

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—114th Cong., 2d Sess.**

**H.R. 5325**

Making appropriations for the Legislative Branch for the fiscal year ending September 30, 2017, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

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

3 **SECTION 1. SHORT TITLE.**

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

8 **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  
APPROPRIATIONS ACT, 2016

DIVISION C—CONTINUING APPROPRIATIONS ACT, 2017

DIVISION D—RESCISSIONS OF FUNDS

1 **SEC. 3. REFERENCES.**

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

6 **SEC. 4. STATEMENT OF APPROPRIATIONS.**

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

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

11       Each amount designated in this Act by the Congress  
12 as an emergency requirement pursuant to section  
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
14 Deficit Control Act of 1985 shall be available (or re-  
15 scinded, if applicable) only if the President subsequently  
16 so designates all such amounts and transmits such des-  
17 ignations to the Congress.

1 **SEC. 6. EXPLANATORY STATEMENT.**

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

10 (b) Any reference to the “joint explanatory statement  
11 accompanying this Act” contained in division A of this Act  
12 shall be considered to be a reference to the explanatory  
13 statement described in subsection (a).

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

4 TITLE I

5 DEPARTMENT OF DEFENSE

6 MILITARY CONSTRUCTION, ARMY

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

23 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

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

1 stallations, facilities, and real property for the Navy and  
2 Marine Corps as currently authorized by law, including  
3 personnel in the Naval Facilities Engineering Command  
4 and other personal services necessary for the purposes of  
5 this appropriation, \$1,021,580,000, to remain available  
6 until September 30, 2021: *Provided*, That, of this amount,  
7 not to exceed \$88,230,000 shall be available for study,  
8 planning, design, and architect and engineer services, as  
9 authorized by law, unless the Secretary of the Navy deter-  
10 mines that additional obligations are necessary for such  
11 purposes and notifies the Committees on Appropriations  
12 of both Houses of Congress of the determination and the  
13 reasons therefor.

14           MILITARY CONSTRUCTION, AIR FORCE

15       For acquisition, construction, installation, and equip-  
16 ment of temporary or permanent public works, military  
17 installations, facilities, and real property for the Air Force  
18 as currently authorized by law, \$1,491,058,000, to remain  
19 available until September 30, 2021: *Provided*, That of this  
20 amount, not to exceed \$143,582,000 shall be available for  
21 study, planning, design, and architect and engineer serv-  
22 ices, as authorized by law, unless the Secretary of the Air  
23 Force determines that additional obligations are necessary  
24 for such purposes and notifies the Committees on Appro-  
25 priations of both Houses of Congress of the determination

1 and the reasons therefor: *Provided further*, That none of  
2 the funds made available under this heading shall be for  
3 construction of the Joint Intelligence Analysis Complex  
4 Consolidation, Phase 3, at Royal Air Force Croughton,  
5 United Kingdom, unless authorized in an Act authorizing  
6 appropriations for fiscal year 2017 for military construc-  
7 tion.

8           MILITARY CONSTRUCTION, DEFENSE-WIDE

9                   (INCLUDING TRANSFER OF FUNDS)

10       For acquisition, construction, installation, and equip-  
11 ment of temporary or permanent public works, installa-  
12 tions, facilities, and real property for activities and agen-  
13 cies of the Department of Defense (other than the military  
14 departments), as currently authorized by law,  
15 \$2,025,444,000, to remain available until September 30,  
16 2021: *Provided*, That such amounts of this appropriation  
17 as may be determined by the Secretary of Defense may  
18 be transferred to such appropriations of the Department  
19 of Defense available for military construction or family  
20 housing as the Secretary may designate, to be merged with  
21 and to be available for the same purposes, and for the  
22 same time period, as the appropriation or fund to which  
23 transferred: *Provided further*, That of the amount appro-  
24 priated, not to exceed \$180,775,000 shall be available for  
25 study, planning, design, and architect and engineer serv-

1 ices, as authorized by law, unless the Secretary of Defense  
2 determines that additional obligations are necessary for  
3 such purposes and notifies the Committees on Appropria-  
4 tions of both Houses of Congress of the determination and  
5 the reasons therefor.

6       MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

7       For construction, acquisition, expansion, rehabilita-  
8 tion, and conversion of facilities for the training and ad-  
9 ministration of the Army National Guard, and contribu-  
10 tions therefor, as authorized by chapter 1803 of title 10,  
11 United States Code, and Military Construction Authoriza-  
12 tion Acts, \$232,930,000, to remain available until Sep-  
13 tember 30, 2021: *Provided*, That, of the amount appro-  
14 priated, not to exceed \$8,729,000 shall be available for  
15 study, planning, design, and architect and engineer serv-  
16 ices, as authorized by law, unless the Director of the Army  
17 National Guard determines that additional obligations are  
18 necessary for such purposes and notifies the Committees  
19 on Appropriations of both Houses of Congress of the de-  
20 termination and the reasons therefor.

21       MILITARY CONSTRUCTION, AIR NATIONAL GUARD

22       For construction, acquisition, expansion, rehabilita-  
23 tion, and conversion of facilities for the training and ad-  
24 ministration of the Air National Guard, and contributions  
25 therefor, as authorized by chapter 1803 of title 10, United

1 States Code, and Military Construction Authorization  
2 Acts, \$143,957,000, to remain available until September  
3 30, 2021: *Provided*, That, of the amount appropriated, not  
4 to exceed \$10,462,000 shall be available for study, plan-  
5 ning, design, and architect and engineer services, as au-  
6 thorized by law, unless the Director of the Air National  
7 Guard determines that additional obligations are nec-  
8 essary for such purposes and notifies the Committees on  
9 Appropriations of both Houses of Congress of the deter-  
10 mination and the reasons therefor.

11           MILITARY CONSTRUCTION, ARMY RESERVE

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



## 1           MILITARY CONSTRUCTION, NAVY RESERVE

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

## 16           MILITARY CONSTRUCTION, AIR FORCE RESERVE

17           For construction, acquisition, expansion, rehabilita-  
18 tion, and conversion of facilities for the training and ad-  
19 ministration of the Air Force Reserve as authorized by  
20 chapter 1803 of title 10, United States Code, and Military  
21 Construction Authorization Acts, \$188,950,000, to remain  
22 available until September 30, 2021: *Provided*, That, of the  
23 amount appropriated, not to exceed \$4,500,000 shall be  
24 available for study, planning, design, and architect and en-  
25 gineer services, as authorized by law, unless the Chief of

1 the Air Force Reserve determines that additional obliga-  
2 tions are necessary for such purposes and notifies the  
3 Committees on Appropriations of both Houses of Congress  
4 of the determination and the reasons therefor.

5 NORTH ATLANTIC TREATY ORGANIZATION  
6 SECURITY INVESTMENT PROGRAM

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

16 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

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

22 FAMILY HOUSING CONSTRUCTION, ARMY

23 For expenses of family housing for the Army for con-  
24 struction, including acquisition, replacement, addition, ex-  
25 pansion, extension, and alteration, as authorized by law,

1 \$157,172,000, to remain available until September 30,  
2 2021.

3 FAMILY HOUSING OPERATION AND MAINTENANCE,

4 ARMY

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

9 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE

10 CORPS

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

16 FAMILY HOUSING OPERATION AND MAINTENANCE,

17 NAVY AND MARINE CORPS

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

23 FAMILY HOUSING CONSTRUCTION, AIR FORCE

24 For expenses of family housing for the Air Force for  
25 construction, including acquisition, replacement, addition,

1 expansion, extension, and alteration, as authorized by law,  
2 \$61,352,000, to remain available until September 30,  
3 2021.

4 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR  
5 FORCE

6 For expenses of family housing for the Air Force for  
7 operation and maintenance, including debt payment, leas-  
8 ing, minor construction, principal and interest charges,  
9 and insurance premiums, as authorized by law,  
10 \$274,429,000.

11 FAMILY HOUSING OPERATION AND MAINTENANCE,  
12 DEFENSE-WIDE

13 For expenses of family housing for the activities and  
14 agencies of the Department of Defense (other than the  
15 military departments) for operation and maintenance,  
16 leasing, and minor construction, as authorized by law,  
17 \$59,157,000.

18 DEPARTMENT OF DEFENSE FAMILY HOUSING  
19 IMPROVEMENT FUND

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

## 1 ADMINISTRATIVE PROVISIONS

2 SEC. 101. None of the funds made available in this  
3 title shall be expended for payments under a cost-plus-a-  
4 fixed-fee contract for construction, where cost estimates  
5 exceed \$25,000, to be performed within the United States,  
6 except Alaska, without the specific approval in writing of  
7 the Secretary of Defense setting forth the reasons there-  
8 for.

9 SEC. 102. Funds made available in this title for con-  
10 struction shall be available for hire of passenger motor ve-  
11 hicles.

12 SEC. 103. Funds made available in this title for con-  
13 struction may be used for advances to the Federal High-  
14 way Administration, Department of Transportation, for  
15 the construction of access roads as authorized by section  
16 210 of title 23, United States Code, when projects author-  
17 ized therein are certified as important to the national de-  
18 fense by the Secretary of Defense.

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

23 SEC. 105. None of the funds made available in this  
24 title shall be used for purchase of land or land easements  
25 in excess of 100 percent of the value as determined by

1 the Army Corps of Engineers or the Naval Facilities Engi-  
2 neering Command, except: (1) where there is a determina-  
3 tion of value by a Federal court; (2) purchases negotiated  
4 by the Attorney General or the designee of the Attorney  
5 General; (3) where the estimated value is less than  
6 \$25,000; or (4) as otherwise determined by the Secretary  
7 of Defense to be in the public interest.

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

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

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

24       SEC. 109. None of the funds available to the Depart-  
25 ment of Defense for military construction or family hous-

1 ing during the current fiscal year may be used to pay real  
2 property taxes in any foreign nation.

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

7 SEC. 111. None of the funds made available in this  
8 title may be obligated for architect and engineer contracts  
9 estimated by the Government to exceed \$500,000 for  
10 projects to be accomplished in Japan, in any North Atlan-  
11 tic Treaty Organization member country, or in countries  
12 bordering the Arabian Gulf, unless such contracts are  
13 awarded to United States firms or United States firms  
14 in joint venture with host nation firms.

15 SEC. 112. None of the funds made available in this  
16 title for military construction in the United States terri-  
17 tories and possessions in the Pacific and on Kwajalein  
18 Atoll, or in countries bordering the Arabian Gulf, may be  
19 used to award any contract estimated by the Government  
20 to exceed \$1,000,000 to a foreign contractor: *Provided*,  
21 That this section shall not be applicable to contract  
22 awards for which the lowest responsive and responsible bid  
23 of a United States contractor exceeds the lowest respon-  
24 sive and responsible bid of a foreign contractor by greater  
25 than 20 percent: *Provided further*, That this section shall

1 not apply to contract awards for military construction on  
2 Kwajalein Atoll for which the lowest responsive and re-  
3 sponsible bid is submitted by a Marshallese contractor.

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

11       SEC. 114. Funds appropriated to the Department of  
12 Defense for construction in prior years shall be available  
13 for construction authorized for each such military depart-  
14 ment by the authorizations enacted into law during the  
15 current session of Congress.

16       SEC. 115. For military construction or family housing  
17 projects that are being completed with funds otherwise ex-  
18 pired or lapsed for obligation, expired or lapsed funds may  
19 be used to pay the cost of associated supervision, inspec-  
20 tion, overhead, engineering and design on those projects  
21 and on subsequent claims, if any.

22       SEC. 116. Notwithstanding any other provision of  
23 law, any funds made available to a military department  
24 or defense agency for the construction of military projects  
25 may be obligated for a military construction project or



1 contract, or for any portion of such a project or contract,  
2 at any time before the end of the fourth fiscal year after  
3 the fiscal year for which funds for such project were made  
4 available, if the funds obligated for such project: (1) are  
5 obligated from funds available for military construction  
6 projects; and (2) do not exceed the amount appropriated  
7 for such project, plus any amount by which the cost of  
8 such project is increased pursuant to law.

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 117. Subject to 30 days prior notification, or  
11 14 days for a notification provided in an electronic me-  
12 dium pursuant to sections 480 and 2883 of title 10,  
13 United States Code, to the Committees on Appropriations  
14 of both Houses of Congress, such additional amounts as  
15 may be determined by the Secretary of Defense may be  
16 transferred to: (1) the Department of Defense Family  
17 Housing Improvement Fund from amounts appropriated  
18 for construction in “Family Housing” accounts, to be  
19 merged with and to be available for the same purposes  
20 and for the same period of time as amounts appropriated  
21 directly to the Fund; or (2) the Department of Defense  
22 Military Unaccompanied Housing Improvement Fund  
23 from amounts appropriated for construction of military  
24 unaccompanied housing in “Military Construction” ac-  
25 counts, to be merged with and to be available for the same

1 purposes and for the same period of time as amounts ap-  
2 propriated directly to the Fund: *Provided*, That appropria-  
3 tions made available to the Funds shall be available to  
4 cover the costs, as defined in section 502(5) of the Con-  
5 gressional Budget Act of 1974, of direct loans or loan  
6 guarantees issued by the Department of Defense pursuant  
7 to the provisions of subchapter IV of chapter 169 of title  
8 10, United States Code, pertaining to alternative means  
9 of acquiring and improving military family housing, mili-  
10 tary unaccompanied housing, and supporting facilities.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 118. In addition to any other transfer authority  
13 available to the Department of Defense, amounts may be  
14 transferred from the Department of Defense Base Closure  
15 Account to the fund established by section 1013(d) of the  
16 Demonstration Cities and Metropolitan Development Act  
17 of 1966 (42 U.S.C. 3374) to pay for expenses associated  
18 with the Homeowners Assistance Program incurred under  
19 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall  
20 be merged with and be available for the same purposes  
21 and for the same time period as the fund to which trans-  
22 ferred.

23 SEC. 119. Notwithstanding any other provision of  
24 law, funds made available in this title for operation and  
25 maintenance of family housing shall be the exclusive

1 source of funds for repair and maintenance of all family  
2 housing units, including general or flag officer quarters:  
3 *Provided*, That not more than \$35,000 per unit may be  
4 spent annually for the maintenance and repair of any gen-  
5 eral or flag officer quarters without 30 days prior notifica-  
6 tion, or 14 days for a notification provided in an electronic  
7 medium pursuant to sections 480 and 2883 of title 10,  
8 United States Code, to the Committees on Appropriations  
9 of both Houses of Congress, except that an after-the-fact  
10 notification shall be submitted if the limitation is exceeded  
11 solely due to costs associated with environmental remedi-  
12 ation that could not be reasonably anticipated at the time  
13 of the budget submission: *Provided further*, That the  
14 Under Secretary of Defense (Comptroller) is to report an-  
15 nually to the Committees on Appropriations of both  
16 Houses of Congress all operation and maintenance ex-  
17 penditures for each individual general or flag officer quar-  
18 ters for the prior fiscal year.

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

1 (INCLUDING TRANSFER OF FUNDS)

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

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

20 (1) performs a testing mission or function that  
21 is not performed by any other unit in the Army and  
22 is specifically stipulated in title 10, United States  
23 Code; and

24 (2) is located at a military installation at which  
25 the total number of civilian employees of the Depart-

1       ment of the Army and Army contractor personnel  
2       employed exceeds 10 percent of the total number of  
3       members of the regular and reserve components of  
4       the Army assigned to the installation.

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

11      SEC. 123. Amounts appropriated or otherwise made  
12      available in an account funded under the headings in this  
13      title may be transferred among projects and activities  
14      within the account in accordance with the reprogramming  
15      guidelines for military construction and family housing  
16      construction contained in Department of Defense Finan-  
17      cial Management Regulation 7000.14–R, Volume 3, Chap-  
18      ter 7, of March 2011, as in effect on the date of enactment  
19      of this Act.

20      SEC. 124. None of the funds made available in this  
21      title may be obligated or expended for planning and design  
22      and construction of projects at Arlington National Ceme-  
23      tery.

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

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

5           “Military Construction, Navy and Marine  
6 Corps”, \$227,099,000;

7           “Military Construction, Air Force”,  
8 \$149,500,000;

9           “Military Construction, Army National Guard”,  
10 \$67,500,000;

11           “Military Construction, Air National Guard”,  
12 \$11,000,000;

13           “Military Construction, Army Reserve”,  
14 \$30,000,000:

15 *Provided*, That such funds may only be obligated to carry  
16 out construction projects identified in the respective mili-  
17 tary department’s unfunded priority list for fiscal year  
18 2017 submitted to Congress by the Secretary of Defense:

19 *Provided further*, That such projects are subject to author-  
20 ization prior to obligation and expenditure of funds to  
21 carry out construction: *Provided further*, That not later  
22 than 30 days after enactment of this Act, the Secretary  
23 of the military department concerned, or his or her des-  
24 ignee, shall submit to the Committees on Appropriations

1 of both Houses of Congress an expenditure plan for funds  
2 provided under this section.

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

16 (RESCISSIONS OF FUNDS)

17 SEC. 127. Of the unobligated balances available to  
18 the Department of Defense from prior appropriation Acts,  
19 the following funds are hereby rescinded from the fol-  
20 lowing accounts in the amounts specified:

21 “Military Construction, Army”, \$29,602,000;  
22 “Military Construction, Air Force”,  
23 \$51,460,000;  
24 “Military Construction, Defense-Wide”,  
25 \$171,600,000, of which \$30,000,000 are to be de-

1 rived from amounts made available for Missile De-  
2 fense Agency planning and design; and

3 “North Atlantic Treaty Organization Security  
4 Investment Program”, \$30,000,000:

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

11 (RESCISSION OF FUNDS)

12 SEC. 128. Of the unobligated balances made available  
13 in prior appropriation Acts for the fund established in sec-  
14 tion 1013(d) of the Demonstration Cities and Metropoli-  
15 tan Development Act of 1966 (42 U.S.C. 3374) (other  
16 than appropriations designated by law as being for contin-  
17 gency operations directly related to the global war on ter-  
18 rorism or as an emergency requirement), \$25,000,000 are  
19 hereby rescinded.

20 SEC. 129. For the purposes of this Act, the term  
21 “congressional defense committees” means the Commit-  
22 tees on Armed Services of the House of Representatives  
23 and the Senate, the Subcommittee on Military Construc-  
24 tion and Veterans Affairs of the Committee on Appropria-  
25 tions of the Senate, and the Subcommittee on Military



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

3 SEC. 130. None of the funds made available by this  
4 Act may be used to carry out the closure or realignment  
5 of the United States Naval Station, Guantánamo Bay,  
6 Cuba.

7 SEC. 131. Notwithstanding any other provision of  
8 law, none of the funds appropriated or otherwise made  
9 available by this or any other Act may be used to consoli-  
10 date or relocate any element of a United States Air Force  
11 Rapid Engineer Deployable Heavy Operational Repair  
12 Squadron Engineer (RED HORSE) outside of the United  
13 States until the Secretary of the Air Force (1) completes  
14 an analysis and comparison of the cost and infrastructure  
15 investment required to consolidate or relocate a RED  
16 HORSE squadron outside of the United States versus  
17 within the United States; (2) provides to the Committees  
18 on Appropriations of both Houses of Congress (“the Com-  
19 mittees”) a report detailing the findings of the cost anal-  
20 ysis; and (3) certifies in writing to the Committees that  
21 the preferred site for the consolidation or relocation yields  
22 the greatest savings for the Air Force: *Provided*, That the  
23 term “United States” in this section does not include any  
24 territory or possession of the United States.

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

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

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

11 READJUSTMENT BENEFITS

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

23 VETERANS INSURANCE AND INDEMNITIES

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

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

6 VETERANS HOUSING BENEFIT PROGRAM FUND

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

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

19 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

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

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

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

7 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

8 ACCOUNT

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

12 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

13 ADMINISTRATION

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

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

6 VETERANS HEALTH ADMINISTRATION

7 MEDICAL SERVICES

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

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

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

8 MEDICAL COMMUNITY CARE

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

19 MEDICAL SUPPORT AND COMPLIANCE

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



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

9 MEDICAL FACILITIES

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

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

8 MEDICAL AND PROSTHETIC RESEARCH

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

18 NATIONAL CEMETERY ADMINISTRATION

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

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

4 DEPARTMENTAL ADMINISTRATION

5 GENERAL ADMINISTRATION

6 (INCLUDING TRANSFER OF FUNDS)

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

20 BOARD OF VETERANS APPEALS

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

1                    INFORMATION TECHNOLOGY SYSTEMS  
2                    (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

1 personally identifiable information of veterans and  
2 beneficiaries; and

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

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

21 OFFICE OF INSPECTOR GENERAL

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



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

3 CONSTRUCTION, MAJOR PROJECTS

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

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

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

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

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

## 1 CONSTRUCTION, MINOR PROJECTS

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

1 and (2) temporary measures necessary to prevent or to  
2 minimize further loss by such causes.

3 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE  
4 FACILITIES

5 For grants to assist States to acquire or construct  
6 State nursing home and domiciliary facilities and to re-  
7 model, modify, or alter existing hospital, nursing home,  
8 and domiciliary facilities in State homes, for furnishing  
9 care to veterans as authorized by sections 8131 through  
10 8137 of title 38, United States Code, \$90,000,000, to re-  
11 main available until expended.

12 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

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

18 ADMINISTRATIVE PROVISIONS

19 (INCLUDING TRANSFER OF FUNDS)

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

1 the Committees on Appropriations of both Houses of Con-  
2 gress the authority to make the transfer and such Com-  
3 mittees issue an approval, or absent a response, a period  
4 of 30 days has elapsed.

5 (INCLUDING TRANSFER OF FUNDS)

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

1 *further*, That any transfers to or from the “Medical Facili-  
2 ties” account may take place only after the Secretary re-  
3 quests from the Committees on Appropriations of both  
4 Houses of Congress the authority to make the transfer  
5 and an approval is issued.

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

13       SEC. 204. No appropriations in this title (except the  
14 appropriations for “Construction, Major Projects”, and  
15 “Construction, Minor Projects”) shall be available for the  
16 purchase of any site for or toward the construction of any  
17 new hospital or home.

18       SEC. 205. No appropriations in this title shall be  
19 available for hospitalization or examination of any persons  
20 (except beneficiaries entitled to such hospitalization or ex-  
21 amination under the laws providing such benefits to vet-  
22 erans, and persons receiving such treatment under sec-  
23 tions 7901 through 7904 of title 5, United States Code,  
24 or the Robert T. Stafford Disaster Relief and Emergency  
25 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-

1 bursement of the cost of such hospitalization or examina-  
2 tion is made to the “Medical Services” account at such  
3 rates as may be fixed by the Secretary of Veterans Affairs.

4       SEC. 206. Appropriations available in this title for  
5 “Compensation and Pensions”, “Readjustment Benefits”,  
6 and “Veterans Insurance and Indemnities” shall be avail-  
7 able for payment of prior year accrued obligations re-  
8 quired to be recorded by law against the corresponding  
9 prior year accounts within the last quarter of fiscal year  
10 2016.

11       SEC. 207. Appropriations available in this title shall  
12 be available to pay prior year obligations of corresponding  
13 prior year appropriations accounts resulting from sections  
14 3328(a), 3334, and 3712(a) of title 31, United States  
15 Code, except that if such obligations are from trust fund  
16 accounts they shall be payable only from “Compensation  
17 and Pensions”.

18                               (INCLUDING TRANSFER OF FUNDS)

19       SEC. 208. Notwithstanding any other provision of  
20 law, during fiscal year 2017, the Secretary of Veterans  
21 Affairs shall, from the National Service Life Insurance  
22 Fund under section 1920 of title 38, United States Code,  
23 the Veterans’ Special Life Insurance Fund under section  
24 1923 of title 38, United States Code, and the United  
25 States Government Life Insurance Fund under section



1 1955 of title 38, United States Code, reimburse the “Gen-  
2 eral Operating Expenses, Veterans Benefits Administra-  
3 tion” and “Information Technology Systems” accounts for  
4 the cost of administration of the insurance programs fi-  
5 nanced through those accounts: *Provided*, That reimburse-  
6 ment shall be made only from the surplus earnings accu-  
7 mulated in such an insurance program during fiscal year  
8 2017 that are available for dividends in that program after  
9 claims have been paid and actuarially determined reserves  
10 have been set aside: *Provided further*, That if the cost of  
11 administration of such an insurance program exceeds the  
12 amount of surplus earnings accumulated in that program,  
13 reimbursement shall be made only to the extent of such  
14 surplus earnings: *Provided further*, That the Secretary  
15 shall determine the cost of administration for fiscal year  
16 2017 which is properly allocable to the provision of each  
17 such insurance program and to the provision of any total  
18 disability income insurance included in that insurance pro-  
19 gram.

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

1 (INCLUDING TRANSFER OF FUNDS)

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

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

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

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 212. Notwithstanding any other provision of  
11 law, proceeds or revenues derived from enhanced-use leas-  
12 ing activities (including disposal) may be deposited into  
13 the “Construction, Major Projects” and “Construction,  
14 Minor Projects” accounts and be used for construction  
15 (including site acquisition and disposition), alterations,  
16 and improvements of any medical facility under the juris-  
17 diction or for the use of the Department of Veterans Af-  
18 fairs. Such sums as realized are in addition to the amount  
19 provided for in “Construction, Major Projects” and “Con-  
20 struction, Minor Projects”.

21 SEC. 213. Amounts made available under “Medical  
22 Services” are available—

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

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

4                           (INCLUDING TRANSFER OF FUNDS)

5           SEC. 214. Such sums as may be deposited to the  
6           Medical Care Collections Fund pursuant to section 1729A  
7           of title 38, United States Code, may be transferred to the  
8           “Medical Services” and “Medical Community Care” ac-  
9           counts to remain available until expended for the purposes  
10          of these accounts.

11          SEC. 215. The Secretary of Veterans Affairs may  
12          enter into agreements with Federally Qualified Health  
13          Centers in the State of Alaska and Indian tribes and tribal  
14          organizations which are party to the Alaska Native Health  
15          Compact with the Indian Health Service, to provide  
16          healthcare, including behavioral health and dental care, to  
17          veterans in rural Alaska. The Secretary shall require par-  
18          ticipating veterans and facilities to comply with all appro-  
19          priate rules and regulations, as established by the Sec-  
20          retary. The term “rural Alaska” shall mean those lands  
21          which are not within the boundaries of the municipality  
22          of Anchorage or the Fairbanks North Star Borough.

23                           (INCLUDING TRANSFER OF FUNDS)

24          SEC. 216. Such sums as may be deposited to the De-  
25          partment of Veterans Affairs Capital Asset Fund pursu-

1 ant to section 8118 of title 38, United States Code, may  
2 be transferred to the “Construction, Major Projects” and  
3 “Construction, Minor Projects” accounts, to remain avail-  
4 able until expended for the purposes of these accounts.

5 (RESCISSION OF FUNDS)

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

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

20 (INCLUDING TRANSFER OF FUNDS)

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

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

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

20                   (INCLUDING TRANSFER OF FUNDS)

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

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

19 (INCLUDING TRANSFER OF FUNDS)

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

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

15 (INCLUDING TRANSFER OF FUNDS)

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



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

7 (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

23                                   (INCLUDING TRANSFER OF FUNDS)

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

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

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

7 (INCLUDING TRANSFER OF FUNDS)

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

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

1 (RESCISSION OF FUNDS)

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

5 (RESCISSIONS OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

24 “(A) Home health services”; and

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

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

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

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

16          SEC. 246. Section 5701(1) of title 38, United States  
17          Code, is amended by striking “may” and inserting “shall”.

18                   VA PATIENT PROTECTION ACT OF 2016

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11                   “(ii) the name of the employee;

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

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

18                   “(v) proposed solutions to the complaint.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

14   **“§ 736. Reports to Congress**

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

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

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

22                           “(B) the disposition of such complaints;

23                           and

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

25                           dressed such complaints in which a positive de-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (2) CONFORMING AND CLERICAL AMENDMENTS.—

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

19 “SUBCHAPTER I—GENERAL EMPLOYEE  
20 MATTERS”.

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

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

“SUBCHAPTER I—GENERAL EMPLOYEE MATTERS”;

1 and

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

3 items:

“SUBCHAPTER II—WHISTLEBLOWER COMPLAINTS

“731. Whistleblower complaint defined.

“732. Treatment of whistleblower complaints.

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

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

“735. Training regarding whistleblower complaints.

“736. Reports to Congress.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (b) TREATMENT OF OTHER DOCUMENTATION.—

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

8 (c) BENEFITS ALLOWED.—

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

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

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

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

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

24 “(A) a veteran”;

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

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

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

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

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



1                   “(i) on an in-patient basis; or

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

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

14                   (1) The cost of the program.

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

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

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

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

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

8 (b) AGREEMENT.—

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

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

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

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

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

4           (c) REMEDIATION PLAN.—

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

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

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

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

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

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

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

25          (b) AGREEMENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25       (b) In this section:

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

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

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

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

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

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

## 103

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

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

18 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

19 For necessary expenses, not otherwise provided for,  
20 of the American Battle Monuments Commission, such  
21 sums as may be necessary, to remain available until ex-  
22 pended, for purposes authorized by section 2109 of title  
23 36, United States Code.

## 104

1 UNITED STATES COURT OF APPEALS FOR VETERANS

2 CLAIMS

3 SALARIES AND EXPENSES

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

12 DEPARTMENT OF DEFENSE—CIVIL

13 CEMETERIAL EXPENSES, ARMY

14 SALARIES AND EXPENSES

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



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

3                   ARMED FORCES RETIREMENT HOME

4                                   TRUST FUND

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

20                                   ADMINISTRATIVE PROVISIONS

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

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

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

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

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

12 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

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

21 MILITARY CONSTRUCTION, AIR FORCE

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

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

4           MILITARY CONSTRUCTION, DEFENSE-WIDE

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

12           ADMINISTRATIVE PROVISION

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

## 1 TITLE V

## 2 GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 and

20               (2) is—

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

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



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

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,  
16 be deposited in the Strategic National Stockpile under sec-  
17 tion 319F–2 of the Public Health Service (“PHS”) Act:  
18 *Provided further*, That funds may be used for purchase  
19 and insurance of official motor vehicles in foreign coun-  
20 tries: *Provided further*, That the provisions in section 317S  
21 of the PHS Act shall apply to the use of funds appro-  
22 priated in this paragraph as determined by the Director  
23 of the Centers for Disease Control and Prevention to be  
24 appropriate: *Provided further*, That funds appropriated in  
25 this paragraph may be used for grants for the construc-

1 tion, alteration, or renovation of non-federally owned fa-  
2 cilities to improve preparedness and response capability at  
3 State and local laboratories: *Provided further*, That of the  
4 amount appropriated in this paragraph, \$44,000,000 is  
5 included to supplement either fiscal year 2016 or fiscal  
6 year 2017 funds for the Public Health Emergency Pre-  
7 paredness cooperative agreement program to restore fiscal  
8 year 2016 funds that were reprogrammed for Zika virus  
9 response prior to the enactment of this Act: *Provided fur-*  
10 *ther*, That such amount is designated by the Congress as  
11 an emergency requirement pursuant to section  
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
13 Deficit Control Act of 1985.

14 NATIONAL INSTITUTES OF HEALTH

15 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS

16 DISEASES

17 (INCLUDING TRANSFER OF FUNDS)

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

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

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

12 For an additional amount for fiscal year 2016 for  
13 “Public Health and Social Services Emergency Fund”,  
14 \$387,000,000, to remain available until September 30,  
15 2017, to prevent, prepare for, and respond to Zika virus,  
16 health conditions related to such virus, and other vector-  
17 borne diseases, domestically and internationally; to de-  
18 velop necessary countermeasures and vaccines, including  
19 the development and purchase of vaccines, therapeutics,  
20 diagnostics, necessary medical supplies, and administra-  
21 tive activities; for carrying out section 501 of the Social  
22 Security Act; and for carrying out sections 330 through  
23 336 and 338 of the PHS Act: *Provided*, That funds appro-  
24 priated in this paragraph may be used to procure security  
25 countermeasures (as defined in section 319F–2(c)(1)(B)

1 of the PHS Act): *Provided further*, That paragraphs (1)  
2 and (7)(C) of subsection (c) of section 319F–2 of the PHS  
3 Act, but no other provisions of such section, shall apply  
4 to such security countermeasures procured with funds ap-  
5 propriated in this paragraph: *Provided further*, That prod-  
6 ucts purchased with funds appropriated in this paragraph  
7 may, at the discretion of the Secretary of Health and  
8 Human Services, be deposited in the Strategic National  
9 Stockpile under section 319F–2 of the PHS Act: *Provided*  
10 *further*, That funds appropriated in this paragraph may  
11 be transferred to the fund authorized by section 319F–  
12 4 of the PHS Act: *Provided further*, That of the funds  
13 appropriated under this heading, \$75,000,000, in addition  
14 to the purposes specified above, shall also be available for  
15 necessary expenses for support to States, territories,  
16 tribes, or tribal organizations with active or local trans-  
17 mission cases of the Zika virus, as confirmed by the Cen-  
18 ters for Disease Control and Prevention, to reimburse the  
19 costs of health care for health conditions related to the  
20 Zika virus, other than costs that are covered by private  
21 health insurance, of which not less than \$60,000,000 shall  
22 be for territories with the highest rates of Zika trans-  
23 mission: *Provided further*, That of the funds appropriated  
24 under this heading, \$20,000,000 shall be awarded, not-  
25 withstanding section 502 of the Social Security Act, for

1 projects of regional and national significance in Puerto  
2 Rico and other territories authorized under section 501  
3 of the Social Security Act: *Provided further*, That of the  
4 funds appropriated under this heading, \$40,000,000 shall  
5 be used to expand the delivery of primary health services  
6 authorized by section 330 of the PHS Act in Puerto Rico  
7 and other territories: *Provided further*, That of the funds  
8 appropriated under this heading, \$6,000,000 shall, for  
9 purposes of providing primary health services in areas af-  
10 fected by Zika virus or other vector-borne diseases, be  
11 used to assign National Health Service Corps (“NHSC”)  
12 members to Puerto Rico and other territories, notwith-  
13 standing the assignment priorities and limitations in or  
14 under sections 333(a)(1)(D), 333(b), or 333A(a) of the  
15 PHS Act, and to make NHSC Loan Repayment Program  
16 awards under section 338B of such Act: *Provided further*,  
17 That for purposes of the previous proviso, section  
18 331(a)(3)(D) of the PHS Act shall be applied as if the  
19 term “primary health services” included health services re-  
20 garding pediatric subspecialists: *Provided further*, That  
21 such amount is designated by the Congress as an emer-  
22 gency requirement pursuant to section 251(b)(2)(A)(i) of  
23 the Balanced Budget and Emergency Deficit Control Act  
24 of 1985.

## 1           GENERAL PROVISIONS—THIS TITLE

2                           (INCLUDING TRANSFER OF FUNDS)

## 3   DIRECT HIRES

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

12                   (1) public notice has been given; and

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

## 16   TRANSFER AUTHORITIES

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

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

8 REPORTING REQUIREMENTS

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

17 OVERSIGHT

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

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







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

11 UNITED STATES AGENCY FOR INTERNATIONAL  
12 DEVELOPMENT

13 FUNDS APPROPRIATED TO THE PRESIDENT

14 OPERATING EXPENSES

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

1           BILATERAL ECONOMIC ASSISTANCE  
2           FUNDS APPROPRIATED TO THE PRESIDENT  
3           GLOBAL HEALTH PROGRAMS

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

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

3           GENERAL PROVISIONS—THIS TITLE

4                   TRANSFER AUTHORITIES

5                           (INCLUDING TRANSFER OF FUNDS)

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

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

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

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

## 1 NOTIFICATION REQUIREMENT

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

## 8 CONSOLIDATED REPORTING REQUIREMENT

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

## 20 OVERSIGHT

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

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

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

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

### 16 TITLE III

#### 17 GENERAL PROVISIONS—THIS DIVISION

##### 18 EXTENSION OF AUTHORITIES AND PROVISIONS

19 SEC. 301. Unless otherwise provided for by this divi-  
20 sion, the additional amounts appropriated pursuant to this  
21 division are subject to the requirements for funds con-  
22 tained in the Consolidated Appropriations Act, 2016 (Pub-  
23 lic Law 114–113).

## 1                   PERSONAL SERVICE CONTRACTORS

2           SEC. 302. Funds made available by this division may  
3 be used to enter into contracts with individuals for the  
4 provision of personal services (as described in section 104  
5 of part 37 of title 48, Code of Federal Regulations (48  
6 CFR 37.104)) to support the purposes of titles I and II  
7 of this division, within the United States and abroad, sub-  
8 ject to prior consultation with, and the notification proce-  
9 dures of, the Committees on Appropriations: *Provided*,  
10 That such individuals may not be deemed employees of  
11 the United States for the purpose of any law administered  
12 by the Office of Personnel Management: *Provided further*,  
13 That the authority made available pursuant to this section  
14 shall expire on September 30, 2017.

## 15                   DESIGNATION RETENTION

16          SEC. 303. Any amount appropriated by this division,  
17 designated by the Congress as an emergency requirement  
18 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
19 et and Emergency Deficit Control Act of 1985 and subse-  
20 quently so designated by the President, and transferred  
21 pursuant to transfer authorities provided by this division  
22 shall retain such designation.

## 23                   EFFECTIVE DATE

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



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

1                   **DIVISION C—CONTINUING**  
2                   **APPROPRIATIONS ACT, 2017**

3           The following sums are hereby appropriated, out of  
4 any money in the Treasury not otherwise appropriated,  
5 and out of applicable corporate or other revenues, receipts,  
6 and funds, for the several departments, agencies, corpora-  
7 tions, and other organizational units of Government for  
8 fiscal year 2017, and for other purposes, namely:

9           SEC. 101. (a) Such amounts as may be necessary,  
10 at a rate for operations as provided in the applicable ap-  
11 propriations Acts for fiscal year 2016 and under the au-  
12 thority and conditions provided in such Acts, for con-  
13 tinuing projects or activities (including the costs of direct  
14 loans and loan guarantees) that are not otherwise specifi-  
15 cally provided for in this Act, that were conducted in fiscal  
16 year 2016, and for which appropriations, funds, or other  
17 authority were made available in the following appropria-  
18 tions Acts:

19                   (1) The Agriculture, Rural Development, Food  
20 and Drug Administration, and Related Agencies Ap-  
21 propriations Act, 2016 (division A of Public Law  
22 114–113), except section 728.

23                   (2) The Commerce, Justice, Science, and Re-  
24 lated Agencies Appropriations Act, 2016 (division B  
25 of Public Law 114–113).

1           (3) The Department of Defense Appropriations  
2 Act, 2016 (division C of Public Law 114–113).

3           (4) The Energy and Water Development and  
4 Related Agencies Appropriations Act, 2016 (division  
5 D of Public Law 114–113).

6           (5) The Financial Services and General Govern-  
7 ment Appropriations Act, 2016 (division E of Public  
8 Law 114–113), which for purposes of this Act shall  
9 be treated as including section 707 of division O of  
10 Public Law 114–113.

11           (6) The Department of Homeland Security Ap-  
12 propriations Act, 2016 (division F of Public Law  
13 114–113).

14           (7) The Department of the Interior, Environ-  
15 ment, and Related Agencies Appropriations Act,  
16 2016 (division G of Public Law 114–113).

17           (8) The Departments of Labor, Health and  
18 Human Services, and Education, and Related Agen-  
19 cies Appropriations Act, 2016 (division H of Public  
20 Law 114–113).

21           (9) The Legislative Branch Appropriations Act,  
22 2016 (division I of Public Law 114–113).

23           (10) The Department of State, Foreign Oper-  
24 ations, and Related Programs Appropriations Act,

1       2016 (division K of Public Law 114–113), except  
2       title IX.

3           (11) The Transportation, Housing and Urban  
4       Development, and Related Agencies Appropriations  
5       Act, 2016 (division L of Public Law 114–113), ex-  
6       cept section 420.

7       (b) The rate for operations provided by subsection (a)  
8       is hereby reduced by 0.496 percent.

9       SEC. 102. (a) No appropriation or funds made avail-  
10      able or authority granted pursuant to section 101 for the  
11      Department of Defense shall be used for: (1) the new pro-  
12      duction of items not funded for production in fiscal year  
13      2016 or prior years; (2) the increase in production rates  
14      above those sustained with fiscal year 2016 funds; or (3)  
15      the initiation, resumption, or continuation of any project,  
16      activity, operation, or organization (defined as any project,  
17      subproject, activity, budget activity, program element, and  
18      subprogram within a program element, and for any invest-  
19      ment items defined as a P–1 line item in a budget activity  
20      within an appropriation account and an R–1 line item that  
21      includes a program element and subprogram element with-  
22      in an appropriation account) for which appropriations,  
23      funds, or other authority were not available during fiscal  
24      year 2016.

1 (b) No appropriation or funds made available or au-  
2 thority granted pursuant to section 101 for the Depart-  
3 ment of Defense shall be used to initiate multi-year pro-  
4 curements utilizing advance procurement funding for eco-  
5 nomic order quantity procurement unless specifically ap-  
6 propriated later.

7 SEC. 103. Appropriations made by section 101 shall  
8 be available to the extent and in the manner that would  
9 be provided by the pertinent appropriations Act.

10 SEC. 104. Except as otherwise provided in section  
11 102, no appropriation or funds made available or author-  
12 ity granted pursuant to section 101 shall be used to ini-  
13 tiate or resume any project or activity for which appro-  
14 priations, funds, or other authority were not available dur-  
15 ing fiscal year 2016.

16 SEC. 105. Appropriations made and authority grant-  
17 ed pursuant to this Act shall cover all obligations or ex-  
18 penditures incurred for any project or activity during the  
19 period for which funds or authority for such project or  
20 activity are available under this Act.

21 SEC. 106. Unless otherwise provided for in this Act  
22 or in the applicable appropriations Act for fiscal year  
23 2017, appropriations and funds made available and au-  
24 thority granted pursuant to this Act shall be available  
25 until whichever of the following first occurs: (1) the enact-

1 ment into law of an appropriation for any project or activ-  
2 ity provided for in this Act; (2) the enactment into law  
3 of the applicable appropriations Act for fiscal year 2017  
4 without any provision for such project or activity; or (3)  
5 December 9, 2016.

6       SEC. 107. Expenditures made pursuant to this Act  
7 shall be charged to the applicable appropriation, fund, or  
8 authorization whenever a bill in which such applicable ap-  
9 propriation, fund, or authorization is contained is enacted  
10 into law.

11       SEC. 108. Appropriations made and funds made  
12 available by or authority granted pursuant to this Act may  
13 be used without regard to the time limitations for submis-  
14 sion and approval of apportionments set forth in section  
15 1513 of title 31, United States Code, but nothing in this  
16 Act may be construed to waive any other provision of law  
17 governing the apportionment of funds.

18       SEC. 109. Notwithstanding any other provision of  
19 this Act, except section 106, for those programs that  
20 would otherwise have high initial rates of operation or  
21 complete distribution of appropriations at the beginning  
22 of fiscal year 2017 because of distributions of funding to  
23 States, foreign countries, grantees, or others, such high  
24 initial rates of operation or complete distribution shall not  
25 be made, and no grants shall be awarded for such pro-

1 grams funded by this Act that would impinge on final  
2 funding prerogatives.

3       SEC. 110. This Act shall be implemented so that only  
4 the most limited funding action of that permitted in the  
5 Act shall be taken in order to provide for continuation of  
6 projects and activities.

7       SEC. 111. (a) For entitlements and other mandatory  
8 payments whose budget authority was provided in appro-  
9 priations Acts for fiscal year 2016, and for activities under  
10 the Food and Nutrition Act of 2008, activities shall be  
11 continued at the rate to maintain program levels under  
12 current law, under the authority and conditions provided  
13 in the applicable appropriations Act for fiscal year 2016,  
14 to be continued through the date specified in section  
15 106(3).

16       (b) Notwithstanding section 106, obligations for man-  
17 datory payments due on or about the first day of any  
18 month that begins after October 2016 but not later than  
19 30 days after the date specified in section 106(3) may con-  
20 tinue to be made, and funds shall be available for such  
21 payments.

22       SEC. 112. Amounts made available under section 101  
23 for civilian personnel compensation and benefits in each  
24 department and agency may be apportioned up to the rate  
25 for operations necessary to avoid furloughs within such de-

1 partment or agency, consistent with the applicable appro-  
2 priations Act for fiscal year 2016, except that such author-  
3 ity provided under this section shall not be used until after  
4 the department or agency has taken all necessary actions  
5 to reduce or defer non-personnel-related administrative ex-  
6 penses.

7       SEC. 113. Funds appropriated by this Act may be  
8 obligated and expended notwithstanding section 10 of  
9 Public Law 91-672 (22 U.S.C. 2412), section 15 of the  
10 State Department Basic Authorities Act of 1956 (22  
11 U.S.C. 2680), section 313 of the Foreign Relations Au-  
12 thorization Act, Fiscal Years 1994 and 1995 (22 U.S.C.  
13 6212), and section 504(a)(1) of the National Security Act  
14 of 1947 (50 U.S.C. 3094(a)(1)).

15       SEC. 114. (a) Each amount incorporated by reference  
16 in this Act that was previously designated by the Congress  
17 for Overseas Contingency Operations/Global War on Ter-  
18 rorism pursuant to section 251(b)(2)(A) of the Balanced  
19 Budget and Emergency Deficit Control Act of 1985 or as  
20 being for disaster relief pursuant to section 251(b)(2)(D)  
21 of such Act is designated by the Congress for Overseas  
22 Contingency Operations/Global War on Terrorism pursu-  
23 ant to section 251(b)(2)(A) of such Act or as being for  
24 disaster relief pursuant to section 251(b)(2)(D) of such  
25 Act, respectively.



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

3 (1) amounts designated under subsection (a) of  
4 this section;

5 (2) amounts made available by section 101(a)  
6 by reference to the second paragraph under the  
7 heading “Social Security Administration—Limita-  
8 tion on Administrative Expenses” in division H of  
9 Public Law 114–113; or

10 (3) amounts made available by section 101(a)  
11 by reference to the paragraph under the heading  
12 “Centers for Medicare and Medicaid Services—  
13 Health Care Fraud and Abuse Control Account” in  
14 division H of Public Law 114–113.

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

18 SEC. 115. During the period covered by this Act, dis-  
19 cretionary amounts appropriated for fiscal year 2017 that  
20 were provided in advance by appropriations Acts covered  
21 by section 101 of this Act shall be available in the amounts  
22 provided in such Acts, reduced by the percentage in sec-  
23 tion 101(b).

24 SEC. 116. (a) In addition to the amounts otherwise  
25 provided by section 101, and notwithstanding section 104,

1 an additional amount is provided to the Secretary of  
2 Health and Human Services to carry out the authoriza-  
3 tions in the Comprehensive Addiction and Recovery Act  
4 of 2016 (Public Law 114–198), at a rate for operations  
5 of \$17,000,000.

6 (b) In addition to the amounts otherwise provided by  
7 section 101, and notwithstanding section 104, an addi-  
8 tional amount is provided to the Attorney General to carry  
9 out the authorizations in the Comprehensive Addiction  
10 and Recovery Act of 2016 (Public Law 114–198), at a  
11 rate for operations of \$20,000,000.

12 (c) Notwithstanding any other provision of this Act,  
13 in addition to the purposes otherwise provided for amounts  
14 that become available on October 1, 2016, under the head-  
15 ing “Department of Veterans Affairs—Veterans Health  
16 Administration—Medical Services” in division J of Public  
17 Law 114–113, such amounts shall be used to implement  
18 the Jason Simcakoski Memorial and Promise Act (title IX  
19 of Public Law 114–198) and the amendments made by  
20 that Act.

21 SEC. 117. Notwithstanding section 101, amounts are  
22 provided for “Department of Agriculture—Domestic Food  
23 Programs—Food and Nutrition Service—Commodity As-  
24 sistance Program” at a rate for operations of

1 \$310,139,000, of which \$236,120,000 shall be for the  
2 Commodity Supplemental Food Program.

3 SEC. 118. Amounts provided by section 111 to the  
4 Department of Agriculture for “Corporations—Com-  
5 modity Credit Corporation Fund—Reimbursement for Net  
6 Realized Losses” may be used, prior to the completion of  
7 the report described in section 2 of the Act of August 17,  
8 1961 (15 U.S.C. 713a–11), to reimburse the Commodity  
9 Credit Corporation for net realized losses sustained, but  
10 not previously reimbursed, as reflected in the June 2016  
11 report of its financial condition.

12 SEC. 119. Amounts made available by section 101 for  
13 “Department of Agriculture—Rural Housing Service—  
14 Rental Assistance Program” may be apportioned up to the  
15 rate for operations necessary to pay ongoing debt service  
16 for the multi-family direct loan programs under sections  
17 514 and 515 of the Housing Act of 1949 (42 U.S.C. 1484  
18 and 1485).

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

23 SEC. 121. Notwithstanding sections 101 and 102,  
24 within amounts provided for “Department of Defense—  
25 Operation and Maintenance, Defense-Wide” and “Depart-

1 ment of Defense—Research, Development, Test and Eval-  
2 uation, Defense-Wide”, except for amounts designated for  
3 Overseas Contingency Operations/Global War on Ter-  
4 rorism pursuant to section 251(b)(2)(A)(ii) of the Bal-  
5 anced Budget and Emergency Deficit Control Act of 1985,  
6 the Secretary of Defense may develop, replace, and sustain  
7 Federal Government security and suitability background  
8 investigation information technology system requirements  
9 of the Office of Personnel Management at a rate for oper-  
10 ations of \$95,000,000.

11 SEC. 122. Section 1215(f)(1) of the National Defense  
12 Authorization Act for Fiscal Year 2012 (Public Law 112–  
13 81; 10 U.S.C. 113 note), as most recently amended by  
14 section 1221 of the National Defense Authorization Act  
15 for Fiscal Year 2016 (Public Law 114–92), shall be ap-  
16 plied by substituting “2017” for “2016” through the ear-  
17 lier of the date specified in section 106(3) of this Act or  
18 the date of the enactment of an Act authorizing appropria-  
19 tions for fiscal year 2017 for military activities of the De-  
20 partment of Defense.

21 SEC. 123. (a) Funds made available by section 101  
22 for “Department of Energy—Energy Programs—Ura-  
23 nium Enrichment Decontamination and Decommissioning  
24 Fund” may be apportioned up to the rate for operations

1 necessary to avoid disruption of continuing projects or ac-  
2 tivities funded in this appropriation.

3 (b) The Secretary of Energy shall notify the Commit-  
4 tees on Appropriations of the House of Representatives  
5 and the Senate not later than 3 days after each use of  
6 the authority provided in subsection (a).

7 SEC. 124. (a) Notwithstanding any other provision  
8 of this Act, except section 106, the District of Columbia  
9 may expend local funds under the heading “District of Co-  
10 lumbia Funds” for such programs and activities under the  
11 District of Columbia Appropriations Act, 2016 (title IV  
12 of division E of Public Law 114–113) at the rate set forth  
13 under “Part A—Summary of Expenses” as included in  
14 the Fiscal Year 2017 Local Budget Act of 2016 (D.C. Act  
15 21–414), as modified as of the date of the enactment of  
16 this Act.

17 (b) During the period in which this Act is in effect,  
18 the authority and conditions provided in the Financial  
19 Services and General Government Appropriations Act,  
20 2016 (division E of Public Law 114–113) which were ap-  
21 plicable to the obligation or expenditure of funds by the  
22 District of Columbia for any program, project, or activity  
23 during fiscal year 2016 shall apply to the obligation or  
24 expenditure of funds by the District of Columbia with re-

1 spect to such program, project, or activity under any au-  
2 thority.

3       SEC. 125. (a) Notwithstanding section 101, amounts  
4 are provided for “General Services Administration—Ex-  
5 penses, Presidential Transition” for necessary expenses to  
6 carry out the Presidential Transition Act of 1963 (3  
7 U.S.C. 102 note), at a rate for operations of \$9,500,000,  
8 of which not to exceed \$1,000,000 is for activities author-  
9 ized by sections 3(a)(8) and 3(a)(9) of such Act: *Provided*,  
10 That such amounts may be transferred and credited to  
11 the “Acquisition Services Fund” or “Federal Buildings  
12 Fund” to reimburse obligations incurred prior to enact-  
13 ment of this Act for the purposes provided herein related  
14 to the Presidential election in 2016: *Provided further*, That  
15 amounts available under this section shall be in addition  
16 to any other amounts available for such purposes.

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

20       SEC. 126. Notwithstanding section 101, for expenses  
21 of the Office of Administration to carry out the Presi-  
22 dential Transition Act of 1963, as amended, and similar  
23 expenses, in addition to amounts otherwise appropriated  
24 by law, amounts are provided to “Presidential Transition  
25 Administrative Support” at a rate for operations of

1 \$7,582,000: *Provided*, That such funds may be trans-  
2 ferred to other accounts that provide funding for offices  
3 within the Executive Office of the President and the Office  
4 of the Vice President in this Act or any other Act, to carry  
5 out such purposes.

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

12 SEC. 128. In addition to the amounts otherwise pro-  
13 vided by section 101, an additional amount is provided for  
14 “National Archives and Records Administration—Oper-  
15 ating Expenses” to carry out the Presidential transition  
16 responsibilities of the Archivist of the United States under  
17 sections 2201 through 2207 of title 44, United States  
18 Code (commonly known as the “Presidential Records Act  
19 of 1978”), at a rate for operations of \$4,850,000.

20 SEC. 129. Amounts made available by section 101 for  
21 “Small Business Administration—Business Loans Pro-  
22 gram Account” may be apportioned up to the rate for op-  
23 erations necessary to accommodate increased demand for  
24 commitments for general business loans authorized under  
25 section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

1       SEC. 130. Amounts provided by section 101 for the  
2 Department of Homeland Security may be obligated in the  
3 account and budget structure set forth in the table pro-  
4 vided by the Chief Financial Officer of the Department  
5 to the Committees on Appropriations of the Senate and  
6 the House of Representatives prior to the end of fiscal  
7 year 2016 pursuant to section 563(e) of the Department  
8 of Homeland Security Appropriations Act, 2016 (division  
9 F of Public Law 114–113).

10       SEC. 131. (a) Amounts made available by section 101  
11 for “Department of Homeland Security—U.S. Customs  
12 and Border Protection—Operations and Support” may be  
13 apportioned up to the rate for operations necessary to  
14 maintain not less than the number of staff achieved on  
15 September 30, 2016.

16       (b) Amounts made available by section 101 for “De-  
17 partment of Homeland Security—Transportation Security  
18 Administration—Operations and Support” may be appor-  
19 tioned up to the rate for operations necessary to maintain  
20 not less than the number of screeners achieved on Sep-  
21 tember 30, 2016.

22       SEC. 132. The authority provided by section 831 of  
23 the Homeland Security Act of 2002 (6 U.S.C. 391) shall  
24 continue in effect through the date specified in section  
25 106(3) of this Act.



1       SEC. 133. Section 810 of the Federal Lands Recre-  
2 ation Enhancement Act (16 U.S.C. 6809) is amended by  
3 striking “September 30, 2017” and inserting “September  
4 30, 2018”.

5       SEC. 134. (a) The authority provided by subsection  
6 (m)(3) of section 8162 of the Department of Defense Ap-  
7 propriations Act, 2000 (40 U.S.C. 8903 note; Public Law  
8 106–79) shall continue in effect through the date specified  
9 in section 106(3) of this Act.

10       (b) Section 419(b) of division G of Public Law 114–  
11 113 shall not apply during the period covered by this Act.

12       SEC. 135. Notwithstanding section 101, subsection  
13 35(d) of the Mineral Leasing Act (30 U.S.C. 191(d)) shall  
14 be applied, at a rate for operations, through the date spec-  
15 ified in section 106(3), as if the following new paragraph  
16 were added at the end—

17               “(5) There is appropriated to the Fee Account  
18 established in subsection (c)(3)(B)(ii) of this section,  
19 out of any money in the Treasury not otherwise ap-  
20 propriated, \$26,000,000 for fiscal year 2017, to re-  
21 main available until expended, for the coordination  
22 and processing of oil and gas use authorizations, to  
23 be reduced by amounts collected by the Bureau and  
24 transferred to such Fee Account pursuant to sub-  
25 section (d)(3)(A)(ii) of this section, so as to result

1 in a final fiscal year 2017 appropriation from the  
2 general fund estimated at not more than \$0.”.

3 SEC. 136. In addition to the amounts otherwise pro-  
4 vided by section 101, an additional amount is provided for  
5 “Department of the Interior—National Park Service—  
6 Operation of the National Park System” for security and  
7 visitor safety activities related to the Presidential Inau-  
8 gural Ceremonies, at a rate for operations of \$4,200,000.

9 SEC. 137. In addition to amounts otherwise made  
10 available by section 101, and notwithstanding section 104,  
11 amounts are provided for “Environmental Protection  
12 Agency—Environmental Programs and Management” at  
13 a rate for operations of \$3,000,000, to remain available  
14 until expended, and such amounts may be apportioned up  
15 to the rate for operations needed, for necessary expenses  
16 of activities described in section 26(b)(1) of the Toxic Sub-  
17 stances Control Act (15 U.S.C. 2625(b)(1)): *Provided*,  
18 That fees collected pursuant to such section of such Act  
19 and deposited in the “TSCA Service Fee Fund” as discre-  
20 tionary offsetting receipts in fiscal year 2017 shall be re-  
21 tained and used for necessary salaries and expenses under  
22 the above heading and shall remain available until ex-  
23 pended: *Provided further*, That the sum provided by this  
24 section of this Act from the general fund for fiscal year  
25 2017 shall be reduced by the amount of discretionary off-

1 setting receipts received during fiscal year 2017, so as to  
2 result in a final fiscal year 2017 appropriation from the  
3 general fund estimated at not more than \$0: *Provided fur-*  
4 *ther*, That to the extent that amounts realized from such  
5 receipts exceed \$3,000,000, those amounts in excess of  
6 \$3,000,000 shall be deposited in the “TSCA Service Fee  
7 Fund” as discretionary offsetting receipts in fiscal year  
8 2017, shall be retained and used for necessary salaries and  
9 expenses in this account, and shall remain available until  
10 expended: *Provided further*, That of the amounts provided  
11 under this heading by section 101, the Chemical Risk Re-  
12 view and Reduction program project shall be allocated for  
13 this fiscal year, excluding the amount of any fees made  
14 available, not less than the amount of appropriations for  
15 that program project for fiscal year 2014.

16 SEC. 138. Section 114(f) of the Higher Education  
17 Act of 1965 (20 U.S.C. 1011c(f)) shall be applied by sub-  
18 stituting the date specified in section 106(3) of this Act  
19 for “September 30, 2016”.

20 SEC. 139. The first proviso under the heading “De-  
21 partment of Health and Human Services—Administration  
22 for Children and Families—Payments to States for the  
23 Child Care and Development Block Grant” in title II of  
24 division H of Public Law 114–113 shall not apply during  
25 the period covered by this Act.

1           SEC. 140. (a) The second proviso under the heading  
2 “Department of Health and Human Services—Adminis-  
3 tration for Children and Families—Children and Families  
4 Services Programs” in title II of division H of Public Law  
5 114–113 shall be applied during the period covered by this  
6 Act as if the following were struck from such proviso: “,  
7 of which \$141,000,000 shall be available for a cost of liv-  
8 ing adjustment notwithstanding section 640(a)(3)(A) of  
9 such Act”.

10           (b) Amounts made available in the third proviso  
11 under the heading “Department of Health and Human  
12 Services—Administration for Children and Families—  
13 Children and Families Services Programs” in title II of  
14 division H of Public Law 114–113 shall not be included  
15 in the calculation of the “base grant”, as such term is  
16 used in section 640(a)(7)(A) of the Head Start Act (42  
17 U.S.C. 9835(a)(7)(A)), during the period described in sec-  
18 tion 106 of this Act.

19           SEC. 141. (a) Section 529 of division H of Public  
20 Law 114–113 shall be applied by substituting “in the  
21 Child Enrollment Contingency Fund from the appropria-  
22 tion to the Fund for the first semi-annual allotment period  
23 for fiscal year 2017 under section 2104(n)(2)(A)(ii) of the  
24 Social Security Act” for “or available in the Child Enroll-  
25 ment Contingency Fund from appropriations to the Fund

1 under section 2104(n)(2)(A)(i) of the Social Security  
2 Act”; and

3 (b) Section 530 of division H of Public Law 114–  
4 113 shall be applied by substituting “\$541,900,000” for  
5 “\$4,678,500,000” and by adding at the end the following:  
6 “and of the funds made available for the purposes of car-  
7 rying out section 2105(a)(3) of the Social Security Act,  
8 \$5,669,100,000 are hereby rescinded”.

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

13 SEC. 143. (a) Amounts made available by section 101  
14 for “Department of Transportation—Federal Railroad  
15 Administration—Operating Grants to the National Rail-  
16 road Passenger Corporation” and “Department of Trans-  
17 portation—Federal Railroad Administration—Capital and  
18 Debt Service Grants to the National Railroad Passenger  
19 Corporation” shall be obligated in the account and budget  
20 structure, and under the authorities and conditions, set  
21 forth for “Department of Transportation—Federal Rail-  
22 road Administration—Northeast Corridor Grants to the  
23 National Railroad Passenger Corporation” and “Depart-  
24 ment of Transportation—Federal Railroad Administra-  
25 tion—National Network Grants to the National Railroad

1 Passenger Corporation” in H.R. 5394 and S. 2844, as in-  
2 troduced in the One Hundred Fourteenth Congress.

3 (b) Amounts made available pursuant to subsection  
4 (a) are provided for “Department of Transportation—  
5 Federal Railroad Administration—Northeast Corridor  
6 Grants to the National Railroad Passenger Corporation”  
7 at a rate for operations of \$235,000,000, to remain avail-  
8 able until expended, and for “Department of Transpor-  
9 tation—Federal Railroad Administration—National Net-  
10 work Grants to the National Railroad Passenger Corpora-  
11 tion” at a rate for operations of \$1,155,000,000, to re-  
12 main available until expended.

13 SEC. 144. Amounts made available by section 101 for  
14 “Maritime Administration—Maritime Security Program”  
15 shall be allocated at an annual rate across all vessels cov-  
16 ered by operating agreements, as that term is used in  
17 chapter 531 of title 46, United States Code, and the Sec-  
18 retary shall distribute equally all such funds for payments  
19 due under all operating agreements in equal amounts not-  
20 withstanding title 46, United States Code, section 53106:  
21 *Provided*, That no payment shall exceed an annual rate  
22 of \$3,500,000 per operating agreement.

23 SEC. 145. (a) In addition to the amount otherwise  
24 provided by section 101 for the “Community Planning and  
25 Development, Community Development Fund”, there is

1 appropriated \$500,000,000 for an additional amount for  
2 fiscal year 2016, to remain available until expended, for  
3 necessary expenses for activities authorized under title I  
4 of the Housing and Community Development Act of 1974  
5 (42 U.S.C. 5301 et seq.) related to disaster relief, long-  
6 term recovery, restoration of infrastructure and housing,  
7 and economic revitalization in the most impacted and dis-  
8 tressed areas resulting from a major disaster declared in  
9 2016, and which the disaster occurred prior to the date  
10 of enactment of this Act, pursuant to the Robert T. Staf-  
11 ford Disaster Relief and Emergency Assistance Act (42  
12 U.S.C. 5121 et seq.): *Provided*, That funds shall be award-  
13 ed directly to the State or unit of general local government  
14 at the discretion of the Secretary: *Provided further*, That  
15 as a condition of making any grant, the Secretary shall  
16 certify in advance that such grantee has in place proficient  
17 financial controls and procurement processes and has es-  
18 tablished adequate procedures to prevent any duplication  
19 of benefits as defined by section 312 of the Robert T. Staf-  
20 ford Disaster Relief and Emergency Assistance Act (42  
21 U.S.C. 5155), to ensure timely expenditure of funds, to  
22 maintain comprehensive websites regarding all disaster re-  
23 covery activities assisted with these funds, and to detect  
24 and prevent waste, fraud, and abuse of funds: *Provided*  
25 *further*, That prior to the obligation of funds a grantee

1 shall submit a plan to the Secretary for approval detailing  
2 the proposed use of all funds, including criteria for eligi-  
3 bility and how the use of these funds will address long-  
4 term recovery and restoration of infrastructure and hous-  
5 ing and economic revitalization in the most impacted and  
6 distressed areas: *Provided further*, That such funds may  
7 not be used for activities reimbursable by, or for which  
8 funds are made available by, the Federal Emergency Man-  
9 agement Agency or the Army Corps of Engineers: *Pro-*  
10 *vided further*, That funds allocated under this heading  
11 shall not be considered relevant to the non-disaster for-  
12 mula allocations made pursuant to section 106 of the  
13 Housing and Community Development Act of 1974 (42  
14 U.S.C. 5306): *Provided further*, That a State or subdivi-  
15 sion thereof may use up to 5 percent of its allocation for  
16 administrative costs: *Provided further*, That in admin-  
17 istering the funds under this heading, the Secretary of  
18 Housing and Urban Development may waive, or specify  
19 alternative requirements for, any provision of any statute  
20 or regulation that the Secretary administers in connection  
21 with the obligation by the Secretary or the use by the re-  
22 cipient of these funds (except for requirements related to  
23 fair housing, nondiscrimination, labor standards, and the  
24 environment), if the Secretary finds that good cause exists  
25 for the waiver or alternative requirement and such waiver



1 or alternative requirement would not be inconsistent with  
2 the overall purpose of title I of the Housing and Commu-  
3 nity Development Act of 1974: *Provided further*, That,  
4 notwithstanding the preceding proviso, recipients of funds  
5 provided under this heading that use such funds to supple-  
6 ment Federal assistance provided under section 402, 403,  
7 404, 406, 407, or 502 of the Robert T. Stafford Disaster  
8 Relief and Emergency Assistance Act (42 U.S.C. 5121 et  
9 seq.) may adopt, without review or public comment, any  
10 environmental review, approval, or permit performed by  
11 a Federal agency, and such adoption shall satisfy the re-  
12 sponsibilities of the recipient with respect to such environ-  
13 mental review, approval or permit: *Provided further*, That,  
14 notwithstanding section 104(g)(2) of the Housing and  
15 Community Development Act of 1974 (42 U.S.C.  
16 5304(g)(2)), the Secretary may, upon receipt of a request  
17 for release of funds and certification, immediately approve  
18 the release of funds for an activity or project assisted  
19 under this heading if the recipient has adopted an environ-  
20 mental review, approval or permit under the preceding  
21 proviso or the activity or project is categorically excluded  
22 from review under the National Environmental Policy Act  
23 of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That  
24 the Secretary shall publish via notice in the Federal Reg-  
25 ister any waiver, or alternative requirement, to any statute

1 or regulation that the Secretary administers pursuant to  
2 title I of the Housing and Community Development Act  
3 of 1974 no later than 5 days before the effective date of  
4 such waiver or alternative requirement: *Provided further*,  
5 That amounts provided under this section shall be des-  
6 ignated by Congress as being for disaster relief pursuant  
7 to section 251(b)(2)(D) of the Balanced Budget and  
8 Emergency Deficit Control Act of 1985.

9 (b) Unobligated balances, including recaptures and  
10 carryover, remaining from funds appropriated to the De-  
11 partment of Housing and Urban Development for admin-  
12 istrative costs of the Office of Community Planning and  
13 Development associated with funds appropriated to the  
14 Department for specific disaster relief and related pur-  
15 poses and designated by Congress as an emergency re-  
16 quirement pursuant to a Concurrent Resolution on the  
17 Budget or the Balanced Budget and Emergency Deficit  
18 Control Act, including information technology costs and  
19 costs for administering and overseeing such specific dis-  
20 aster related funds, shall be transferred to the Program  
21 Office Salaries and Expenses, Community Planning and  
22 Development account for the Department, shall remain  
23 available until expended, and may be used for such admin-  
24 istrative costs for administering any funds appropriated  
25 to the Department for any disaster relief and related pur-

1 poses in any prior or future act, notwithstanding the pur-  
2 poses for which such funds were appropriated: *Provided*,  
3 That the amounts transferred pursuant to this section  
4 that were previously designated by Congress as an emer-  
5 gency requirement pursuant to a Concurrent Resolution  
6 on the Budget or the Balanced Budget and Emergency  
7 Deficit Control Act are designated by the Congress as an  
8 emergency requirement pursuant to section  
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
10 Deficit Control Act of 1985 and shall be transferred only  
11 if the President subsequently so designates the entire  
12 transfer and transmits such designation to the Congress.

13 (c) This section shall become effective immediately  
14 upon enactment of this Act.

15 This division may be cited as the “Continuing Appro-  
16 priations Act, 2017”.

**1        DIVISION D—RESCISSIONS OF FUNDS**

2        SEC. 101. (a) Of the unobligated balances available  
3 from prior year appropriations under the heading “De-  
4 partment of Commerce, Economic Development Adminis-  
5 tration, Economic Development Assistance Programs”  
6 designated by the Congress as an emergency requirement  
7 pursuant to the Concurrent Resolution on the Budget or  
8 the Balanced Budget and Emergency Deficit Control Act  
9 of 1985, \$10,000,000 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  
12 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
13 et and Emergency Deficit Control Act of 1985.

14        (b) Of the unobligated balances available from  
15 amounts provided under the heading “Department of  
16 Commerce, National Oceanic and Atmospheric Adminis-  
17 tration, Operations, Research, and Facilities” in title II  
18 of Public Law 111–212 for responding to economic im-  
19 pacts of fisherman and fishery dependent businesses,  
20 \$13,000,000 is rescinded immediately upon enactment of  
21 this Act: *Provided*, That such amounts are designated by  
22 the Congress as an emergency requirement pursuant to  
23 section 251(b)(2)(A)(i) of the Balanced Budget and  
24 Emergency Deficit Control Act of 1985.

1 (c) Of the unobligated balances available from  
2 amounts provided under the heading “Department of  
3 Homeland Security, Office of the Secretary and Executive  
4 Management” in Public Law 109–148, \$279,045 is re-  
5 scinded immediately upon enactment of this Act: *Provided*,  
6 That such amounts are designated by the Congress as an  
7 emergency requirement pursuant to section  
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
9 Deficit Control Act of 1985.

10 (d) Of the unobligated balances available under the  
11 heading “Department of Homeland Security, U.S. Cus-  
12 toms and Border Protection, Salaries and Expenses” from  
13 emergency funds in Public Law 107–206 and earlier laws  
14 transferred to the Department of Homeland Security  
15 when it was created in 2003, \$39,246 is rescinded imme-  
16 diately upon enactment of this Act: *Provided*, That such  
17 amounts are designated by the Congress as an emergency  
18 requirement pursuant to section 251(b)(2)(A)(i) of the  
19 Balanced Budget and Emergency Deficit Control Act of  
20 1985.

21 (e) Of the unobligated balances available from  
22 amounts provided under the heading “Department of  
23 Homeland Security, United States Coast Guard, Acquisi-  
24 tion, Construction, and Improvements” in Public Law  
25 110–329, Public Law 109–148 and Public Law 109–234,

1 \$48,075,920 is rescinded immediately upon enactment of  
2 this Act: *Provided*, That such amounts are designated by  
3 the Congress as an emergency requirement pursuant to  
4 section 251(b)(2)(A)(i) of the Balanced Budget and  
5 Emergency Deficit Control Act of 1985.

6 (f) Of the unobligated balances available under the  
7 heading “Department of Homeland Security, Federal  
8 Emergency Management Agency, Administrative and Re-  
9 gional Operations” in Public Law 109–234, \$731,790 is  
10 rescinded immediately upon enactment of this Act: *Pro-*  
11 *vided*, That such amounts are designated by the Congress  
12 as an emergency requirement pursuant to section  
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
14 Deficit Control Act of 1985.

15 (g) Of the unobligated amounts made available under  
16 section 1323(c)(1) of the Patient Protection and Afford-  
17 able Care Act (42 U.S.C. 18043(c)(1)), \$168,100,000 is  
18 rescinded immediately upon enactment of this Act.

19 (h) Of the unobligated balances available under the  
20 heading “Operating Expenses” in title IX of the Depart-  
21 ment of State, Foreign Operations, and Related Programs  
22 Appropriations Act, 2015 (division J of Public Law 113–  
23 235), \$7,522,000 is rescinded immediately upon enact-  
24 ment of this Act: *Provided*, That such amounts are des-  
25 ignated by the Congress as an emergency requirement

1 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-  
2 et and Emergency Deficit Control Act of 1985.

3 (i) Of the unobligated balances of appropriations  
4 made available under the heading “Bilateral Economic As-  
5 sistance, Funds Appropriated to the President” in title IX  
6 of the Department of State, Foreign Operations, and Re-  
7 lated Programs Appropriations Act, 2015 (division J of  
8 Public Law 113–235), \$109,478,000 is rescinded imme-  
9 diately upon enactment of this Act: *Provided*, That such  
10 amounts are designated by the Congress as an emergency  
11 requirement pursuant to section 251(b)(2)(A)(i) of the  
12 Balanced Budget and Emergency Deficit Control Act of  
13 1985.

14 (j) Of the unobligated balances available from  
15 amounts provided under the heading “Department of  
16 Transportation, Federal Aviation Administration, Facili-  
17 ties and Equipment” in Public Law 109–148, \$4,384,920  
18 is rescinded immediately upon enactment of this Act: *Pro-*  
19 *vided*, That such amounts are designated by the Congress  
20 as an emergency requirement pursuant to section  
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
22 Deficit Control Act of 1985.

23 (k) Of the unobligated balances available from  
24 amounts provided under the heading “Department of  
25 Transportation, Federal Aviation Administration, Facili-

1 ties and Equipment” in Public Law 102–368, \$990,277  
2 is rescinded immediately upon enactment of this Act: *Pro-*  
3 *vided*, That such amounts are designated by the Congress  
4 as an emergency requirement pursuant to section  
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
6 Deficit Control Act of 1985.

7 (l) Of the unobligated balances available to the De-  
8 partment of Transportation from amounts provided under  
9 section 108 of Public Law 101–130, \$37,400,000 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  
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
14 Deficit Control Act of 1985.