use of the Department;*  
24 *for oversight, engineering, and architectural activities not*  
25 *charged to project costs; for repairing, altering, improving,*

1 *or providing facilities in the several hospitals and homes*  
2 *under the jurisdiction of the Department, not otherwise pro-*  
3 *vided for, either by contract or by the hire of temporary*  
4 *employees and purchase of materials; for leases of facilities;*  
5 *and for laundry services; \$247,668,000, which shall be in*  
6 *addition to funds previously appropriated under this head-*  
7 *ing that become available on October 1, 2016; and, in addi-*  
8 *tion, \$5,434,880,000, plus reimbursements, shall become*  
9 *available on October 1, 2017, and shall remain available*  
10 *until September 30, 2018: Provided, That, of the amount*  
11 *made available on October 1, 2017, under this heading,*  
12 *\$250,000,000 shall remain available until September 30,*  
13 *2019.*

14 *MEDICAL AND PROSTHETIC RESEARCH*

15 *For necessary expenses in carrying out programs of*  
16 *medical and prosthetic research and development as author-*  
17 *ized by chapter 73 of title 38, United States Code,*  
18 *\$675,366,000, plus reimbursements, shall remain available*  
19 *until September 30, 2018: Provided, That the Secretary of*  
20 *Veterans Affairs shall ensure that sufficient amounts appro-*  
21 *priated under this heading are available for prosthetic re-*  
22 *search specifically for female veterans, and for toxic expo-*  
23 *sure research.*

1            *NATIONAL CEMETERY ADMINISTRATION*

2            *For necessary expenses of the National Cemetery Ad-*  
3 *ministration for operations and maintenance, not otherwise*  
4 *provided for, including uniforms or allowances therefor;*  
5 *cemeterial expenses as authorized by law; purchase of one*  
6 *passenger motor vehicle for use in cemeterial operations;*  
7 *hire of passenger motor vehicles; and repair, alteration or*  
8 *improvement of facilities under the jurisdiction of the Na-*  
9 *tional Cemetery Administration, \$286,193,000, of which*  
10 *not to exceed 10 percent shall remain available until Sep-*  
11 *tember 30, 2018.*

12            *DEPARTMENTAL ADMINISTRATION*13            *GENERAL ADMINISTRATION*14            *(INCLUDING TRANSFER OF FUNDS)*

15            *For necessary operating expenses of the Department of*  
16 *Veterans Affairs, not otherwise provided for, including ad-*  
17 *ministrative expenses in support of Department-wide cap-*  
18 *ital planning, management and policy activities, uniforms,*  
19 *or allowances therefor; not to exceed \$25,000 for official re-*  
20 *ception and representation expenses; hire of passenger*  
21 *motor vehicles; and reimbursement of the General Services*  
22 *Administration for security guard services, \$345,391,000,*  
23 *of which not to exceed 5 percent shall remain available until*  
24 *September 30, 2018: Provided, That funds provided under*

1 *this heading may be transferred to “General Operating Ex-*  
 2 *penses, Veterans Benefits Administration”.*

3 *BOARD OF VETERANS APPEALS*

4 *For necessary operating expenses of the Board of Vet-*  
 5 *erans Appeals, \$156,096,000, of which not to exceed 10 per-*  
 6 *cent shall remain available until September 30, 2018.*

7 *INFORMATION TECHNOLOGY SYSTEMS*

8 *(INCLUDING TRANSFER OF FUNDS)*

9 *For necessary expenses for information technology sys-*  
 10 *tems and telecommunications support, including develop-*  
 11 *mental information systems and operational information*  
 12 *systems; for pay and associated costs; and for the capital*  
 13 *asset acquisition of information technology systems, includ-*  
 14 *ing management and related contractual costs of said ac-*  
 15 *quisitions, including contractual costs associated with oper-*  
 16 *ations authorized by section 3109 of title 5, United States*  
 17 *Code, \$4,278,259,000, plus reimbursements: Provided, That*  
 18 *\$1,272,548,000 shall be for pay and associated costs, of*  
 19 *which not to exceed \$37,100,000 shall remain available*  
 20 *until September 30, 2018: Provided further, That*  
 21 *\$2,534,442,000 shall be for operations and maintenance, of*  
 22 *which not to exceed \$180,200,000 shall remain available*  
 23 *until September 30, 2018: Provided further, That*  
 24 *\$471,269,000 shall be for information technology systems*  
 25 *development, modernization, and enhancement, and shall*

1 remain available until September 30, 2018: Provided fur-  
2 ther, That amounts made available for information tech-  
3 nology systems development, modernization, and enhance-  
4 ment may not be obligated or expended until the Secretary  
5 of Veterans Affairs or the Chief Information Officer of the  
6 Department of Veterans Affairs submits to the Committees  
7 on Appropriations of both Houses of Congress a certifi-  
8 cation of the amounts, in parts or in full, to be obligated  
9 and expended for each development project: Provided fur-  
10 ther, That amounts made available for salaries and ex-  
11 penses, operations and maintenance, and information tech-  
12 nology systems development, modernization, and enhance-  
13 ment may be transferred among the three subaccounts after  
14 the Secretary of Veterans Affairs requests from the Commit-  
15 tees on Appropriations of both Houses of Congress the au-  
16 thority to make the transfer and an approval is issued: Pro-  
17 vided further, That amounts made available for the “Infor-  
18 mation Technology Systems” account for development, mod-  
19 ernization, and enhancement may be transferred among  
20 projects or to newly defined projects: Provided further, That  
21 no project may be increased or decreased by more than  
22 \$1,000,000 of cost prior to submitting a request to the Com-  
23 mittees on Appropriations of both Houses of Congress to  
24 make the transfer and an approval is issued, or absent a  
25 response, a period of 30 days has elapsed: Provided further,

1 *That funds under this heading may be used by the Inter-*  
2 *agency Program Office through the Department of Veterans*  
3 *Affairs to define data standards, code sets, and value sets*  
4 *used to enable interoperability: Provided further, That of*  
5 *the funds made available for information technology sys-*  
6 *tems development, modernization, and enhancement for*  
7 *VistA Evolution or any successor program, not more than*  
8 *25 percent may be obligated or expended until the Secretary*  
9 *of Veterans Affairs:*

10           (1) *submits to the Committees on Appropriations*  
11 *of both Houses of Congress the VistA Evolution Busi-*  
12 *ness Case and supporting documents regarding con-*  
13 *tinuation of VistA Evolution or alternatives to VistA*  
14 *Evolution, including an analysis of necessary or de-*  
15 *sired capabilities, technical and security require-*  
16 *ments, the plan for modernizing the platform frame-*  
17 *work, and all associated costs;*

18           (2) *submits to the Committees on Appropriations*  
19 *of both Houses of Congress, and such Committees ap-*  
20 *prove, the following: a report that describes a strategic*  
21 *plan for VistA Evolution, or any successor program,*  
22 *and the associated implementation plan including*  
23 *metrics and timelines; a master schedule and lifecycle*  
24 *cost estimate for VistA Evolution or any successor;*  
25 *and an implementation plan for the transition from*

1 *the Project Management Accountability System to a*  
2 *new project delivery framework, the Veteran-focused*  
3 *Integration Process, that includes the methodology by*  
4 *which projects will be tracked, progress measured, and*  
5 *deliverables evaluated;*

6 (3) *submits to the Committees on Appropriations*  
7 *of both Houses of Congress a report outlining the stra-*  
8 *tegic plan to reach interoperability with private sec-*  
9 *tor healthcare providers, the timeline for reaching*  
10 *“meaningful use” as defined by the Office of National*  
11 *Coordinator for Health Information Technology for*  
12 *each data domain covered under the VistA Evolution*  
13 *program, and the extent to which the Department of*  
14 *Veterans Affairs leverages the State Health Informa-*  
15 *tion Exchanges to share health data with private sec-*  
16 *tor providers;*

17 (4) *submits to the Committees on Appropriations*  
18 *of both Houses of Congress, and such Committees ap-*  
19 *prove, the following: a report that describes the extent*  
20 *to which VistA Evolution, or any successor program,*  
21 *maximizes the use of commercially available software*  
22 *used by DoD and the private sector, requires an open*  
23 *architecture that leverages best practices and rapidly*  
24 *adapts to technologies produced by the private sector,*  
25 *enhances full interoperability between the VA and*

1     *DoD and between VA and the private sector, and en-*  
2     *sure the security of personally identifiable informa-*  
3     *tion of veterans and beneficiaries; and*

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

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

22                     OFFICE OF INSPECTOR GENERAL

23     *For necessary expenses of the Office of Inspector Gen-*  
24    *eral, to include information technology, in carrying out the*  
25    *provisions of the Inspector General Act of 1978 (5 U.S.C.*

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

3 *CONSTRUCTION, MAJOR PROJECTS*

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

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

1 *time limitations established above: Provided further, That,*  
2 *of the amount made available under this heading,*  
3 *\$222,620,000 for Veterans Health Administration major*  
4 *construction projects shall not be available until the Depart-*  
5 *ment of Veterans Affairs—*

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

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

22           CONSTRUCTION, MINOR PROJECTS

23           *For constructing, altering, extending, and improving*  
24 *any of the facilities, including parking projects, under the*  
25 *jurisdiction or for the use of the Department of Veterans*

1 *Affairs, including planning and assessments of needs which*  
2 *may lead to capital investments, architectural and engi-*  
3 *neering services, maintenance or guarantee period services*  
4 *costs associated with equipment guarantees provided under*  
5 *the project, services of claims analysts, offsite utility and*  
6 *storm drainage system construction costs, and site acquisi-*  
7 *tion, or for any of the purposes set forth in sections 316,*  
8 *2404, 2406 and chapter 81 of title 38, United States Code,*  
9 *not otherwise provided for, where the estimated cost of a*  
10 *project is equal to or less than the amount set forth in sec-*  
11 *tion 8104(a)(3)(A) of title 38, United States Code,*  
12 *\$372,069,000, to remain available until September 30,*  
13 *2021, along with unobligated balances of previous “Con-*  
14 *struction, Minor Projects” appropriations which are hereby*  
15 *made available for any project where the estimated cost is*  
16 *equal to or less than the amount set forth in such section:*  
17 *Provided, That funds made available under this heading*  
18 *shall be for: (1) repairs to any of the nonmedical facilities*  
19 *under the jurisdiction or for the use of the Department*  
20 *which are necessary because of loss or damage caused by*  
21 *any natural disaster or catastrophe; and (2) temporary*  
22 *measures necessary to prevent or to minimize further loss*  
23 *by such causes.*

1     *GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE*  
2                                     *FACILITIES*

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

10    *GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES*

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

16                                     *ADMINISTRATIVE PROVISIONS*  
17                                     *(INCLUDING TRANSFER OF FUNDS)*

18         *SEC. 201. Any appropriation for fiscal year 2017 for*  
19 *“Compensation and Pensions”, “Readjustment Benefits”,*  
20 *and “Veterans Insurance and Indemnities” may be trans-*  
21 *ferred as necessary to any other of the mentioned appro-*  
22 *priations: Provided, That, before a transfer may take place,*  
23 *the Secretary of Veterans Affairs shall request from the*  
24 *Committees on Appropriations of both Houses of Congress*  
25 *the authority to make the transfer and such Committees*

1 *issue an approval, or absent a response, a period of 30 days*  
2 *has elapsed.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 202. Amounts made available for the Department*  
5 *of Veterans Affairs for fiscal year 2017, in this or any other*  
6 *Act, under the “Medical Services”, “Medical Community*  
7 *Care”, “Medical Support and Compliance”, and “Medical*  
8 *Facilities” accounts may be transferred among the ac-*  
9 *counts: Provided, That any transfers among the “Medical*  
10 *Services”, “Medical Community Care”, and “Medical Sup-*  
11 *port and Compliance” accounts of 1 percent or less of the*  
12 *total amount appropriated to the account in this or any*  
13 *other Act may take place subject to notification from the*  
14 *Secretary of Veterans Affairs to the Committees on Appro-*  
15 *priations of both Houses of Congress of the amount and*  
16 *purpose of the transfer: Provided further, That any trans-*  
17 *fers among the “Medical Services”, “Medical Community*  
18 *Care”, and “Medical Support and Compliance” accounts*  
19 *in excess of 1 percent, or exceeding the cumulative 1 percent*  
20 *for the fiscal year, may take place only after the Secretary*  
21 *requests from the Committees on Appropriations of both*  
22 *Houses of Congress the authority to make the transfer and*  
23 *an approval is issued: Provided further, That any transfers*  
24 *to or from the “Medical Facilities” account may take place*  
25 *only after the Secretary requests from the Committees on*

1 *Appropriations of both Houses of Congress the authority to*  
2 *make the transfer and an approval is issued.*

3       *SEC. 203. Appropriations available in this title for sal-*  
4 *aries and expenses shall be available for services authorized*  
5 *by section 3109 of title 5, United States Code; hire of pas-*  
6 *senger motor vehicles; lease of a facility or land or both;*  
7 *and uniforms or allowances therefore, as authorized by sec-*  
8 *tions 5901 through 5902 of title 5, United States Code.*

9       *SEC. 204. No appropriations in this title (except the*  
10 *appropriations for “Construction, Major Projects”, and*  
11 *“Construction, Minor Projects”)* *shall be available for the*  
12 *purchase of any site for or toward the construction of any*  
13 *new hospital or home.*

14       *SEC. 205. No appropriations in this title shall be*  
15 *available for hospitalization or examination of any persons*  
16 *(except beneficiaries entitled to such hospitalization or ex-*  
17 *amination under the laws providing such benefits to vet-*  
18 *erans, and persons receiving such treatment under sections*  
19 *7901 through 7904 of title 5, United States Code, or the*  
20 *Robert T. Stafford Disaster Relief and Emergency Assist-*  
21 *ance Act (42 U.S.C. 5121 et seq.)), unless reimbursement*  
22 *of the cost of such hospitalization or examination is made*  
23 *to the “Medical Services” account at such rates as may be*  
24 *fixed by the Secretary of Veterans Affairs.*

1       *SEC. 206. Appropriations available in this title for*  
2       *“Compensation and Pensions”, “Readjustment Benefits”,*  
3       *and “Veterans Insurance and Indemnities” shall be avail-*  
4       *able for payment of prior year accrued obligations required*  
5       *to be recorded by law against the corresponding prior year*  
6       *accounts within the last quarter of fiscal year 2016.*

7       *SEC. 207. Appropriations available in this title shall*  
8       *be available to pay prior year obligations of corresponding*  
9       *prior year appropriations accounts resulting from sections*  
10       *3328(a), 3334, and 3712(a) of title 31, United States Code,*  
11       *except that if such obligations are from trust fund accounts*  
12       *they shall be payable only from “Compensation and Pen-*  
13       *sions”.*

14                               *(INCLUDING TRANSFER OF FUNDS)*

15       *SEC. 208. Notwithstanding any other provision of law,*  
16       *during fiscal year 2017, the Secretary of Veterans Affairs*  
17       *shall, from the National Service Life Insurance Fund under*  
18       *section 1920 of title 38, United States Code, the Veterans’*  
19       *Special Life Insurance Fund under section 1923 of title 38,*  
20       *United States Code, and the United States Government Life*  
21       *Insurance Fund under section 1955 of title 38, United*  
22       *States Code, reimburse the “General Operating Expenses,*  
23       *Veterans Benefits Administration” and “Information Tech-*  
24       *nology Systems” accounts for the cost of administration of*  
25       *the insurance programs financed through those accounts:*

1 *Provided, That reimbursement shall be made only from the*  
2 *surplus earnings accumulated in such an insurance pro-*  
3 *gram during fiscal year 2017 that are available for divi-*  
4 *dends in that program after claims have been paid and ac-*  
5 *tuarily determined reserves have been set aside: Provided*  
6 *further, That if the cost of administration of such an insur-*  
7 *ance program exceeds the amount of surplus earnings accu-*  
8 *mulated in that program, reimbursement shall be made*  
9 *only to the extent of such surplus earnings: Provided fur-*  
10 *ther, That the Secretary shall determine the cost of adminis-*  
11 *tration for fiscal year 2017 which is properly allocable to*  
12 *the provision of each such insurance program and to the*  
13 *provision of any total disability income insurance included*  
14 *in that insurance program.*

15 *SEC. 209. Amounts deducted from enhanced-use lease*  
16 *proceeds to reimburse an account for expenses incurred by*  
17 *that account during a prior fiscal year for providing en-*  
18 *hanced-use lease services, may be obligated during the fiscal*  
19 *year in which the proceeds are received.*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *SEC. 210. Funds available in this title or funds for*  
22 *salaries and other administrative expenses shall also be*  
23 *available to reimburse the Office of Resolution Management*  
24 *of the Department of Veterans Affairs and the Office of Em-*  
25 *ployment Discrimination Complaint Adjudication under*

1 *section 319 of title 38, United States Code, for all services*  
2 *provided at rates which will recover actual costs but not*  
3 *to exceed \$47,668,000 for the Office of Resolution Manage-*  
4 *ment and \$3,932,000 for the Office of Employment Dis-*  
5 *crimination Complaint Adjudication: Provided, That pay-*  
6 *ments may be made in advance for services to be furnished*  
7 *based on estimated costs: Provided further, That amounts*  
8 *received shall be credited to the “General Administration”*  
9 *and “Information Technology Systems” accounts for use by*  
10 *the office that provided the service.*

11 *SEC. 211. No funds of the Department of Veterans Af-*  
12 *fairs shall be available for hospital care, nursing home care,*  
13 *or medical services provided to any person under chapter*  
14 *17 of title 38, United States Code, for a non-service-con-*  
15 *nected disability described in section 1729(a)(2) of such*  
16 *title, unless that person has disclosed to the Secretary of*  
17 *Veterans Affairs, in such form as the Secretary may require,*  
18 *current, accurate third-party reimbursement information*  
19 *for purposes of section 1729 of such title: Provided, That*  
20 *the Secretary may recover, in the same manner as any other*  
21 *debt due the United States, the reasonable charges for such*  
22 *care or services from any person who does not make such*  
23 *disclosure as required: Provided further, That any amounts*  
24 *so recovered for care or services provided in a prior fiscal*

1 *year may be obligated by the Secretary during the fiscal*  
2 *year in which amounts are received.*

3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 212. Notwithstanding any other provision of law,*  
5 *proceeds or revenues derived from enhanced-use leasing ac-*  
6 *tivities (including disposal) may be deposited into the*  
7 *“Construction, Major Projects” and “Construction, Minor*  
8 *Projects” accounts and be used for construction (including*  
9 *site acquisition and disposition), alterations, and improve-*  
10 *ments of any medical facility under the jurisdiction or for*  
11 *the use of the Department of Veterans Affairs. Such sums*  
12 *as realized are in addition to the amount provided for in*  
13 *“Construction, Major Projects” and “Construction, Minor*  
14 *Projects”.*

15 *SEC. 213. Amounts made available under “Medical*  
16 *Services” are available—*

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

19 *(2) for funeral expenses, burial expenses, and*  
20 *other expenses incidental to funerals and burials for*  
21 *beneficiaries receiving care in the Department.*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *SEC. 214. Such sums as may be deposited to the Med-*  
24 *ical Care Collections Fund pursuant to section 1729A of*  
25 *title 38, United States Code, may be transferred to the*



1 ical Services” which become available on October 1, 2016,  
2 \$7,246,181,000 are hereby rescinded.

3       *SEC. 218. Not later than 30 days after the end of each*  
4 *fiscal quarter, the Secretary of Veterans Affairs shall submit*  
5 *to the Committees on Appropriations of both Houses of Con-*  
6 *gress a report on the financial status of the Department*  
7 *of Veterans Affairs for the preceding quarter: Provided,*  
8 *That, at a minimum, the report shall include the direction*  
9 *contained in the paragraph entitled “Quarterly reporting”,*  
10 *under the heading “General Administration” in the joint*  
11 *explanatory statement accompanying this Act.*

12                                    *(INCLUDING TRANSFER OF FUNDS)*

13       *SEC. 219. Amounts made available under the “Medical*  
14 *Services”, “Medical Community Care”, “Medical Support*  
15 *and Compliance”, “Medical Facilities”, “General Oper-*  
16 *ating Expenses, Veterans Benefits Administration”, “Gen-*  
17 *eral Administration”, and “National Cemetery Adminis-*  
18 *tration” accounts for fiscal year 2017 may be transferred*  
19 *to or from the “Information Technology Systems” account:*  
20 *Provided, That such transfers may not result in a more*  
21 *than 10 percent aggregate increase in the total amount*  
22 *made available by this Act for the “Information Technology*  
23 *Systems” account: Provided further, That, before a transfer*  
24 *may take place, the Secretary of Veterans Affairs shall re-*  
25 *quest from the Committees on Appropriations of both*

1 *Houses of Congress the authority to make the transfer and*  
2 *an approval is issued.*

3       *SEC. 220. None of the funds appropriated or otherwise*  
4 *made available by this Act or any other Act for the Depart-*  
5 *ment of Veterans Affairs may be used in a manner that*  
6 *is inconsistent with: (1) section 842 of the Transportation,*  
7 *Treasury, Housing and Urban Development, the Judiciary,*  
8 *the District of Columbia, and Independent Agencies Appro-*  
9 *priations Act, 2006 (Public Law 109–115; 119 Stat. 2506);*  
10 *or (2) section 8110(a)(5) of title 38, United States Code.*

11                               *(INCLUDING TRANSFER OF FUNDS)*

12       *SEC. 221. Of the amounts appropriated to the Depart-*  
13 *ment of Veterans Affairs for fiscal year 2017 for “Medical*  
14 *Services”, “Medical Community Care”, “Medical Support*  
15 *and Compliance”, “Medical Facilities”, “Construction,*  
16 *Minor Projects”, and “Information Technology Systems”,*  
17 *up to \$274,731,000, plus reimbursements, may be trans-*  
18 *ferred to the Joint Department of Defense-Department of*  
19 *Veterans Affairs Medical Facility Demonstration Fund, es-*  
20 *tablished by section 1704 of the National Defense Authoriza-*  
21 *tion Act for Fiscal Year 2010 (Public Law 111–84; 123*  
22 *Stat. 3571) and may be used for operation of the facilities*  
23 *designated as combined Federal medical facilities as de-*  
24 *scribed by section 706 of the Duncan Hunter National De-*  
25 *fense Authorization Act for Fiscal Year 2009 (Public Law*

1 110–417; 122 Stat. 4500): *Provided, That additional funds*  
2 *may be transferred from accounts designated in this section*  
3 *to the Joint Department of Defense-Department of Veterans*  
4 *Affairs Medical Facility Demonstration Fund upon written*  
5 *notification by the Secretary of Veterans Affairs to the Com-*  
6 *mittees on Appropriations of both Houses of Congress: Pro-*  
7 *vided further, That section 223 of title II of division J of*  
8 *Public Law 114–113 is repealed.*

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 222. *Of the amounts appropriated to the Depart-*  
11 *ment of Veterans Affairs which become available on October*  
12 *1, 2017, for “Medical Services”, “Medical Community*  
13 *Care”, “Medical Support and Compliance”, and “Medical*  
14 *Facilities”, up to \$280,802,000, plus reimbursements, may*  
15 *be transferred to the Joint Department of Defense-Depart-*  
16 *ment of Veterans Affairs Medical Facility Demonstration*  
17 *Fund, established by section 1704 of the National Defense*  
18 *Authorization Act for Fiscal Year 2010 (Public Law 111–*  
19 *84; 123 Stat. 3571) and may be used for operation of the*  
20 *facilities designated as combined Federal medical facilities*  
21 *as described by section 706 of the Duncan Hunter National*  
22 *Defense Authorization Act for Fiscal Year 2009 (Public*  
23 *Law 110–417; 122 Stat. 4500): *Provided, That additional**  
24 *funds may be transferred from accounts designated in this*  
25 *section to the Joint Department of Defense-Department of*

1 *Veterans Affairs Medical Facility Demonstration Fund*  
2 *upon written notification by the Secretary of Veterans Af-*  
3 *fairs to the Committees on Appropriations of both Houses*  
4 *of Congress.*

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 223. *Such sums as may be deposited to the Med-*  
7 *ical Care Collections Fund pursuant to section 1729A of*  
8 *title 38, United States Code, for healthcare provided at fa-*  
9 *cilities designated as combined Federal medical facilities as*  
10 *described by section 706 of the Duncan Hunter National*  
11 *Defense Authorization Act for Fiscal Year 2009 (Public*  
12 *Law 110–417; 122 Stat. 4500) shall also be available: (1)*  
13 *for transfer to the Joint Department of Defense-Department*  
14 *of Veterans Affairs Medical Facility Demonstration Fund,*  
15 *established by section 1704 of the National Defense Author-*  
16 *ization Act for Fiscal Year 2010 (Public Law 111–84; 123*  
17 *Stat. 3571); and (2) for operations of the facilities des-*  
18 *ignated as combined Federal medical facilities as described*  
19 *by section 706 of the Duncan Hunter National Defense Au-*  
20 *thorization Act for Fiscal Year 2009 (Public Law 110–417;*  
21 *122 Stat. 4500).*

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 224. *Of the amounts available in this title for*  
24 *“Medical Services”, “Medical Community Care”, “Medical*  
25 *Support and Compliance”, and “Medical Facilities”, a*

1 *minimum of \$15,000,000 shall be transferred to the DOD–*  
2 *VA Health Care Sharing Incentive Fund, as authorized by*  
3 *section 8111(d) of title 38, United States Code, to remain*  
4 *available until expended, for any purpose authorized by sec-*  
5 *tion 8111 of title 38, United States Code.*

6 *SEC. 225. None of the funds available to the Depart-*  
7 *ment of Veterans Affairs, in this or any other Act, may*  
8 *be used to replace the current system by which the Veterans*  
9 *Integrated Service Networks select and contract for diabetes*  
10 *monitoring supplies and equipment.*

11 *SEC. 226. The Secretary of Veterans Affairs shall no-*  
12 *tify the Committees on Appropriations of both Houses of*  
13 *Congress of all bid savings in a major construction project*  
14 *that total at least \$5,000,000, or 5 percent of the pro-*  
15 *grammed amount of the project, whichever is less: Provided,*  
16 *That such notification shall occur within 14 days of a con-*  
17 *tract identifying the programmed amount: Provided fur-*  
18 *ther, That the Secretary shall notify the Committees on Ap-*  
19 *propriations of both Houses of Congress 14 days prior to*  
20 *the obligation of such bid savings and shall describe the an-*  
21 *ticipated use of such savings.*

22 *SEC. 227. None of the funds made available for “Con-*  
23 *struction, Major Projects” may be used for a project in ex-*  
24 *cess of the scope specified for that project in the original*  
25 *justification data provided to the Congress as part of the*

1 *request for appropriations unless the Secretary of Veterans*  
2 *Affairs receives approval from the Committees on Appro-*  
3 *priations of both Houses of Congress.*

4       *SEC. 228. Not later than 30 days after the end of each*  
5 *fiscal quarter, the Secretary of Veterans Affairs shall submit*  
6 *to the Committees on Appropriations of both Houses of Con-*  
7 *gress a quarterly report containing performance measures*  
8 *and data from each Veterans Benefits Administration Re-*  
9 *gional Office: Provided, That, at a minimum, the report*  
10 *shall include the direction contained in the section entitled*  
11 *“Disability claims backlog”, under the heading “General*  
12 *Operating Expenses, Veterans Benefits Administration” in*  
13 *the joint explanatory statement accompanying this Act.*

14       *SEC. 229. Of the funds provided to the Department of*  
15 *Veterans Affairs for fiscal year 2017 for “Medical Support*  
16 *and Compliance” a maximum of \$40,000,000 may be obli-*  
17 *gated from the “Medical Support and Compliance” account*  
18 *for the VistA Evolution and electronic health record inter-*  
19 *operability projects: Provided, That funds in addition to*  
20 *these amounts may be obligated for the VistA Evolution and*  
21 *electronic health record interoperability projects upon writ-*  
22 *ten notification by the Secretary of Veterans Affairs to the*  
23 *Committees on Appropriations of both Houses of Congress.*

24       *SEC. 230. The Secretary of Veterans Affairs shall pro-*  
25 *vide written notification to the Committees on Appropria-*

1 *tions of both Houses of Congress 15 days prior to organiza-*  
2 *tional changes which result in the transfer of 25 or more*  
3 *full-time equivalents from one organizational unit of the*  
4 *Department of Veterans Affairs to another.*

5 *SEC. 231. The Secretary of Veterans Affairs shall pro-*  
6 *vide on a quarterly basis to the Committees on Appropria-*  
7 *tions of both Houses of Congress notification of any single*  
8 *national outreach and awareness marketing campaign in*  
9 *which obligations exceed \$2,000,000.*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *SEC. 232. The Secretary of Veterans Affairs, upon de-*  
12 *termination that such action is necessary to address needs*  
13 *of the Veterans Health Administration, may transfer to the*  
14 *“Medical Services” account any discretionary appropria-*  
15 *tions made available for fiscal year 2017 in this title (except*  
16 *appropriations made to the “General Operating Expenses,*  
17 *Veterans Benefits Administration” account) or any discre-*  
18 *tionary unobligated balances within the Department of Vet-*  
19 *erans Affairs, including those appropriated for fiscal year*  
20 *2017, that were provided in advance by appropriations*  
21 *Acts: Provided, That transfers shall be made only with the*  
22 *approval of the Office of Management and Budget: Provided*  
23 *further, That the transfer authority provided in this section*  
24 *is in addition to any other transfer authority provided by*  
25 *law: Provided further, That no amounts may be transferred*

1 *from amounts that were designated by Congress as an emer-*  
2 *gency requirement pursuant to a concurrent resolution on*  
3 *the budget or the Balanced Budget and Emergency Deficit*  
4 *Control Act of 1985: Provided further, That such authority*  
5 *to transfer may not be used unless for higher priority items,*  
6 *based on emergent healthcare requirements, than those for*  
7 *which originally appropriated and in no case where the*  
8 *item for which funds are requested has been denied by Con-*  
9 *gress: Provided further, That, upon determination that all*  
10 *or part of the funds transferred from an appropriation are*  
11 *not necessary, such amounts may be transferred back to that*  
12 *appropriation and shall be available for the same purposes*  
13 *as originally appropriated: Provided further, That before*  
14 *a transfer may take place, the Secretary of Veterans Affairs*  
15 *shall request from the Committees on Appropriations of*  
16 *both Houses of Congress the authority to make the transfer*  
17 *and receive approval of that request.*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *SEC. 233. Amounts made available for the Department*  
20 *of Veterans Affairs for fiscal year 2017, under the “Board*  
21 *of Veterans Appeals” and the “General Operating Expenses,*  
22 *Veterans Benefits Administration” accounts may be trans-*  
23 *ferred between such accounts: Provided, That before a trans-*  
24 *fer may take place, the Secretary of Veterans Affairs shall*  
25 *request from the Committees on Appropriations of both*

1 *Houses of Congress the authority to make the transfer and*  
2 *receive approval of that request.*

3       *SEC. 234. The Secretary of Veterans Affairs may not*  
4 *reprogram funds among major construction projects or pro-*  
5 *grams if such instance of reprogramming will exceed*  
6 *\$5,000,000, unless such reprogramming is approved by the*  
7 *Committees on Appropriations of both Houses of Congress.*

8                               *(RESCISSION OF FUNDS)*

9       *SEC. 235. Of the unobligated balances available within*  
10 *the “DOD–VA Health Care Sharing Incentive Fund”,*  
11 *\$40,000,000 are hereby rescinded.*

12                               *(RESCISSIONS OF FUNDS)*

13       *SEC. 236. Of the discretionary funds made available*  
14 *in Public Law 114–113 for the Department of Veterans Af-*  
15 *fairs for fiscal year 2017, \$134,000,000 are rescinded from*  
16 *“Medical Services”, \$26,000,000 are rescinded from “Med-*  
17 *ical Support and Compliance”, and \$9,000,000 are re-*  
18 *scinded from “Medical Facilities”.*

19       *SEC. 237. The amounts otherwise made available by*  
20 *this Act for the following accounts of the Department of Vet-*  
21 *erans Affairs are hereby reduced by the following amounts:*

22               (1) *“Veterans Health Administration—Medical*  
23 *and Prosthetic Research”, \$2,000,000.*

24               (2) *“Departmental Administration—Board of*  
25 *Veterans Appeals”, \$500,000.*

1           (3) “*Veterans Benefits Administration—General*  
2           *Operating Expenses, Veterans Benefits Administra-*  
3           *tion*”, \$12,000,000.

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

6           (5) “*Departmental Administration—Office of*  
7           *Inspector General*”, \$500,000.

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

11           (1) *provides to individuals who contact the hot-*  
12          *line immediate assistance from a trained professional;*  
13          *and*

14           (2) *adheres to all requirements of the American*  
15          *Association of Suicidology.*

16          *SEC. 239. (a) The Secretary of Veterans Affairs shall*  
17          *treat a marriage and family therapist described in sub-*  
18          *section (b) as qualified to serve as a marriage and family*  
19          *therapist in the Department of Veterans Affairs, regardless*  
20          *of any requirements established by the Commission on Ac-*  
21          *creditation for Marriage and Family Therapy Education.*

22          (i) *A marriage and family therapist described in this*  
23          *subsection is a therapist who meets each of the following*  
24          *criteria:*

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

4           (2) *Is licensed as a marriage and family thera-*  
5           *pist in a State (as defined in section 101(20) of title*  
6           *38, United States Code) and possesses the highest level*  
7           *of licensure offered from the State.*

8           (3) *Has passed the Association of Marital and*  
9           *Family Therapy Regulatory Board Examination in*  
10          *Marital and Family Therapy or a related examina-*  
11          *tion for licensure administered by a State (as so de-*  
12          *finied).*

13          *SEC. 240. None of the funds in this or any other Act*  
14          *may be used to close Department of Veterans Affairs (VA)*  
15          *hospitals, domiciliaries, or clinics, conduct an environ-*  
16          *mental assessment, or to diminish healthcare services at ex-*  
17          *isting Veterans Health Administration medical facilities lo-*  
18          *cated in Veterans Integrated Service Network 23 as part*  
19          *of a planned realignment of VA services until the Secretary*  
20          *provides to the Committees on Appropriations of both*  
21          *Houses of Congress a report including the following ele-*  
22          *ments:*

23                 (1) *a national realignment strategy that includes*  
24                 *a detailed description of realignment plans within*  
25                 *each Veterans Integrated Service Network (VISN), in-*

1 *cluding an updated Long Range Capital Plan to im-*  
2 *plement realignment requirements;*

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

6 *(3) a cost vs. benefit analysis of each planned re-*  
7 *alignment, including the cost of replacing Veterans*  
8 *Health Administration services with contract care or*  
9 *other outsourced services;*

10 *(4) an analysis of how any such planned re-*  
11 *alignment of services will impact access to care for*  
12 *veterans living in rural or highly rural areas, includ-*  
13 *ing travel distances and transportation costs to access*  
14 *a VA medical facility and availability of local spe-*  
15 *cialty and primary care;*

16 *(5) an inventory of VA buildings with historic*  
17 *designation and the methodology used to determine*  
18 *the buildings' condition and utilization;*

19 *(6) a description of how any realignment will be*  
20 *consistent with requirements under the National His-*  
21 *toric Preservation Act; and*

22 *(7) consideration given for reuse of historic*  
23 *buildings within newly identified realignment re-*  
24 *quirements: Provided, That, this provision shall not*  
25 *apply to capital projects in VISN 23, or any other*

1        *VISN, which have been authorized or approved by*  
2        *Congress.*

3        *SEC. 241. None of the funds appropriated in this or*  
4        *prior appropriations Acts or otherwise made available to*  
5        *the Department of Veterans Affairs may be used to transfer*  
6        *any amounts from the Filipino Veterans Equity Compensa-*  
7        *tion Fund to any other account within the Department of*  
8        *Veterans Affairs.*

9        *SEC. 242. Paragraph (3) of section 403(a) of the Vet-*  
10       *erans' Mental Health and Other Care Improvements Act of*  
11       *2008 (Public Law 110–387; 38 U.S.C. 1703 note) is amend-*  
12       *ed to read as follows:*

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

17        *SEC. 243. (a) Section 1722A(a) of title 38, United*  
18        *States Code, is amended by adding at the end the following*  
19        *new paragraph:*

20                *“(4) Paragraph (1) does not apply to opioid an-*  
21                *tagonists furnished under this chapter to a veteran*  
22                *who is at high risk for overdose of a specific medica-*  
23                *tion or substance in order to reverse the effect of such*  
24                *an overdose.”.*

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

1           (1) by striking “with respect to home health serv-  
2           ices” and inserting “with respect to the following:”

3                   “(A) Home health services”; and

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

6                   “(B) Education on the use of opioid antago-  
7                   nists to reverse the effects of overdoses of specific  
8                   medications or substances.”.

9           SEC. 244. Section 312 of title 38, United States Code,  
10          is amended in subsection (c)(1) by striking the phrase “that  
11          makes a recommendation or otherwise suggests corrective  
12          action,”.

13          SEC. 245. Of the funds provided to the Department of  
14          Veterans Affairs for each of fiscal year 2017 and fiscal year  
15          2018 for “Medical Services”, funds may be used in each  
16          year to carry out and expand the child care program au-  
17          thorized by section 205 of Public Law 111–163, notwith-  
18          standing subsection (e) of such section.

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

21                   VA PATIENT PROTECTION ACT OF 2016

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

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



1 *law, rule, or regulation, or gross mismanagement, gross*  
2 *waste of funds, abuse of authority, or substantial and spe-*  
3 *cific danger to public health and safety.*

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

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

16       “(B) *In the case in which such a director or official*  
17 *carries out this paragraph, the director or official shall sub-*  
18 *mit such monthly report to the supervisor of the director*  
19 *or official and to the central whistleblower office described*  
20 *in subsection (h).*

21       “(c) *POSITIVE DETERMINATION.—If a supervisor*  
22 *makes a positive determination under subsection (b)(1) re-*  
23 *garding a whistleblower complaint of an employee, the su-*  
24 *pervisor shall include in the notification to the employee*

1 *under such subsection the specific actions that the super-*  
2 *visor will take to address the complaint.*

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

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

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

16               “(A) *A supervisor does not make a timely deter-*  
17 *mination under subsection (b)(1) regarding a whistle-*  
18 *blower complaint.*

19               “(B) *The employee who made a whistleblower*  
20 *complaint determines that the supervisor did not ade-*  
21 *quately address the complaint pursuant to subsection*  
22 *(c).*

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

1       “(e) *TRANSFER OF EMPLOYEE WHO FILES WHISTLE-*  
2 *BLOWER COMPLAINT.—If a supervisor makes a positive de-*  
3 *termination under subsection (b)(1) regarding a whistle-*  
4 *blower complaint filed by an employee, the Secretary*  
5 *shall—*

6               “(1) *inform the employee of the ability to volun-*  
7 *teer for a transfer in accordance with section 3352 of*  
8 *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 para-*  
17 *graph (2) and any supporting materials or documentation*  
18 *the employee determines necessary.*

19               “(2) *The form described in this paragraph is a form*  
20 *developed by the Secretary, in consultation with the Special*  
21 *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 com-*  
25 *plaint 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 in*  
4 *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 De-*  
8 *partment 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 anonymously*  
22 *receive whistleblower complaints.*

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

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

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

8       “**§ 733. Adverse actions against supervisory employees**  
9                       *who commit prohibited personnel actions*  
10                      *relating to whistleblower complaints*

11       “(a) *IN GENERAL.—(1) In accordance with paragraph*  
12 *(2), the Secretary shall carry out the following adverse ac-*  
13 *tions against supervisory employees (as defined in section*  
14 *7103(a) of title 5) whom the Secretary, an administrative*  
15 *judge, the Merit Systems Protection Board, the Office of*  
16 *Special Counsel, an adjudicating body provided under a*  
17 *union contract, a Federal judge, or the Inspector General*  
18 *of the Department determines committed a prohibited per-*  
19 *sonnel action described in subsection (c):*

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

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

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 action*  
6 *under paragraph (1) is entitled to 14 days following such*  
7 *notification to answer and furnish evidence in support of*  
8 *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 de-*  
12 *termination to propose the adverse action, the Secretary*  
13 *shall carry out the adverse action following such 14-day pe-*  
14 *riod.*

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 such*  
18 *title, and subsection (c) of such section shall not apply with*  
19 *respect to an adverse action carried out under paragraph*  
20 *(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 action*  
24 *against a supervisory employee, the Secretary may carry*  
25 *out an additional adverse action under this section based*

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

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

7 “(1) *Taking or failing to take a personnel action*  
8 *in violation of section 2302 of title 5 against an em-*  
9 *ployee 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 partici-*  
16 *pating as a witness in an investigation of a*  
17 *whistleblower complaint in accordance with sec-*  
18 *tion 732 or with the Inspector General of the De-*  
19 *partment, the Special Counsel, or Congress;*

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

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



1       *committee determines that the supervisor was found*  
2       *to have committed a prohibited personnel action de-*  
3       *scribed in section 733(b) of this title by an adminis-*  
4       *trative judge, the Merit Systems Protection Board, the*  
5       *Office of Special Counsel, an adjudicating body pro-*  
6       *vided under a union contract, a Federal judge, or, in*  
7       *the case of a settlement of a whistleblower complaint*  
8       *(regardless of whether any fault was assigned under*  
9       *such settlement), the Secretary.*

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

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

21               “(A) *such award or bonus was paid for perform-*  
22       *ance during a period in which the supervisor com-*  
23       *mitted a prohibited personnel action as determined*  
24       *pursuant to such subsection (a)(2)(B);*

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

4           “(C) the supervisor is afforded notice and an op-  
5           portunity for a hearing before making such repay-  
6           ment.

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

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

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

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

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

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

1           “(5) an explanation that the employee may not  
2       be prosecuted or reprimed against for disclosing infor-  
3       mation to Congress, the Inspector General, or another  
4       investigatory agency in instances where such disclo-  
5       sure is permitted by law, including under sections  
6       5701, 5705, and 7732 of this title, under section 552a  
7       of title 5 (commonly referred to as the Privacy Act),  
8       under chapter 93 of title 18, and pursuant to regula-  
9       tions promulgated under section 264(c) of the Health  
10      Insurance Portability and Accountability Act of 1996  
11      (Public Law 104–191);

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

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

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

23           “(c) *CERTIFICATION.*—Not less frequently than once  
24      each year, the Secretary shall provide training on merit

1 *system protection in a manner that the Special Counsel cer-*  
2 *tifies as being satisfactory.*

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

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

12 **“§ 736. Reports to Congress**

13       “(a) *ANNUAL REPORTS.*—*Not less frequently than once*  
14 *each year, the Secretary shall submit to the appropriate*  
15 *committees of Congress a report that includes—*

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

19                       “(A) *the number of such complaints filed;*

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

21                       “(C) *the ways in which the Secretary ad-*  
22 *dressed such complaints in which a positive de-*  
23 *termination was made by a supervisor under*  
24 *subsection (b)(1) of such section;*

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

4           “(A) *the method in which such complaints*  
5 *were filed;*

6           “(B) *the disposition of such complaints; and*

7           “(C) *the ways in which the Secretary ad-*  
8 *dressed such complaints; and*

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

11           “(A) *the number of complaints relating to*  
12 *such disclosures that were investigated by the In-*  
13 *pector General of the Department of Veterans*  
14 *Affairs during the year covered by the report;*

15           “(B) *the disposition of such complaints; and*

16           “(C) *the ways in which the Secretary ad-*  
17 *dressed such complaints.*

18           “(b) *NOTICE OF OFFICE OF SPECIAL COUNSEL DE-*  
19 *TERMINATIONS.—Not later than 30 days after the date on*  
20 *which the Secretary receives from the Special Counsel infor-*  
21 *mation relating to a whistleblower complaint pursuant to*  
22 *section 1213 of title 5, the Secretary shall notify the appro-*  
23 *priate committees of Congress of such information, includ-*  
24 *ing the determination made by the Special Counsel.*



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

“735. *Training regarding whistleblower complaints.*

“736. *Reports to Congress.*”.

1           (b) *TREATMENT OF CONGRESSIONAL TESTIMONY BY*  
2 *DEPARTMENT OF VETERANS AFFAIRS EMPLOYEES AS OFFI-*  
3 *CIAL DUTY.—*

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

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

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

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

22           (2) *CLERICAL AMENDMENT.—*The table of sec-  
23 *tions at the beginning of such chapter, as amended by*  
24 *section 2(a)(2)(B), is further amended by inserting*

1       *after the item relating to section 713 the following*  
2       *new item:*

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

3       *SEC. 248. (a) IN GENERAL.—For the purposes of*  
4 *verifying that an individual performed service under honor-*  
5 *able conditions that satisfies the requirements of a coastwise*  
6 *merchant seaman who is recognized pursuant to section 401*  
7 *of the GI Bill Improvement Act of 1977 (Public Law 95–*  
8 *202; 38 U.S.C. 106 note) as having performed active duty*  
9 *service for the purposes described in subsection (c)(1), the*  
10 *Secretary of Defense shall accept the following:*

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

24           *(2) In the case of an individual who served on*  
25           *a coastwise merchant vessel seeking such recognition*

1     *for whom the applicable Coast Guard shipping or dis-*  
2     *charge form, ship logbook, merchant mariner's docu-*  
3     *ment or Z-card, or other official employment record*  
4     *has been destroyed or otherwise become unavailable by*  
5     *reason of any action committed by a person respon-*  
6     *sible for the control and maintenance of such form,*  
7     *logbook, or record, the Secretary of Defense shall ac-*  
8     *cept other official documentation demonstrating that*  
9     *the individual performed such service during period*  
10    *beginning on December 7, 1941, and ending on De-*  
11    *cember 31, 1946.*

12           (3) *For the purpose of determining whether to*  
13    *recognize service allegedly performed during the pe-*  
14    *riod beginning on December 7, 1941, and ending on*  
15    *December 31, 1946, the Secretary shall recognize mas-*  
16    *ters of seagoing vessels or other officers in command*  
17    *of similarly organized groups as agents of the United*  
18    *States who were authorized to document any indi-*  
19    *vidual for purposes of hiring the individual to per-*  
20    *form service in the merchant marine or discharging*  
21    *an individual from such service.*

22           (b) *TREATMENT OF OTHER DOCUMENTATION.*—*Other*  
23    *documentation accepted by the Secretary of Defense pursu-*  
24    *ant to subsection (a)(2) shall satisfy all requirements for*

1 *eligibility of service during the period beginning on Decem-*  
2 *ber 7, 1941, and ending on December 31, 1946.*

3 *(c) BENEFITS ALLOWED.—*

4 *(1) MEDALS, RIBBONS, AND DECORATIONS.—An*  
5 *individual whose service is recognized as active duty*  
6 *pursuant to subsection (a) may be awarded an appro-*  
7 *priate medal, ribbon, or other military decoration*  
8 *based on such service.*

9 *(2) STATUS OF VETERAN.—An individual whose*  
10 *service is recognized as active duty pursuant to sub-*  
11 *section (a) shall be honored as a veteran but shall not*  
12 *be entitled by reason of such recognized service to any*  
13 *benefit that is not described in this subsection.*

14 *SEC. 249. Section 322(d)(1) of title 38, United States*  
15 *Code, is amended—*

16 *(1) by striking “allowance to a veteran” and in-*  
17 *serting the following: “allowance to—*

18 *“(A) a veteran”;*

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

22 *(3) by adding at the end the following new sub-*  
23 *paragraph:*

24 *“(B) a veteran with a VA service-connected dis-*  
25 *ability rated as 30 percent or greater by the Depart-*

1 *ment of Veterans Affairs who is selected by the United*  
2 *States Olympic Committee for the United States*  
3 *Olympic Team for any month in which the veteran*  
4 *is competing in any event sanctioned by the National*  
5 *Governing Bodies of the United States Olympic*  
6 *Sports.”.*

7 *SEC. 250. (a) IN GENERAL.—Section 111(b)(1) of title*  
8 *38, United States Code, is amended by adding at the end*  
9 *the following new subparagraph:*

10 *“(G) A veteran with vision impairment, a vet-*  
11 *eran with a spinal cord injury or disorder, or a vet-*  
12 *eran with double or multiple amputations whose trav-*  
13 *el is in connection with care provided through a spe-*  
14 *cial disabilities rehabilitation program of the Depart-*  
15 *ment (including programs provided by spinal cord*  
16 *injury centers, blind rehabilitation centers, and pros-*  
17 *thetics rehabilitation centers) if such care is pro-*  
18 *vided—*

19 *“(i) on an in-patient basis; or*

20 *“(ii) during a period in which the Sec-*  
21 *retary provides the veteran with temporary lodg-*  
22 *ing at a facility of the Department to make such*  
23 *care more accessible to the veteran.”.*

24 *(b) REPORT.—Not later than 180 days after the date*  
25 *of the enactment of this Act, the Secretary of Veterans Af-*

1 *fairs shall submit to the Committee on Veterans' Affairs of*  
2 *the Senate and the Committee on Veterans' Affairs of the*  
3 *House of Representatives a report on the beneficiary travel*  
4 *program under section 111 of title 38, United States Code,*  
5 *as amended by subsection (a), that includes the following:*

6           (1) *The cost of the program.*

7           (2) *The number of veterans served by the pro-*  
8 *gram.*

9           (3) *Such other matters as the Secretary considers*  
10 *appropriate.*

11       (c) *EFFECTIVE DATE.*—*The amendment made by sub-*  
12 *section (a) shall take effect on the first day of the first fiscal*  
13 *year that begins after the date of the enactment of this Act.*

14       SEC. 251. (a) *IN GENERAL.*—*Not later than 90 days*  
15 *after the date of the enactment of this Act, the Secretary*  
16 *of Veterans Affairs shall establish a program to conduct in-*  
17 *spections of kitchens and food service areas at each medical*  
18 *facility of the Department of Veterans Affairs. Such inspec-*  
19 *tions shall occur not less frequently than annually. The pro-*  
20 *gram's goal is to ensure that the same standards for kitch-*  
21 *ens and food service areas at hospitals in the private sector*  
22 *are being met at kitchens and food service areas at medical*  
23 *facilities of the Department.*

24       (b) *AGREEMENT.*—

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

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

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

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

16                   (C) *has expertise and objectivity comparable*  
17 *to that of the Joint Commission on Accreditation*  
18 *of Hospital Organizations.*

19           (c) *REMEDATION PLAN.*—

20           (1) *INITIAL FAILURE.*—*If a kitchen or food serv-*  
21 *ice area of a medical facility of the Department is de-*  
22 *termined pursuant to an inspection conducted under*  
23 *subsection (a) not to meet the standards for kitchens*  
24 *and food service areas in hospitals in the private sec-*

1 *tor, that medical facility fails the inspection and the*  
2 *Secretary shall—*

3 *(A) implement a remediation plan for that*  
4 *medical facility within 72 hours; and*

5 *(B) Conduct a second inspection under sub-*  
6 *section (a) at that medical facility within 14*  
7 *days of the failed inspection.*

8 *(2) SECOND FAILURE.—If a medical facility of*  
9 *the Department fails the second inspection conducted*  
10 *under paragraph (1)(B), the Secretary shall close the*  
11 *kitchen or food service area at that medical facility*  
12 *that did not meet the standards for kitchens and food*  
13 *service areas in hospitals in the private sector until*  
14 *full remediation is completed and all kitchens and*  
15 *food service areas at that medical facility meet such*  
16 *standards.*

17 *(3) PROVISION OF FOOD.—If a kitchen or food*  
18 *service area is closed at a medical facility of the De-*  
19 *partment pursuant to paragraph (2), the Director of*  
20 *the Veterans Integrated Service Network in which the*  
21 *medical facility is located shall enter into a contract*  
22 *with a vendor approved by the General Services Ad-*  
23 *ministration to provide food at the medical facility.*

24 *(d) QUARTERLY REPORTS.—Not less frequently than*  
25 *quarterly, the Under Secretary of Health shall submit to*

1 *Congress a report on inspections conducted under this sec-*  
2 *tion, and their detailed findings and actions taken, during*  
3 *the preceding quarter at medical facilities of the Depart-*  
4 *ment.*

5       *SEC. 252. (a) IN GENERAL.—Not later than 90 days*  
6 *after the date of the enactment of this Act, the Secretary*  
7 *of Veterans Affairs shall establish a program to conduct*  
8 *risk-based inspections for mold and mold issues at each*  
9 *medical facility of the Department of Veterans Affairs. Such*  
10 *facilities will be rated high, medium, or low risk for mold.*  
11 *Such inspections at facilities rated high risk shall occur not*  
12 *less frequently than annually, and such inspections at fa-*  
13 *cilities rated medium or low risk shall occur not less fre-*  
14 *quently than biennially.*

15       *(b) AGREEMENT.—*

16             *(1) IN GENERAL.—The Secretary shall seek to*  
17 *enter into an agreement with the Joint Commission*  
18 *on Accreditation of Hospital Organizations under*  
19 *which the Joint Commission on Accreditation of Hos-*  
20 *pital Organizations conducts the inspections required*  
21 *under subsection (a).*

22             *(2) ALTERNATE ORGANIZATION.—If the Sec-*  
23 *retary is unable to enter into an agreement described*  
24 *in paragraph (1) with the Joint Commission on Ac-*  
25 *creditation of Hospital Organizations on terms ac-*

1        *ceptable to the Secretary, the Secretary shall seek to*  
2        *enter into such an agreement with another appro-*  
3        *priate organization that—*

4                *(A) is not part of the Federal Government;*

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

6                *(C) has expertise and objectivity comparable*

7                *to that of the Joint Commission on Accreditation*

8                *of Hospital Organizations.*

9        *(c) REMEDIATION PLAN.—If a medical facility of the*  
10        *Department is determined pursuant to an inspection con-*  
11        *ducted under subsection (a) to have a mold issue, the Sec-*  
12        *retary shall—*

13                *(1) implement a remediation plan for that med-*  
14        *ical facility within 7 days; and*

15                *(2) Conduct a second inspection under subsection*  
16        *(a) at that medical facility within 90 days of the ini-*  
17        *tial inspection.*

18        *(d) QUARTERLY REPORTS.—Not less frequently than*  
19        *quarterly, the Under Secretary for Health shall submit to*  
20        *Congress a report on inspections conducted under this sec-*  
21        *tion, and their detailed findings and actions taken, during*  
22        *the preceding quarter at medical facilities of the Depart-*  
23        *ment.*

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

4       *SEC. 254. (a) The Secretary of Veterans Affairs may*  
5 *use amounts appropriated or otherwise made available in*  
6 *this title to ensure that the ratio of veterans to full-time*  
7 *employment equivalents within any program of rehabilita-*  
8 *tion conducted under chapter 31 of title 38, United States*  
9 *Code, does not exceed 125 veterans to one full-time employ-*  
10 *ment equivalent.*

11       *(b) Not later than 180 days after the date of the enact-*  
12 *ment of this Act, the Secretary shall submit to Congress a*  
13 *report on the programs of rehabilitation conducted under*  
14 *chapter 31 of title 38, United States Code, including—*

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

17             *(2) recommendations for such action as the Sec-*  
18             *retary considers necessary to reduce the veteran-to-*  
19             *staff ratio for each such program.*

20       *SEC. 255. (a) None of the funds made available in this*  
21 *Act may be used to deny an Inspector General funded under*  
22 *this Act timely access to any records, documents, or other*  
23 *materials available to the department or agency over which*  
24 *that Inspector General has responsibilities under the In-*  
25 *spector General Act of 1978 (5 U.S.C. App.), or to prevent*

1 *or impede that Inspector General's access to such records,*  
2 *documents, or other materials, under any provision of law,*  
3 *except a provision of law that expressly refers to the Inspec-*  
4 *tor General and expressly limits the Inspector General's*  
5 *right of access.*

6 (b) *A department or agency covered by this section*  
7 *shall provide its Inspector General with access to all such*  
8 *records, documents, and other materials in a timely man-*  
9 *ner.*

10 (c) *Each Inspector General shall ensure compliance*  
11 *with statutory limitations on disclosure relevant to the in-*  
12 *formation provided by the establishment over which that In-*  
13 *spector General has responsibilities under the Inspector*  
14 *General Act of 1978 (5 U.S.C. App.).*

15 (d) *Each Inspector General covered by this section*  
16 *shall report to the Committees on Appropriations of the*  
17 *House of Representatives and the Senate within 5 calendar*  
18 *days any failures to comply with this requirement.*

19 *SEC. 256. None of the funds appropriated or otherwise*  
20 *made available in this title may be used by the Secretary*  
21 *of Veterans Affairs to enter into an agreement related to*  
22 *resolving a dispute or claim with an individual that would*  
23 *restrict in any way the individual from speaking to mem-*  
24 *bers of Congress or their staff on any topic not otherwise*  
25 *prohibited from disclosure by Federal law or required by*

1 *Executive Order to be kept secret in the interest of national*  
2 *defense or the conduct of foreign affairs.*

3       *SEC. 257. Appropriations made available in this Act*  
4 *under the heading “Medical Services” shall be available to*  
5 *carry out sections 322(d) and 521A of title 38, United*  
6 *States Code, to include the payment of the administrative*  
7 *expenses necessary to carry out such sections. Of the amount*  
8 *appropriated for fiscal year 2017, up to \$2,000,000 shall*  
9 *be available for the payment of monthly assistance allow-*  
10 *ances to veterans pursuant to 38 U.S.C. 322(d) and up to*  
11 *\$8,000,000 shall be available for the payment of grants pur-*  
12 *suant to 38 U.S.C. 521A. Of the amounts appropriated in*  
13 *advance for fiscal year 2018, up to \$2,000,000 shall be*  
14 *available for the payment of monthly assistance allowances*  
15 *to veterans pursuant to 38 U.S.C. 322(d) and up to*  
16 *\$8,000,000 shall be available for the payment of grants pur-*  
17 *suant to 38 U.S.C. 521A.*

18       *SEC. 258. (a) In fiscal year 2017 and each fiscal year*  
19 *hereafter, beginning with the fiscal year 2018 budget request*  
20 *submitted to Congress pursuant to section 1105(a) of title*  
21 *31, United States Code, the budget justification documents*  
22 *submitted for the “Construction, Major Projects” account*  
23 *of the Department of Veterans Affairs shall include, at a*  
24 *minimum, the information required under subsection (b).*

1       (b) *The budget justification documents submitted pur-*  
2 *suant to subsection (a) shall include, for each project—*

3           (1) *the estimated total cost of the project;*

4           (2) *the funding provided for each fiscal year*  
5 *prior to the budget year;*

6           (3) *the amount requested for the budget year;*

7           (4) *the estimated funding required for the project*  
8 *for each of the 4 fiscal years succeeding the budget*  
9 *year; and*

10          (5) *such additional information as is enumer-*  
11 *ated under the heading relating to the “Construction,*  
12 *Major Projects” account of the Department of Vet-*  
13 *erans Affairs in the joint explanatory statement ac-*  
14 *companying this Act.*

15       (c) *Not later than 45 days after the date of enactment*  
16 *of this Act, the Secretary of Veterans Affairs shall submit*  
17 *to the Committees on Appropriations of both Houses of Con-*  
18 *gress a proposed budget justification template that complies*  
19 *with the requirements of this section.*

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

24           (1) *Seismic corrections to buildings, including*  
25 *retrofitting and replacement of high-risk buildings, in*

1 *San Francisco, California, in an amount not to ex-*  
2 *ceed \$180,480,000.*

3 (2) *Seismic corrections to facilities, including fa-*  
4 *ilities to support homeless veterans, at the medical*  
5 *center in West Los Angeles, California, in an amount*  
6 *not to exceed \$105,500,000.*

7 (3) *Seismic corrections to the mental health and*  
8 *community living center in Long Beach, California,*  
9 *in an amount not to exceed \$287,100,000.*

10 (4) *Construction of an outpatient clinic, admin-*  
11 *istrative space, cemetery, and columbarium in Ala-*  
12 *meda, California, in an amount not to exceed*  
13 *\$87,332,000.*

14 (5) *Realignment of medical facilities in Liver-*  
15 *more, California, in an amount not to exceed*  
16 *\$194,430,000.*

17 (6) *Construction of a medical center in Louis-*  
18 *ville, Kentucky, in an amount not to exceed*  
19 *\$150,000,000.*

20 (7) *Construction of a replacement community*  
21 *living center in Perry Point, Maryland, in an*  
22 *amount not to exceed \$92,700,000.*

23 (8) *Seismic corrections and other renovations to*  
24 *several buildings and construction of a specialty care*

1       *building in American Lake, Washington, in an*  
2       *amount not to exceed \$16,260,000.*

3       *(b) There is authorized to be appropriated to the Sec-*  
4       *retary of Veterans Affairs for fiscal year 2016 or the year*  
5       *in which funds are appropriated for the Construction,*  
6       *Major Projects, account, \$1,113,802,000 for the projects au-*  
7       *thorized in subsection (a).*

8       *(c) The projects authorized in subsection (a) may only*  
9       *be carried out using—*

10               *(1) funds appropriated for fiscal year 2016 pur-*  
11               *suant to the authorization of appropriations in sub-*  
12               *section (b);*

13               *(2) funds available for Construction, Major*  
14               *Projects, for a fiscal year before fiscal year 2016 that*  
15               *remain available for obligation;*

16               *(3) funds available for Construction, Major*  
17               *Projects, for a fiscal year after fiscal year 2016 that*  
18               *remain available for obligation;*

19               *(4) funds appropriated for Construction, Major*  
20               *Projects, for fiscal year 2016 for a category of activity*  
21               *not specific to a project;*

22               *(5) funds appropriated for Construction, Major*  
23               *Projects, for a fiscal year before fiscal year 2016 for*  
24               *a category of activity not specific to a project; and*

1           (6) funds appropriated for Construction, Major  
2       Projects, for a fiscal year after fiscal year 2016 for a  
3       category of activity not specific to a project.

4       SEC. 260. (a) Notwithstanding any other provision of  
5       law, the amounts appropriated or otherwise made available  
6       to the Department of Veterans Affairs for the “Medical  
7       Services” account may be used to provide—

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

11          (2) adoption reimbursement to a covered veteran.

12      (b) In this section:

13          (1) The term “service-connected” has the mean-  
14      ing given such term in section 101 of title 38, United  
15      States Code.

16          (2) The term “covered veteran” means a veteran,  
17      as such term is defined in section 101 of title 38,  
18      United States Code, who has a service-connected dis-  
19      ability that results in the inability of the veteran to  
20      procreate without the use of fertility treatment.

21          (3) The term “assisted reproductive technology”  
22      means benefits relating to reproductive assistance pro-  
23      vided to a member of the Armed Forces who incurs  
24      a serious injury or illness on active duty pursuant to  
25      section 1074(c)(4)(A) of title 10, United States Code,

1       *as described in the memorandum on the subject of*  
2       *“Policy for Assisted Reproductive Services for the*  
3       *Benefit of Seriously or Severely Ill/Injured (Category*  
4       *II or III) Active Duty Service Members” issued by the*  
5       *Assistant Secretary of Defense for Health Affairs on*  
6       *April 3, 2012, and the guidance issued to implement*  
7       *such policy, including any limitations on the amount*  
8       *of such benefits available to such a member.*

9               *(4) The term “adoption reimbursement” means*  
10       *reimbursement for the adoption-related expenses for*  
11       *an adoption that is finalized after the date of the en-*  
12       *actment of this Act under the same terms as apply*  
13       *under the adoption reimbursement program of the De-*  
14       *partment of Defense, as authorized in Department of*  
15       *Defense Instruction 1341.09, including the reimburse-*  
16       *ment limits and requirements set forth in such in-*  
17       *struction.*

18       *(c) Amounts made available for the purposes specified*  
19       *in subsection (a) of this section are subject to the require-*  
20       *ments for funds contained in section 508 of division H of*  
21       *the Consolidated Appropriations Act, 2016 (Public Law*  
22       *114–113).*

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

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

17 *FOREIGN CURRENCY FLUCTUATIONS ACCOUNT*

18 *For necessary expenses, not otherwise provided for, of*  
19 *the American Battle Monuments Commission, such sums as*  
20 *may be necessary, to remain available until expended, for*  
21 *purposes authorized by section 2109 of title 36, United*  
22 *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 United*  
5 *States Court of Appeals for Veterans Claims as authorized*  
6 *by sections 7251 through 7298 of title 38, United States*  
7 *Code, \$30,945,000: Provided, That \$2,500,000 shall be*  
8 *available for the purpose of providing financial assistance*  
9 *as described, and in accordance with the process and report-*  
10 *ing procedures set forth, under this heading in Public Law*  
11 *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 replace-*  
19 *ment on a one-for-one basis only, and not to exceed \$1,000*  
20 *for official reception and representation expenses,*  
21 *\$70,800,000, of which not to exceed \$15,000,000 shall re-*  
22 *main available until September 30, 2019. In addition, such*  
23 *sums as may be necessary for parking maintenance, repairs*  
24 *and replacement, to be derived from the "Lease of Depart-*

1 *ment of Defense Real Property for Defense Agencies” ac-*  
2 *count.*

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

19 *ADMINISTRATIVE PROVISIONS*

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



1 *MILITARY CONSTRUCTION, AIR FORCE*

2 *For an additional amount for “Military Construction,*  
3 *Air Force” \$88,291,000, to remain available until Sep-*  
4 *tember 30, 2021, for projects outside of the United States:*  
5 *Provided, That such amount is designated by the Congress*  
6 *for Overseas Contingency Operations/Global War on Ter-*  
7 *rorism pursuant to section 251(b)(2)(A)(ii) of the Balanced*  
8 *Budget and Emergency Deficit Control Act of 1985.*

9 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

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

17 *ADMINISTRATIVE PROVISION*

18 *SEC. 401. Each amount designated in this Act by the*  
19 *Congress for Overseas Contingency Operations/Global War*  
20 *on Terrorism pursuant to section 251(b)(2)(A)(ii) of the*  
21 *Balanced Budget and Emergency Deficit Control Act of*  
22 *1985 shall be available only if the President subsequently*  
23 *so designates all such amounts and transmits such designa-*  
24 *tions to the Congress.*

1 *TITLE V*2 *GENERAL PROVISIONS*

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

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

13 *SEC. 503. All departments and agencies funded under*  
14 *this Act are encouraged, within the limits of the existing*  
15 *statutory authorities and funding, to expand their use of*  
16 *“E-Commerce” technologies and procedures in the conduct*  
17 *of their business practices and public service activities.*

18 *SEC. 504. Unless stated otherwise, all reports and noti-*  
19 *fications required by this Act shall be submitted to the Sub-*  
20 *committee on Military Construction and Veterans Affairs,*  
21 *and Related Agencies of the Committee on Appropriations*  
22 *of the House of Representatives and the Subcommittee on*  
23 *Military Construction and Veterans Affairs, and Related*  
24 *Agencies of the Committee on Appropriations of the Senate.*

1       *SEC. 505. None of the funds made available in this*  
2 *Act may be transferred to any department, agency, or in-*  
3 *strumentality of the United States Government except pur-*  
4 *suant to a transfer made by, or transfer authority provided*  
5 *in, this or any other appropriations Act.*

6       *SEC. 506. None of the funds made available in this*  
7 *Act may be used for a project or program named for an*  
8 *individual serving as a Member, Delegate, or Resident Com-*  
9 *missioner of the United States House of Representatives.*

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

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

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

19               *(2) the report contains confidential or propri-*  
20 *etary information.*

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

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

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

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

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

18       *SEC. 511. None of the funds made available by this*  
19 *Act may be used by the Department of Defense or the De-*  
20 *partment of Veterans Affairs to lease or purchase new light*  
21 *duty vehicles for any executive fleet, or for an agency’s fleet*  
22 *inventory, except in accordance with Presidential Memo-*  
23 *randum—Federal Fleet Performance, dated May 24, 2011.*

24       *SEC. 512. (a) IN GENERAL.—None of the funds appro-*  
25 *priated or otherwise made available to the Department of*

1 *Defense in this Act may be used to construct, renovate, or*  
2 *expand any facility in the United States, its territories, or*  
3 *possessions to house any individual detained at United*  
4 *States Naval Station, Guantánamo Bay, Cuba, for the pur-*  
5 *poses of detention or imprisonment in the custody or under*  
6 *the control of the Department of Defense.*

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

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

13               *(1) is not a citizen of the United States or a*  
14       *member of the Armed Forces of the United States; and*

15               *(2) is—*

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

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

20       *This division may be cited as the “Military Construc-*  
21 *tion, Veterans Affairs, and Related Agencies Appropria-*  
22 *tions Act, 2017”.*

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

3                               ***TITLE I***

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

6       ***CENTERS FOR DISEASE CONTROL AND PREVENTION***

7                   ***CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT***

8       *For an additional amount for fiscal year 2016 for*  
9       *“CDC-Wide Activities and Program Support”,*  
10       *\$394,000,000, to remain available until September 30,*  
11       *2017, to prevent, prepare for, and respond to Zika virus,*  
12       *health conditions related to such virus, and other vector-*  
13       *borne diseases, domestically and internationally: Provided,*  
14       *That products purchased with these funds may, at the dis-*  
15       *cretion of the Secretary of Health and Human Services, be*  
16       *deposited in the Strategic National Stockpile under section*  
17       *319F–2 of the Public Health Service (“PHS”) Act: Pro-*  
18       *vided further, That funds may be used for purchase and*  
19       *insurance of official motor vehicles in foreign countries:*  
20       *Provided further, That the provisions in section 317S of the*  
21       *PHS Act shall apply to the use of funds appropriated in*  
22       *this paragraph as determined by the Director of the Centers*  
23       *for Disease Control and Prevention to be appropriate: Pro-*  
24       *vided further, That funds appropriated in this paragraph*  
25       *may be used for grants for the construction, alteration, or*

1 *renovation of non-federally owned facilities to improve pre-*  
2 *paredness and response capability at State and local lab-*  
3 *oratories: Provided further, That of the amount appro-*  
4 *priated in this paragraph, \$44,000,000 is included to sup-*  
5 *plement either fiscal year 2016 or fiscal year 2017 funds*  
6 *for the Public Health Emergency Preparedness cooperative*  
7 *agreement program to restore fiscal year 2016 funds that*  
8 *were reprogrammed for Zika virus response prior to the en-*  
9 *actment of this Act: Provided further, That such amount*  
10 *is designated by the Congress as an emergency requirement*  
11 *pursuant to section 251(b)(2)(A)(i) of the Balanced Budget*  
12 *and Emergency Deficit Control Act of 1985.*

13 *NATIONAL INSTITUTES OF HEALTH*

14 *NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS*

15 *DISEASES*

16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For an additional amount for fiscal year 2016 for*  
18 *“National Institute of Allergy and Infectious Diseases”,*  
19 *\$152,000,000, to remain available until September 30,*  
20 *2017, for research on the virology, natural history, and*  
21 *pathogenesis of the Zika virus infection and preclinical and*  
22 *clinical development of vaccines and other medical counter-*  
23 *measures for the Zika virus and other vector-borne diseases,*  
24 *domestically and internationally: Provided, That such*  
25 *funds may be transferred by the Director of the National*

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

7 *OFFICE OF THE SECRETARY*

8 *PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For an additional amount for fiscal year 2016 for*  
11 *“Public Health and Social Services Emergency Fund”,*  
12 *\$387,000,000, to remain available until September 30,*  
13 *2017, to prevent, prepare for, and respond to Zika virus,*  
14 *health conditions related to such virus, and other vector-*  
15 *borne diseases, domestically and internationally; to develop*  
16 *necessary countermeasures and vaccines, including the de-*  
17 *velopment and purchase of vaccines, therapeutics,*  
18 *diagnostics, necessary medical supplies, and administrative*  
19 *activities; for carrying out section 501 of the Social Secu-*  
20 *rity Act; and for carrying out sections 330 through 336 and*  
21 *338 of the PHS Act: Provided, That funds appropriated*  
22 *in this paragraph may be used to procure security counter-*  
23 *measures (as defined in section 319F–2(c)(1)(B) of the PHS*  
24 *Act): Provided further, That paragraphs (1) and (7)(C) of*  
25 *subsection (c) of section 319F–2 of the PHS Act, but no*

1 *other provisions of such section, shall apply to such security*  
2 *countermeasures procured with funds appropriated in this*  
3 *paragraph: Provided further, That products purchased with*  
4 *funds appropriated in this paragraph may, at the discre-*  
5 *tion of the Secretary of Health and Human Services, be*  
6 *deposited in the Strategic National Stockpile under section*  
7 *319F-2 of the PHS Act: Provided further, That funds ap-*  
8 *propriated in this paragraph may be transferred to the*  
9 *fund authorized by section 319F-4 of the PHS Act: Pro-*  
10 *vided further, That of the funds appropriated under this*  
11 *heading, \$75,000,000, in addition to the purposes specified*  
12 *above, shall also be available for necessary expenses for sup-*  
13 *port to States, territories, tribes, or tribal organizations*  
14 *with active or local transmission cases of the Zika virus,*  
15 *as confirmed by the Centers for Disease Control and Preven-*  
16 *tion, to reimburse the costs of health care for health condi-*  
17 *tions related to the Zika virus, other than costs that are*  
18 *covered by private health insurance, of which not less than*  
19 *\$60,000,000 shall be for territories with the highest rates*  
20 *of Zika transmission: Provided further, That of the funds*  
21 *appropriated under this heading, \$20,000,000 shall be*  
22 *awarded, notwithstanding section 502 of the Social Secu-*  
23 *rity Act, for projects of regional and national significance*  
24 *in Puerto Rico and other territories authorized under sec-*  
25 *tion 501 of the Social Security Act: Provided further, That*

1 *of the funds appropriated under this heading, \$40,000,000*  
 2 *shall be used to expand the delivery of primary health serv-*  
 3 *ices authorized by section 330 of the PHS Act in Puerto*  
 4 *Rico and other territories: Provided further, That of the*  
 5 *funds appropriated under this heading, \$6,000,000 shall,*  
 6 *for purposes of providing primary health services in areas*  
 7 *affected by Zika virus or other vector-borne diseases, be used*  
 8 *to assign National Health Service Corps (“NHSC”) mem-*  
 9 *bers to Puerto Rico and other territories, notwithstanding*  
 10 *the assignment priorities and limitations in or under sec-*  
 11 *tions 333(a)(1)(D), 333(b), or 333A(a) of the PHS Act, and*  
 12 *to make NHSC Loan Repayment Program awards under*  
 13 *section 338B of such Act: Provided further, That for pur-*  
 14 *poses of the previous proviso, section 331(a)(3)(D) of the*  
 15 *PHS Act shall be applied as if the term “primary health*  
 16 *services” included health services regarding pediatric sub-*  
 17 *specialists: Provided further, That such amount is des-*  
 18 *ignated by the Congress as an emergency requirement pur-*  
 19 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*  
 20 *Emergency Deficit Control Act of 1985.*

21 **GENERAL PROVISIONS—THIS TITLE**

22 **(INCLUDING TRANSFER OF FUNDS)**

23 **DIRECT HIRES**

24 *SEC. 101. Funds appropriated by this title may be*  
 25 *used by the heads of the Department of Health and Human*



1 *of division H of Public Law 114–113 or section 241(a) of*  
2 *the PHS Act.*

3 *REPORTING REQUIREMENTS*

4 *SEC. 103. Not later than 30 days after enactment of*  
5 *this Act, the Secretary of Health and Human Services shall*  
6 *provide a detailed spend plan of anticipated uses of funds*  
7 *made available in this title, including estimated personnel*  
8 *and administrative costs, to the Committees on Appropria-*  
9 *tions: Provided, That such plans shall be updated and sub-*  
10 *mitted to the Committees on Appropriations every 60 days*  
11 *until September 30, 2017.*

12 *OVERSIGHT*

13 *SEC. 104. Of the funds appropriated by this title under*  
14 *the heading “Public Health and Social Services Emergency*  
15 *Fund”, up to—*

16 *(1) \$500,000 shall be transferred to, and merged*  
17 *with, funds made available under the heading “Office*  
18 *of the Secretary, Office of Inspector General”, and*  
19 *shall remain available until expended, for oversight of*  
20 *activities supported with funds appropriated by this*  
21 *title: Provided, That the Secretary of Health and*  
22 *Human Services shall consult with the Committees on*  
23 *Appropriations prior to obligating such funds: Pro-*  
24 *vided further, That the transfer authority provided by*

1 *this paragraph is in addition to any other transfer*  
2 *authority provided by law; and*

3 *(2) \$500,000 shall be made available to the*  
4 *Comptroller General of the United States, and shall*  
5 *remain available until expended, for oversight of ac-*  
6 *tivities supported with funds appropriated by this*  
7 *title: Provided, That the Comptroller General shall*  
8 *consult with the Committees on Appropriations prior*  
9 *to obligating such funds.*

10 *TITLE II*

11 *DEPARTMENT OF STATE*

12 *ADMINISTRATION OF FOREIGN AFFAIRS*

13 *DIPLOMATIC AND CONSULAR PROGRAMS*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For an additional amount for fiscal year 2016 for*  
16 *“Diplomatic and Consular Programs”, \$14,594,000, to re-*  
17 *main available until September 30, 2017, for necessary ex-*  
18 *penses to support response efforts related to the Zika virus,*  
19 *health conditions related to such virus, and other vector-*  
20 *borne diseases: Provided, That such funds may be made*  
21 *available for medical evacuation costs of any other depart-*  
22 *ment or agency of the United States under Chief of Mission*  
23 *authority, and may be transferred to any other appropria-*  
24 *tion of such department or agency for such costs: Provided*  
25 *further, That such amount is designated by the Congress*

1 *as an emergency requirement pursuant to section*  
2 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*  
3 *Deficit Control Act of 1985.*

4 *EMERGENCIES IN THE DIPLOMATIC AND CONSULAR*  
5 *SERVICE*

6 *For an additional amount for fiscal year 2016 for*  
7 *“Emergencies in the Diplomatic and Consular Service”,*  
8 *\$4,000,000 for necessary expenses to support response efforts*  
9 *related to the Zika virus, health conditions related to such*  
10 *virus, and other vector-borne diseases, to remain available*  
11 *until September 30, 2017: Provided, That such amount is*  
12 *designated by the Congress as an emergency requirement*  
13 *pursuant to section 251(b)(2)(A)(i) of the Balanced Budget*  
14 *and Emergency Deficit Control Act of 1985.*

15 *REPATRIATION LOANS PROGRAM ACCOUNT*

16 *For an additional amount for fiscal year 2016 for*  
17 *“Repatriation Loans Program Account” for the cost of di-*  
18 *rect loans, \$1,000,000, to support response efforts related*  
19 *to the Zika virus, health conditions related to such virus,*  
20 *and other vector-borne diseases, to remain available until*  
21 *September 30, 2017: Provided, That such costs, including*  
22 *costs of modifying such loans, shall be as defined in section*  
23 *502 of the Congressional Budget Act of 1974: Provided fur-*  
24 *ther, That such funds are available to subsidize an addi-*  
25 *tional amount of gross obligations for the principal amount*

1 *of direct loans not to exceed \$1,880,406: Provided further,*  
2 *That such amount is designated by the Congress as an emer-*  
3 *gency requirement pursuant to section 251(b)(2)(A)(i) of*  
4 *the Balanced Budget and Emergency Deficit Control Act*  
5 *of 1985.*

6 *UNITED STATES AGENCY FOR INTERNATIONAL*  
7 *DEVELOPMENT*

8 *FUNDS APPROPRIATED TO THE PRESIDENT*

9 *OPERATING EXPENSES*

10 *For an additional amount for fiscal year 2016 for*  
11 *“Operating Expenses”, \$10,000,000, to remain available*  
12 *until September 30, 2017, for necessary expenses to support*  
13 *response efforts related to the Zika virus, health conditions*  
14 *related to such virus, and other vector-borne diseases: Pro-*  
15 *vided, That such amount is designated by the Congress as*  
16 *an emergency requirement pursuant to section*  
17 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*  
18 *Deficit Control Act of 1985.*

19 *BILATERAL ECONOMIC ASSISTANCE*

20 *FUNDS APPROPRIATED TO THE PRESIDENT*

21 *GLOBAL HEALTH PROGRAMS*

22 *For an additional amount for fiscal year 2016 for*  
23 *“Global Health Programs”, \$145,500,000, to remain avail-*  
24 *able until September 30, 2017, for necessary expenses to*  
25 *prevent, prepare for, and respond to the Zika virus, health*

1 *conditions related to such virus, and other vector-borne dis-*  
 2 *eases: Provided, That funds appropriated under this head-*  
 3 *ing shall be made available for vector control activities, vac-*  
 4 *cines, diagnostics, and vector control technologies: Provided*  
 5 *further, That funds appropriated under this heading may*  
 6 *be made available as contributions to the World Health Or-*  
 7 *ganization, the United Nations Children’s Fund, the Pan*  
 8 *American Health Organization, the International Atomic*  
 9 *Energy Agency, and the Food and Agriculture Organiza-*  
 10 *tion: Provided further, That funds made available under*  
 11 *this heading shall be subject to prior consultation with the*  
 12 *Committees on Appropriations: Provided further, That*  
 13 *none of the funds appropriated under this heading may be*  
 14 *made available for the Grand Challenges for Development*  
 15 *program: Provided further, That such amount is designated*  
 16 *by the Congress as an emergency requirement pursuant to*  
 17 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*  
 18 *gency Deficit Control Act of 1985.*

19           **GENERAL PROVISIONS—THIS TITLE**

20                           **TRANSFER AUTHORITIES**

21                                   **(INCLUDING TRANSFER OF FUNDS)**

22           **SEC. 201.** *(a) Funds appropriated by this title under*  
 23 *the headings “Diplomatic and Consular Programs”,*  
 24 *“Emergencies in the Diplomatic and Consular Service”,*  
 25 *“Repatriation Loans Program Account”, and “Operating*

1 *Expenses” may be transferred to, and merged with, funds*  
2 *appropriated by this title under such headings to carry out*  
3 *the purposes of this title.*

4 (b) *The transfer authorities provided by this section*  
5 *are in addition to any other transfer authority provided*  
6 *by law.*

7 (c) *Upon a determination that all or part of the funds*  
8 *transferred pursuant to the authorities provided by this sec-*  
9 *tion are not necessary for such purposes, such amounts may*  
10 *be transferred back to such appropriations.*

11 (d) *No funds shall be transferred pursuant to this sec-*  
12 *tion unless at least 5 days prior to making such transfer*  
13 *the Secretary of State or the Administrator of the United*  
14 *States Agency for International Development, as appro-*  
15 *priate, notifies the Committees on Appropriations in writ-*  
16 *ing of the details of any such transfer.*

17 *NOTIFICATION REQUIREMENT*

18 *SEC. 202. Funds appropriated by this title shall only*  
19 *be available for obligation if the Secretary of State or the*  
20 *Administrator of the United States Agency for Inter-*  
21 *national Development, as appropriate, notifies the Commit-*  
22 *tees on Appropriations in writing at least 15 days in ad-*  
23 *vance of such obligation.*

1                    *CONSOLIDATED REPORTING REQUIREMENT*

2            *SEC. 203. Not later than 30 days after enactment of*  
3 *this Act and prior to the initial obligation of funds made*  
4 *available by this title, the Secretary of State and the Ad-*  
5 *ministrator of the United States Agency for International*  
6 *Development shall submit a consolidated report to the Com-*  
7 *mittees on Appropriations on the anticipated uses of such*  
8 *funds on a country and project basis, including estimated*  
9 *personnel and administrative costs: Provided, That such re-*  
10 *port shall be updated and submitted to the Committees on*  
11 *Appropriations every 60 days until September 30, 2017.*

12                    *OVERSIGHT*

13            *SEC. 204. Of the funds appropriated by this title, up*  
14 *to—*

15                    (1) *\$500,000 shall be transferred to, and merged*  
16 *with, funds available under the heading “United*  
17 *States Agency for International Development, Funds*  
18 *Appropriated to the President, Office of Inspector*  
19 *General”, and shall remain available until expended,*  
20 *for oversight of activities supported with funds appro-*  
21 *priated by this title: Provided, That the transfer au-*  
22 *thority provided by this paragraph is in addition to*  
23 *any other transfer authority provided by law; and*

24                    (2) *\$500,000 shall be made available to the*  
25 *Comptroller General of the United States, and shall*



1 *Personnel Management: Provided further, That the author-*  
2 *ity made available pursuant to this section shall expire on*  
3 *September 30, 2017.*

4 *DESIGNATION RETENTION*

5 *SEC. 303. Any amount appropriated by this division,*  
6 *designated by the Congress as an emergency requirement*  
7 *pursuant to section 251(b)(2)(A)(i) of the Balanced Budget*  
8 *and Emergency Deficit Control Act of 1985 and subse-*  
9 *quently so designated by the President, and transferred pur-*  
10 *suant to transfer authorities provided by this division shall*  
11 *retain such designation.*

12 *EFFECTIVE DATE*

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

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

17 ***DIVISION C—CONTINUING***  
18 ***APPROPRIATIONS ACT, 2017***

19 *The following sums are hereby appropriated, out of*  
20 *any money in the Treasury not otherwise appropriated,*  
21 *and out of applicable corporate or other revenues, receipts,*  
22 *and funds, for the several departments, agencies, corpora-*  
23 *tions, and other organizational units of Government for fis-*  
24 *cal year 2017, and for other purposes, namely:*

1        *SEC. 101. (a) Such amounts as may be necessary, at*  
2 *a rate for operations as provided in the applicable appro-*  
3 *priations Acts for fiscal year 2016 and under the authority*  
4 *and conditions provided in such Acts, for continuing*  
5 *projects or activities (including the costs of direct loans and*  
6 *loan guarantees) that are not otherwise specifically pro-*  
7 *vided for in this Act, that were conducted in fiscal year*  
8 *2016, and for which appropriations, funds, or other author-*  
9 *ity were made available in the following appropriations*  
10 *Acts:*

11            *(1) The Agriculture, Rural Development, Food*  
12 *and Drug Administration, and Related Agencies Ap-*  
13 *propriations Act, 2016 (division A of Public Law*  
14 *114–113), except section 728.*

15            *(2) The Commerce, Justice, Science, and Related*  
16 *Agencies Appropriations Act, 2016 (division B of*  
17 *Public Law 114–113).*

18            *(3) The Department of Defense Appropriations*  
19 *Act, 2016 (division C of Public Law 114–113).*

20            *(4) The Energy and Water Development and Re-*  
21 *lated Agencies Appropriations Act, 2016 (division D*  
22 *of Public Law 114–113).*

23            *(5) The Financial Services and General Govern-*  
24 *ment Appropriations Act, 2016 (division E of Public*  
25 *Law 114–113), which for purposes of this Act shall be*

1     *treated as including section 707 of division O of Pub-*  
2     *lic Law 114–113.*

3             (6) *The Department of Homeland Security Ap-*  
4     *propriations Act, 2016 (division F of Public Law*  
5     *114–113).*

6             (7) *The Department of the Interior, Environ-*  
7     *ment, and Related Agencies Appropriations Act, 2016*  
8     *(division G of Public Law 114–113).*

9             (8) *The Departments of Labor, Health and*  
10    *Human Services, and Education, and Related Agen-*  
11    *cies Appropriations Act, 2016 (division H of Public*  
12    *Law 114–113).*

13            (9) *The Legislative Branch Appropriations Act,*  
14    *2016 (division I of Public Law 114–113).*

15            (10) *The Department of State, Foreign Oper-*  
16    *ations, and Related Programs Appropriations Act,*  
17    *2016 (division K of Public Law 114–113), except title*  
18    *IX.*

19            (11) *The Transportation, Housing and Urban*  
20    *Development, and Related Agencies Appropriations*  
21    *Act, 2016 (division L of Public Law 114–113), except*  
22    *section 420.*

23            (b) *The rate for operations provided by subsection (a)*  
24    *is hereby reduced by 0.496 percent.*

1        *SEC. 102. (a) No appropriation or funds made avail-*  
2 *able or authority granted pursuant to section 101 for the*  
3 *Department of Defense shall be used for: (1) the new produc-*  
4 *tion of items not funded for production in fiscal year 2016*  
5 *or prior years; (2) the increase in production rates above*  
6 *those sustained with fiscal year 2016 funds; or (3) the initi-*  
7 *ation, resumption, or continuation of any project, activity,*  
8 *operation, or organization (defined as any project, sub-*  
9 *project, activity, budget activity, program element, and sub-*  
10 *program within a program element, and for any investment*  
11 *items defined as a P-1 line item in a budget activity within*  
12 *an appropriation account and an R-1 line item that in-*  
13 *cludes a program element and subprogram element within*  
14 *an appropriation account) for which appropriations, funds,*  
15 *or other authority were not available during fiscal year*  
16 *2016.*

17        *(b) No appropriation or funds made available or au-*  
18 *thority granted pursuant to section 101 for the Department*  
19 *of Defense shall be used to initiate multi-year procurements*  
20 *utilizing advance procurement funding for economic order*  
21 *quantity procurement unless specifically appropriated*  
22 *later.*

23        *SEC. 103. Appropriations made by section 101 shall*  
24 *be available to the extent and in the manner that would*  
25 *be provided by the pertinent appropriations Act.*

1       *SEC. 104. Except as otherwise provided in section 102,*  
2 *no appropriation or funds made available or authority*  
3 *granted pursuant to section 101 shall be used to initiate*  
4 *or resume any project or activity for which appropriations,*  
5 *funds, or other authority were not available during fiscal*  
6 *year 2016.*

7       *SEC. 105. Appropriations made and authority granted*  
8 *pursuant to this Act shall cover all obligations or expendi-*  
9 *tures incurred for any project or activity during the period*  
10 *for which funds or authority for such project or activity*  
11 *are available under this Act.*

12       *SEC. 106. Unless otherwise provided for in this Act*  
13 *or in the applicable appropriations Act for fiscal year 2017,*  
14 *appropriations and funds made available and authority*  
15 *granted pursuant to this Act shall be available until which-*  
16 *ever of the following first occurs: (1) the enactment into law*  
17 *of an appropriation for any project or activity provided*  
18 *for in this Act; (2) the enactment into law of the applicable*  
19 *appropriations Act for fiscal year 2017 without any provi-*  
20 *sion for such project or activity; or (3) December 9, 2016.*

21       *SEC. 107. Expenditures made pursuant to this Act*  
22 *shall be charged to the applicable appropriation, fund, or*  
23 *authorization whenever a bill in which such applicable ap-*  
24 *propriation, fund, or authorization is contained is enacted*  
25 *into law.*

1        *SEC. 108. Appropriations made and funds made avail-*  
2 *able by or authority granted pursuant to this Act may be*  
3 *used without regard to the time limitations for submission*  
4 *and approval of apportionments set forth in section 1513*  
5 *of title 31, United States Code, but nothing in this Act may*  
6 *be construed to waive any other provision of law governing*  
7 *the apportionment of funds.*

8        *SEC. 109. Notwithstanding any other provision of this*  
9 *Act, except section 106, for those programs that would other-*  
10 *wise have high initial rates of operation or complete dis-*  
11 *tribution of appropriations at the beginning of fiscal year*  
12 *2017 because of distributions of funding to States, foreign*  
13 *countries, grantees, or others, such high initial rates of oper-*  
14 *ation or complete distribution shall not be made, and no*  
15 *grants shall be awarded for such programs funded by this*  
16 *Act that would impinge on final funding prerogatives.*

17        *SEC. 110. This Act shall be implemented so that only*  
18 *the most limited funding action of that permitted in the*  
19 *Act shall be taken in order to provide for continuation of*  
20 *projects and activities.*

21        *SEC. 111. (a) For entitlements and other mandatory*  
22 *payments whose budget authority was provided in appro-*  
23 *priations Acts for fiscal year 2016, and for activities under*  
24 *the Food and Nutrition Act of 2008, activities shall be con-*  
25 *tinued at the rate to maintain program levels under current*

1 law, under the authority and conditions provided in the  
2 applicable appropriations Act for fiscal year 2016, to be  
3 continued through the date specified in section 106(3).

4 (b) Notwithstanding section 106, obligations for man-  
5 datory payments due on or about the first day of any month  
6 that begins after October 2016 but not later than 30 days  
7 after the date specified in section 106(3) may continue to  
8 be made, and funds shall be available for such payments.

9 SEC. 112. Amounts made available under section 101  
10 for civilian personnel compensation and benefits in each de-  
11 partment and agency may be apportioned up to the rate  
12 for operations necessary to avoid furloughs within such de-  
13 partment or agency, consistent with the applicable appro-  
14 priations Act for fiscal year 2016, except that such author-  
15 ity provided under this section shall not be used until after  
16 the department or agency has taken all necessary actions  
17 to reduce or defer non-personnel-related administrative ex-  
18 penses.

19 SEC. 113. Funds appropriated by this Act may be obli-  
20 gated and expended notwithstanding section 10 of Public  
21 Law 91–672 (22 U.S.C. 2412), section 15 of the State De-  
22 partment Basic Authorities Act of 1956 (22 U.S.C. 2680),  
23 section 313 of the Foreign Relations Authorization Act, Fis-  
24 cal Years 1994 and 1995 (22 U.S.C. 6212), and section

1 504(a)(1) of the National Security Act of 1947 (50 U.S.C.  
2 3094(a)(1)).

3       SEC. 114. (a) Each amount incorporated by reference  
4 in this Act that was previously designated by the Congress  
5 for Overseas Contingency Operations/Global War on Ter-  
6 rorism pursuant to section 251(b)(2)(A) of the Balanced  
7 Budget and Emergency Deficit Control Act of 1985 or as  
8 being for disaster relief pursuant to section 251(b)(2)(D)  
9 of such Act is designated by the Congress for Overseas Con-  
10 tingency Operations/Global War on Terrorism pursuant to  
11 section 251(b)(2)(A) of such Act or as being for disaster re-  
12 lief pursuant to section 251(b)(2)(D) of such Act, respec-  
13 tively.

14       (b) The reduction in section 101(b) of this Act shall  
15 not apply to—

16               (1) amounts designated under subsection (a) of  
17 this section;

18               (2) amounts made available by section 101(a) by  
19 reference to the second paragraph under the heading  
20 “Social Security Administration—Limitation on Ad-  
21 ministrative Expenses” in division H of Public Law  
22 114–113; or

23               (3) amounts made available by section 101(a) by  
24 reference to the paragraph under the heading “Centers  
25 for Medicare and Medicaid Services—Health Care

1       *Fraud and Abuse Control Account*” in division H of  
2       *Public Law 114–113*.

3       (c) *Section 6 of Public Law 114–113 shall apply to*  
4 *amounts designated in subsection (a) for Overseas Contin-*  
5 *gency Operations/Global War on Terrorism*.

6       *SEC. 115. During the period covered by this Act, dis-*  
7 *cretionary amounts appropriated for fiscal year 2017 that*  
8 *were provided in advance by appropriations Acts covered*  
9 *by section 101 of this Act shall be available in the amounts*  
10 *provided in such Acts, reduced by the percentage in section*  
11 *101(b)*.

12       *SEC. 116. (a) In addition to the amounts otherwise*  
13 *provided by section 101, and notwithstanding section 104,*  
14 *an additional amount is provided to the Secretary of*  
15 *Health and Human Services to carry out the authorizations*  
16 *in the Comprehensive Addiction and Recovery Act of 2016*  
17 *(Public Law 114–198), at a rate for operations of*  
18 *\$17,000,000*.

19       (i) *In addition to the amounts otherwise provided by*  
20 *section 101, and notwithstanding section 104, an additional*  
21 *amount is provided to the Attorney General to carry out*  
22 *the authorizations in the Comprehensive Addiction and Re-*  
23 *covery Act of 2016 (Public Law 114–198), at a rate for*  
24 *operations of \$20,000,000*.

1       (c) *Notwithstanding any other provision of this Act,*  
2 *in addition to the purposes otherwise provided for amounts*  
3 *that become available on October 1, 2016, under the heading*  
4 *“Department of Veterans Affairs—Veterans Health Admin-*  
5 *istration—Medical Services” in division J of Public Law*  
6 *114–113, such amounts shall be used to implement the*  
7 *Jason Simcakoski Memorial and Promise Act (title IX of*  
8 *Public Law 114–198) and the amendments made by that*  
9 *Act.*

10       *SEC. 117. Notwithstanding section 101, amounts are*  
11 *provided for “Department of Agriculture—Domestic Food*  
12 *Programs—Food and Nutrition Service—Commodity As-*  
13 *sistance Program” at a rate for operations of \$310,139,000,*  
14 *of which \$236,120,000 shall be for the Commodity Supple-*  
15 *mental Food Program.*

16       *SEC. 118. Amounts provided by section 111 to the De-*  
17 *partment of Agriculture for “Corporations—Commodity*  
18 *Credit Corporation Fund—Reimbursement for Net Realized*  
19 *Losses” may be used, prior to the completion of the report*  
20 *described in section 2 of the Act of August 17, 1961 (15*  
21 *U.S.C. 713a–11), to reimburse the Commodity Credit Cor-*  
22 *poration for net realized losses sustained, but not previously*  
23 *reimbursed, as reflected in the June 2016 report of its fi-*  
24 *nancial condition.*

1        *SEC. 119. Amounts made available by section 101 for*  
2 *“Department of Agriculture—Rural Housing Service—*  
3 *Rental Assistance Program” may be apportioned up to the*  
4 *rate for operations necessary to pay ongoing debt service*  
5 *for the multi-family direct loan programs under sections*  
6 *514 and 515 of the Housing Act of 1949 (42 U.S.C. 1484*  
7 *and 1485).*

8        *SEC. 120. Section 529(b)(5) of the Federal Food, Drug,*  
9 *and Cosmetic Act (21 U.S.C. 360ff(b)(5)) shall be applied*  
10 *by substituting the date specified in section 106(3) of this*  
11 *Act for “September 30, 2016”.*

12        *SEC. 121. Notwithstanding sections 101 and 102, with-*  
13 *in amounts provided for “Department of Defense—Oper-*  
14 *ation and Maintenance, Defense-Wide” and “Department*  
15 *of Defense—Research, Development, Test and Evaluation,*  
16 *Defense-Wide”, except for amounts designated for Overseas*  
17 *Contingency Operations/Global War on Terrorism pursu-*  
18 *ant to section 251(b)(2)(A)(ii) of the Balanced Budget and*  
19 *Emergency Deficit Control Act of 1985, the Secretary of De-*  
20 *fense may develop, replace, and sustain Federal Govern-*  
21 *ment security and suitability background investigation in-*  
22 *formation technology system requirements of the Office of*  
23 *Personnel Management at a rate for operations of*  
24 *\$95,000,000.*

1        *SEC. 122. Section 1215(f)(1) of the National Defense*  
2 *Authorization Act for Fiscal Year 2012 (Public Law 112–*  
3 *81; 10 U.S.C. 113 note), as most recently amended by sec-*  
4 *tion 1221 of the National Defense Authorization Act for Fis-*  
5 *cal Year 2016 (Public Law 114–92), shall be applied by*  
6 *substituting “2017” for “2016” through the earlier of the*  
7 *date specified in section 106(3) of this Act or the date of*  
8 *the enactment of an Act authorizing appropriations for fis-*  
9 *cal year 2017 for military activities of the Department of*  
10 *Defense.*

11        *SEC. 123. (a) Funds made available by section 101*  
12 *for “Department of Energy—Energy Programs—Uranium*  
13 *Enrichment Decontamination and Decommissioning*  
14 *Fund” may be apportioned up to the rate for operations*  
15 *necessary to avoid disruption of continuing projects or ac-*  
16 *tivities funded in this appropriation.*

17        *(b) The Secretary of Energy shall notify the Commit-*  
18 *tees on Appropriations of the House of Representatives and*  
19 *the Senate not later than 3 days after each use of the au-*  
20 *thority provided in subsection (a).*

21        *SEC. 124. (a) Notwithstanding any other provision of*  
22 *this Act, except section 106, the District of Columbia may*  
23 *expend local funds under the heading “District of Columbia*  
24 *Funds” for such programs and activities under the District*  
25 *of Columbia Appropriations Act, 2016 (title IV of division*

1 *E of Public Law 114–113) at the rate set forth under “Part*  
2 *A—Summary of Expenses” as included in the Fiscal Year*  
3 *2017 Local Budget Act of 2016 (D.C. Act 21–414), as modi-*  
4 *fied as of the date of the enactment of this Act.*

5 *(b) During the period in which this Act is in effect,*  
6 *the authority and conditions provided in the Financial*  
7 *Services and General Government Appropriations Act,*  
8 *2016 (division E of Public Law 114–113) which were ap-*  
9 *plicable to the obligation or expenditure of funds by the Dis-*  
10 *trict of Columbia for any program, project, or activity dur-*  
11 *ing fiscal year 2016 shall apply to the obligation or expend-*  
12 *iture of funds by the District of Columbia with respect to*  
13 *such program, project, or activity under any authority.*

14 *SEC. 125. (a) Notwithstanding section 101, amounts*  
15 *are provided for “General Services Administration—Ex-*  
16 *penses, Presidential Transition” for necessary expenses to*  
17 *carry out the Presidential Transition Act of 1963 (3 U.S.C.*  
18 *102 note), at a rate for operations of \$9,500,000, of which*  
19 *not to exceed \$1,000,000 is for activities authorized by sec-*  
20 *tions 3(a)(8) and 3(a)(9) of such Act: Provided, That such*  
21 *amounts may be transferred and credited to the “Acquisi-*  
22 *tion Services Fund” or “Federal Buildings Fund” to reim-*  
23 *burse obligations incurred prior to enactment of this Act*  
24 *for the purposes provided herein related to the Presidential*  
25 *election in 2016: Provided further, That amounts available*

1 *under this section shall be in addition to any other amounts*  
2 *available for such purposes.*

3 *(b) Notwithstanding section 101, no funds are pro-*  
4 *vided by this Act for “General Services Administration—*  
5 *Pre-Election Presidential Transition”.*

6 *SEC. 126. Notwithstanding section 101, for expenses*  
7 *of the Office of Administration to carry out the Presidential*  
8 *Transition Act of 1963, as amended, and similar expenses,*  
9 *in addition to amounts otherwise appropriated by law,*  
10 *amounts are provided to “Presidential Transition Adminis-*  
11 *trative Support” at a rate for operations of \$7,582,000:*  
12 *Provided, That such funds may be transferred to other ac-*  
13 *counts that provide funding for offices within the Executive*  
14 *Office of the President and the Office of the Vice President*  
15 *in this Act or any other Act, to carry out such purposes.*

16 *SEC. 127. In addition to the amounts otherwise pro-*  
17 *vided by section 101, an additional amount is provided for*  
18 *“District of Columbia—Federal Payment for Emergency*  
19 *Planning and Security Costs in the District of Columbia”*  
20 *for costs associated with the Presidential Inauguration, at*  
21 *a rate for operations of \$19,995,000.*

22 *SEC. 128. In addition to the amounts otherwise pro-*  
23 *vided by section 101, an additional amount is provided for*  
24 *“National Archives and Records Administration—Oper-*  
25 *ating Expenses” to carry out the Presidential transition re-*

1 *sponsibilities of the Archivist of the United States under*  
2 *sections 2201 through 2207 of title 44, United States Code*  
3 *(commonly known as the “Presidential Records Act of*  
4 *1978”), at a rate for operations of \$4,850,000.*

5 *SEC. 129. Amounts made available by section 101 for*  
6 *“Small Business Administration—Business Loans Pro-*  
7 *gram Account” may be apportioned up to the rate for oper-*  
8 *ations necessary to accommodate increased demand for*  
9 *commitments for general business loans authorized under*  
10 *section 7(a) of the Small Business Act (15 U.S.C. 636(a)).*

11 *SEC. 130. Amounts provided by section 101 for the De-*  
12 *partment of Homeland Security may be obligated in the*  
13 *account and budget structure set forth in the table provided*  
14 *by the Chief Financial Officer of the Department to the*  
15 *Committees on Appropriations of the Senate and the House*  
16 *of Representatives prior to the end of fiscal year 2016 pur-*  
17 *suant to section 563(e) of the Department of Homeland Se-*  
18 *curity Appropriations Act, 2016 (division F of Public Law*  
19 *114–113).*

20 *SEC. 131. (a) Amounts made available by section 101*  
21 *for “Department of Homeland Security—U.S. Customs and*  
22 *Border Protection—Operations and Support” may be ap-*  
23 *portioned up to the rate for operations necessary to main-*  
24 *tain not less than the number of staff achieved on September*  
25 *30, 2016.*

1       (b) Amounts made available by section 101 for “De-  
2       partment of Homeland Security—Transportation Security  
3       Administration—Operations and Support” may be appor-  
4       tioned up to the rate for operations necessary to maintain  
5       not less than the number of screeners achieved on September  
6       30, 2016.

7       SEC. 132. The authority provided by section 831 of  
8       the Homeland Security Act of 2002 (6 U.S.C. 391) shall  
9       continue in effect through the date specified in section  
10      106(3) of this Act.

11      SEC. 133. Section 810 of the Federal Lands Recreation  
12      Enhancement Act (16 U.S.C. 6809) is amended by striking  
13      “September 30, 2017” and inserting “September 30, 2018”.

14      SEC. 134. (a) The authority provided by subsection  
15      (m)(3) of section 8162 of the Department of Defense Appro-  
16      priations Act, 2000 (40 U.S.C. 8903 note; Public Law 106-  
17      79) shall continue in effect through the date specified in  
18      section 106(3) of this Act.

19      (b) Section 419(b) of division G of Public Law 114-  
20      113 shall not apply during the period covered by this Act.

21      SEC. 135. Notwithstanding section 101, subsection  
22      35(d) of the Mineral Leasing Act (30 U.S.C. 191(d)) shall  
23      be applied, at a rate for operations, through the date speci-  
24      fied in section 106(3), as if the following new paragraph  
25      were added at the end—

1           “(5) *There is appropriated to the Fee Account es-*  
2           *tablished in subsection (c)(3)(B)(ii) of this section,*  
3           *out of any money in the Treasury not otherwise ap-*  
4           *propriated, \$26,000,000 for fiscal year 2017, to re-*  
5           *main available until expended, for the coordination*  
6           *and processing of oil and gas use authorizations, to*  
7           *be reduced by amounts collected by the Bureau and*  
8           *transferred to such Fee Account pursuant to sub-*  
9           *section (d)(3)(A)(ii) of this section, so as to result in*  
10           *a final fiscal year 2017 appropriation from the gen-*  
11           *eral fund estimated at not more than \$0.”.*

12           *SEC. 136. In addition to the amounts otherwise pro-*  
13           *vided by section 101, an additional amount is provided for*  
14           *“Department of the Interior—National Park Service—Op-*  
15           *eration of the National Park System” for security and vis-*  
16           *itor safety activities related to the Presidential Inaugural*  
17           *Ceremonies, at a rate for operations of \$4,200,000.*

18           *SEC. 137. In addition to amounts otherwise made*  
19           *available by section 101, and notwithstanding section 104,*  
20           *amounts are provided for “Environmental Protection Agen-*  
21           *cy—Environmental Programs and Management” at a rate*  
22           *for operations of \$3,000,000, to remain available until ex-*  
23           *pended, and such amounts may be apportioned up to the*  
24           *rate for operations needed, for necessary expenses of activi-*  
25           *ties described in section 26(b)(1) of the Toxic Substances*

1 *Control Act (15 U.S.C. 2625(b)(1)): Provided, That fees col-*  
2 *lected pursuant to such section of such Act and deposited*  
3 *in the “TSCA Service Fee Fund” as discretionary offsetting*  
4 *receipts in fiscal year 2017 shall be retained and used for*  
5 *necessary salaries and expenses under the above heading*  
6 *and shall remain available until expended: Provided fur-*  
7 *ther, That the sum provided by this section of this Act from*  
8 *the general fund for fiscal year 2017 shall be reduced by*  
9 *the amount of discretionary offsetting receipts received dur-*  
10 *ing fiscal year 2017, so as to result in a final fiscal year*  
11 *2017 appropriation from the general fund estimated at not*  
12 *more than \$0: Provided further, That to the extent that*  
13 *amounts realized from such receipts exceed \$3,000,000,*  
14 *those amounts in excess of \$3,000,000 shall be deposited in*  
15 *the “TSCA Service Fee Fund” as discretionary offsetting*  
16 *receipts in fiscal year 2017, shall be retained and used for*  
17 *necessary salaries and expenses in this account, and shall*  
18 *remain available until expended: Provided further, That of*  
19 *the amounts provided under this heading by section 101,*  
20 *the Chemical Risk Review and Reduction program project*  
21 *shall be allocated for this fiscal year, excluding the amount*  
22 *of any fees made available, not less than the amount of ap-*  
23 *propriations for that program project for fiscal year 2014.*

24 *SEC. 138. Section 114(f) of the Higher Education Act*  
25 *of 1965 (20 U.S.C. 1011c(f)) shall be applied by sub-*

1 *stituting the date specified in section 106(3) of this Act for*  
2 *“September 30, 2016”.*

3 *SEC. 139. The first proviso under the heading “Depart-*  
4 *ment of Health and Human Services—Administration for*  
5 *Children and Families—Payments to States for the Child*  
6 *Care and Development Block Grant” in title II of division*  
7 *H of Public Law 114–113 shall not apply during the period*  
8 *covered by this Act.*

9 *SEC. 140. (a) The second proviso under the heading*  
10 *“Department of Health and Human Services—Administra-*  
11 *tion for Children and Families—Children and Families*  
12 *Services Programs” in title II of division H of Public Law*  
13 *114–113 shall be applied during the period covered by this*  
14 *Act as if the following were struck from such proviso: “,*  
15 *of which \$141,000,000 shall be available for a cost of living*  
16 *adjustment notwithstanding section 640(a)(3)(A) of such*  
17 *Act”.*

18 *(b) Amounts made available in the third proviso under*  
19 *the heading “Department of Health and Human Services—*  
20 *Administration for Children and Families—Children and*  
21 *Families Services Programs” in title II of division H of*  
22 *Public Law 114–113 shall not be included in the calculation*  
23 *of the “base grant”, as such term is used in section*  
24 *640(a)(7)(A) of the Head Start Act (42 U.S.C.*

1 9835(a)(7)(A)), during the period described in section 106  
2 of this Act.

3       SEC. 141. (a) Section 529 of division H of Public Law  
4 114–113 shall be applied by substituting “in the Child En-  
5 rollment Contingency Fund from the appropriation to the  
6 Fund for the first semi-annual allotment period for fiscal  
7 year 2017 under section 2104(n)(2)(A)(ii) of the Social Se-  
8 curity Act” for “or available in the Child Enrollment Con-  
9 tingency Fund from appropriations to the Fund under sec-  
10 tion 2104(n)(2)(A)(i) of the Social Security Act”; and

11       (b) Section 530 of division H of Public Law 114–113  
12 shall be applied by substituting “\$541,900,000” for  
13 “\$4,678,500,000” and by adding at the end the following:  
14 “and of the funds made available for the purposes of car-  
15 rying out section 2105(a)(3) of the Social Security Act,  
16 \$5,669,100,000 are hereby rescinded”.

17       SEC. 142. Notwithstanding any other provision of this  
18 Act, there is appropriated for payment to Sami A. Takai,  
19 widow of Kyle Mark Takai, late a Representative from the  
20 State of Hawaii, \$174,000.

21       SEC. 143. (a) Amounts made available by section 101  
22 for “Department of Transportation—Federal Railroad Ad-  
23 ministration—Operating Grants to the National Railroad  
24 Passenger Corporation” and “Department of Transpor-  
25 tation—Federal Railroad Administration—Capital and

1 *Debt Service Grants to the National Railroad Passenger*  
2 *Corporation” shall be obligated in the account and budget*  
3 *structure, and under the authorities and conditions, set*  
4 *forth for “Department of Transportation—Federal Rail-*  
5 *road Administration—Northeast Corridor Grants to the*  
6 *National Railroad Passenger Corporation” and “Depart-*  
7 *ment of Transportation—Federal Railroad Administra-*  
8 *tion—National Network Grants to the National Railroad*  
9 *Passenger Corporation” in H.R. 5394 and S. 2844, as in-*  
10 *troduced in the One Hundred Fourteenth Congress.*

11       *(b) Amounts made available pursuant to subsection (a)*  
12 *are provided for “Department of Transportation—Federal*  
13 *Railroad Administration—Northeast Corridor Grants to*  
14 *the National Railroad Passenger Corporation” at a rate for*  
15 *operations of \$235,000,000, to remain available until ex-*  
16 *pended, and for “Department of Transportation—Federal*  
17 *Railroad Administration—National Network Grants to the*  
18 *National Railroad Passenger Corporation” at a rate for op-*  
19 *erations of \$1,155,000,000, to remain available until ex-*  
20 *pended.*

21       *SEC. 144. Amounts made available by section 101 for*  
22 *“Maritime Administration—Maritime Security Program”*  
23 *shall be allocated at an annual rate across all vessels cov-*  
24 *ered by operating agreements, as that term is used in chap-*  
25 *ter 531 of title 46, United States Code, and the Secretary*

1 *shall distribute equally all such funds for payments due*  
2 *under all operating agreements in equal amounts notwith-*  
3 *standing title 46, United States Code, section 53106: Pro-*  
4 *vided, That no payment shall exceed an annual rate of*  
5 *\$3,500,000 per operating agreement.*

6       *SEC. 145. (a) In addition to the amount otherwise pro-*  
7 *vided by section 101 for the “Community Planning and De-*  
8 *velopment, Community Development Fund”, there is appro-*  
9 *priated \$500,000,000 for an additional amount for fiscal*  
10 *year 2016, to remain available until expended, for nec-*  
11 *essary expenses for activities authorized under title I of the*  
12 *Housing and Community Development Act of 1974 (42*  
13 *U.S.C. 5301 et seq.) related to disaster relief, long-term re-*  
14 *covery, restoration of infrastructure and housing, and eco-*  
15 *nomie revitalization in the most impacted and distressed*  
16 *areas resulting from a major disaster declared in 2016, and*  
17 *which the disaster occurred prior to the date of enactment*  
18 *of this Act, pursuant to the Robert T. Stafford Disaster Re-*  
19 *lief and Emergency Assistance Act (42 U.S.C. 5121 et seq.):*  
20 *Provided, That funds shall be awarded directly to the State*  
21 *or unit of general local government at the discretion of the*  
22 *Secretary: Provided further, That as a condition of making*  
23 *any grant, the Secretary shall certify in advance that such*  
24 *grantee has in place proficient financial controls and pro-*  
25 *curement processes and has established adequate procedures*

1 to prevent any duplication of benefits as defined by section  
2 312 of the Robert T. Stafford Disaster Relief and Emer-  
3 gency Assistance Act (42 U.S.C. 5155), to ensure timely ex-  
4 penditure of funds, to maintain comprehensive websites re-  
5 garding all disaster recovery activities assisted with these  
6 funds, and to detect and prevent waste, fraud, and abuse  
7 of funds: Provided further, That prior to the obligation of  
8 funds a grantee shall submit a plan to the Secretary for  
9 approval detailing the proposed use of all funds, including  
10 criteria for eligibility and how the use of these funds will  
11 address long-term recovery and restoration of infrastructure  
12 and housing and economic revitalization in the most im-  
13 pacted and distressed areas: Provided further, That such  
14 funds may not be used for activities reimbursable by, or  
15 for which funds are made available by, the Federal Emer-  
16 gency Management Agency or the Army Corps of Engineers:  
17 Provided further, That funds allocated under this heading  
18 shall not be considered relevant to the non-disaster formula  
19 allocations made pursuant to section 106 of the Housing  
20 and Community Development Act of 1974 (42 U.S.C.  
21 5306): Provided further, That a State or subdivision thereof  
22 may use up to 5 percent of its allocation for administrative  
23 costs: Provided further, That in administering the funds  
24 under this heading, the Secretary of Housing and Urban  
25 Development may waive, or specify alternative require-

1 ments for, any provision of any statute or regulation that  
2 the Secretary administers in connection with the obligation  
3 by the Secretary or the use by the recipient of these funds  
4 (except for requirements related to fair housing, non-  
5 discrimination, labor standards, and the environment), if  
6 the Secretary finds that good cause exists for the waiver  
7 or alternative requirement and such waiver or alternative  
8 requirement would not be inconsistent with the overall pur-  
9 pose of title I of the Housing and Community Development  
10 Act of 1974: Provided further, That, notwithstanding the  
11 preceding proviso, recipients of funds provided under this  
12 heading that use such funds to supplement Federal assist-  
13 ance provided under section 402, 403, 404, 406, 407, or 502  
14 of the Robert T. Stafford Disaster Relief and Emergency  
15 Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without  
16 review or public comment, any environmental review, ap-  
17 proval, or permit performed by a Federal agency, and such  
18 adoption shall satisfy the responsibilities of the recipient  
19 with respect to such environmental review, approval or per-  
20 mit: Provided further, That, notwithstanding section  
21 104(g)(2) of the Housing and Community Development Act  
22 of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon  
23 receipt of a request for release of funds and certification,  
24 immediately approve the release of funds for an activity  
25 or project assisted under this heading if the recipient has

1 *adopted an environmental review, approval or permit*  
2 *under the preceding proviso or the activity or project is cat-*  
3 *egorically excluded from review under the National Envi-*  
4 *ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): Pro-*  
5 *vided further, That the Secretary shall publish via notice*  
6 *in the Federal Register any waiver, or alternative require-*  
7 *ment, to any statute or regulation that the Secretary ad-*  
8 *ministers pursuant to title I of the Housing and Commu-*  
9 *nity Development Act of 1974 no later than 5 days before*  
10 *the effective date of such waiver or alternative requirement:*  
11 *Provided further, That amounts provided under this section*  
12 *shall be designated by Congress as being for disaster relief*  
13 *pursuant to section 251(b)(2)(D) of the Balanced Budget*  
14 *and Emergency Deficit Control Act of 1985.*

15 *(b) Unobligated balances, including recaptures and*  
16 *carryover, remaining from funds appropriated to the De-*  
17 *partment of Housing and Urban Development for adminis-*  
18 *trative costs of the Office of Community Planning and De-*  
19 *velopment associated with funds appropriated to the De-*  
20 *partment for specific disaster relief and related purposes*  
21 *and designated by Congress as an emergency requirement*  
22 *pursuant to a Concurrent Resolution on the Budget or the*  
23 *Balanced Budget and Emergency Deficit Control Act, in-*  
24 *cluding information technology costs and costs for admin-*  
25 *istering and overseeing such specific disaster related funds,*

1 *shall be transferred to the Program Office Salaries and Ex-*  
2 *penses, Community Planning and Development account for*  
3 *the Department, shall remain available until expended, and*  
4 *may be used for such administrative costs for administering*  
5 *any funds appropriated to the Department for any disaster*  
6 *relief and related purposes in any prior or future act, not-*  
7 *withstanding the purposes for which such funds were appro-*  
8 *priated: Provided, That the amounts transferred pursuant*  
9 *to this section that were previously designated by Congress*  
10 *as an emergency requirement pursuant to a Concurrent*  
11 *Resolution on the Budget or the Balanced Budget and*  
12 *Emergency Deficit Control Act are designated by the Con-*  
13 *gress as an emergency requirement pursuant to section*  
14 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*  
15 *Deficit Control Act of 1985 and shall be transferred only*  
16 *if the President subsequently so designates the entire trans-*  
17 *fer and transmits such designation to the Congress.*

18 *(c) This section shall become effective immediately*  
19 *upon enactment of this Act.*

20 *This division may be cited as the “Continuing Appro-*  
21 *priations Act, 2017”.*

## 22 ***DIVISION D—RESCISSIONS OF FUNDS***

23 *SEC. 101. (a) Of the unobligated balances available*  
24 *from prior year appropriations under the heading “Depart-*  
25 *ment of Commerce, Economic Development Administration,*

1 *Economic Development Assistance Programs*” designated  
2 by the Congress as an emergency requirement pursuant to  
3 the Concurrent Resolution on the Budget or the Balanced  
4 Budget and Emergency Deficit Control Act of 1985,  
5 \$10,000,000 is rescinded immediately upon enactment of  
6 this Act: Provided, That such amounts are designated by  
7 the Congress as an emergency requirement pursuant to sec-  
8 tion 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
9 Deficit Control Act of 1985.

10 (b) Of the unobligated balances available from  
11 amounts provided under the heading “Department of Com-  
12 merce, National Oceanic and Atmospheric Administration,  
13 Operations, Research, and Facilities” in title II of Public  
14 Law 111–212 for responding to economic impacts of fisher-  
15 man and fishery dependent businesses, \$13,000,000 is re-  
16 scinded immediately upon enactment of this Act: Provided,  
17 That such amounts are designated by the Congress as an  
18 emergency requirement pursuant to section 251(b)(2)(A)(i)  
19 of the Balanced Budget and Emergency Deficit Control Act  
20 of 1985.

21 (c) Of the unobligated balances available from amounts  
22 provided under the heading “Department of Homeland Se-  
23 curity, Office of the Secretary and Executive Management”  
24 in Public Law 109–148, \$279,045 is rescinded immediately  
25 upon enactment of this Act: Provided, That such amounts

1 *are designated by the Congress as an emergency require-*  
2 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*  
3 *Budget and Emergency Deficit Control Act of 1985.*

4 *(d) Of the unobligated balances available under the*  
5 *heading “Department of Homeland Security, U.S. Customs*  
6 *and Border Protection, Salaries and Expenses” from emer-*  
7 *gency funds in Public Law 107–206 and earlier laws trans-*  
8 *ferred to the Department of Homeland Security when it was*  
9 *created in 2003, \$39,246 is rescinded immediately upon en-*  
10 *actment of this Act: Provided, That such amounts are des-*  
11 *ignated by the Congress as an emergency requirement pur-*  
12 *suant to section 251(b)(2)(A)(i) of the Balanced Budget and*  
13 *Emergency Deficit Control Act of 1985.*

14 *(e) Of the unobligated balances available from amounts*  
15 *provided under the heading “Department of Homeland Se-*  
16 *curity, United States Coast Guard, Acquisition, Construc-*  
17 *tion, and Improvements” in Public Law 110–329, Public*  
18 *Law 109–148 and Public Law 109–234, \$48,075,920 is re-*  
19 *scinded immediately upon enactment of this Act: Provided,*  
20 *That such amounts are designated by the Congress as an*  
21 *emergency requirement pursuant to section 251(b)(2)(A)(i)*  
22 *of the Balanced Budget and Emergency Deficit Control Act*  
23 *of 1985.*

24 *(f) Of the unobligated balances available under the*  
25 *heading “Department of Homeland Security, Federal*

1 *Emergency Management Agency, Administrative and Re-*  
2 *gional Operations” in Public Law 109–234, \$731,790 is re-*  
3 *scinded immediately upon enactment of this Act: Provided,*  
4 *That such amounts are designated by the Congress as an*  
5 *emergency requirement pursuant to section 251(b)(2)(A)(i)*  
6 *of the Balanced Budget and Emergency Deficit Control Act*  
7 *of 1985.*

8 (g) *Of the unobligated amounts made available under*  
9 *section 1323(c)(1) of the Patient Protection and Affordable*  
10 *Care Act (42 U.S.C. 18043(c)(1)), \$168,100,000 is rescinded*  
11 *immediately upon enactment of this Act.*

12 (h) *Of the unobligated balances available under the*  
13 *heading “Operating Expenses” in title IX of the Depart-*  
14 *ment of State, Foreign Operations, and Related Programs*  
15 *Appropriations Act, 2015 (division J of Public Law 113–*  
16 *235), \$7,522,000 is rescinded immediately upon enactment*  
17 *of this Act: Provided, That such amounts are designated*  
18 *by the Congress as an emergency requirement pursuant to*  
19 *section 251(b)(2)(A)(i) of the Balanced Budget and Emer-*  
20 *gency Deficit Control Act of 1985.*

21 (i) *Of the unobligated balances of appropriations made*  
22 *available under the heading “Bilateral Economic Assist-*  
23 *ance, Funds Appropriated to the President” in title IX of*  
24 *the Department of State, Foreign Operations, and Related*  
25 *Programs Appropriations Act, 2015 (division J of Public*

1 *Law 113–235), \$109,478,000 is rescinded immediately*  
2 *upon enactment of this Act: Provided, That such amounts*  
3 *are designated by the Congress as an emergency require-*  
4 *ment pursuant to section 251(b)(2)(A)(i) of the Balanced*  
5 *Budget and Emergency Deficit Control Act of 1985.*

6       *(j) Of the unobligated balances available from amounts*  
7 *provided under the heading “Department of Transpor-*  
8 *tation, Federal Aviation Administration, Facilities and*  
9 *Equipment” in Public Law 109–148, \$4,384,920 is re-*  
10 *scinded immediately upon enactment of this Act: Provided,*  
11 *That such amounts are designated by the Congress as an*  
12 *emergency requirement pursuant to section 251(b)(2)(A)(i)*  
13 *of the Balanced Budget and Emergency Deficit Control Act*  
14 *of 1985.*

15       *(k) Of the unobligated balances available from*  
16 *amounts provided under the heading “Department of*  
17 *Transportation, Federal Aviation Administration, Facili-*  
18 *ties and Equipment” in Public Law 102–368, \$990,277 is*  
19 *rescinded immediately upon enactment of this Act: Pro-*  
20 *vided, That such amounts are designated by the Congress*  
21 *as an emergency requirement pursuant to section*  
22 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*  
23 *Deficit Control Act of 1985.*

24       *(l) Of the unobligated balances available to the Depart-*  
25 *ment of Transportation from amounts provided under sec-*

1 *tion 108 of Public Law 101–130, \$37,400,000 is rescinded*  
2 *immediately upon enactment of this Act: Provided, That*  
3 *such amounts are designated by the Congress as an emer-*  
4 *gency requirement pursuant to section 251(b)(2)(A)(i) of*  
5 *the Balanced Budget and Emergency Deficit Control Act*  
6 *of 1985.*

Attest:

*Secretary.*

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

**H.R. 5325**

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**AMENDMENT**