

Calendar No. 173115TH CONGRESS
1ST SESSION**S. 1557****[Report No. 115–130]**

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2017

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

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for
5 military construction, the Department of Veterans Affairs,

1 and related agencies for the fiscal year ending September
2 30, 2018, and for other purposes, namely:

3 TITLE I

4 DEPARTMENT OF DEFENSE

5 MILITARY CONSTRUCTION, ARMY

6 For acquisition, construction, installation, and equip-
7 ment of temporary or permanent public works, military
8 installations, facilities, and real property for the Army as
9 currently authorized by law, including personnel in the
10 Army Corps of Engineers and other personal services nec-
11 essary for the purposes of this appropriation, and for con-
12 struction and operation of facilities in support of the func-
13 tions of the Commander in Chief, \$930,394,000, to re-
14 main available until September 30, 2022.

15 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

16 For acquisition, construction, installation, and equip-
17 ment of temporary or permanent public works, naval in-
18 stallations, facilities, and real property for the Navy and
19 Marine Corps as currently authorized by law, including
20 personnel in the Naval Facilities Engineering Command
21 and other personal services necessary for the purposes of
22 this appropriation, \$1,565,665,000, to remain available
23 until September 30, 2022.

1 MILITARY CONSTRUCTION, AIR FORCE

2 For acquisition, construction, installation, and equip-
3 ment of temporary or permanent public works, military
4 installations, facilities, and real property for the Air Force
5 as currently authorized by law, \$1,569,296,000, to remain
6 available until September 30, 2022.

7 MILITARY CONSTRUCTION, DEFENSE-WIDE

8 (INCLUDING TRANSFER OF FUNDS)

9 For acquisition, construction, installation, and equip-
10 ment of temporary or permanent public works, installa-
11 tions, facilities, and real property for activities and agen-
12 cies of the Department of Defense (other than the military
13 departments), as currently authorized by law,
14 \$2,612,583,000, to remain available until September 30,
15 2022: *Provided*, That such amounts of this appropriation
16 as may be determined by the Secretary of Defense may
17 be transferred to such appropriations of the Department
18 of Defense available for military construction or family
19 housing as the Secretary may designate, to be merged with
20 and to be available for the same purposes, and for the
21 same time period, as the appropriation or fund to which
22 transferred.

23 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

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

1 ministration of the Army National Guard, and contribu-
2 tions therefor, as authorized by chapter 1803 of title 10,
3 United States Code, and Military Construction Authoriza-
4 tion Acts, \$210,652,000, to remain available until Sep-
5 tember 30, 2022.

6 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

7 For construction, acquisition, expansion, rehabilita-
8 tion, and conversion of facilities for the training and ad-
9 ministration of the Air National Guard, and contributions
10 therefor, as authorized by chapter 1803 of title 10, United
11 States Code, and Military Construction Authorization
12 Acts, \$161,491,000, to remain available until September
13 30, 2022.

14 MILITARY CONSTRUCTION, ARMY RESERVE

15 For construction, acquisition, expansion, rehabilita-
16 tion, and conversion of facilities for the training and ad-
17 ministration of the Army Reserve as authorized by chapter
18 1803 of title 10, United States Code, and Military Con-
19 struction Authorization Acts, \$73,712,000, to remain
20 available until September 30, 2022.

21 MILITARY CONSTRUCTION, NAVY RESERVE

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

1 United States Code, and Military Construction Authoriza-
2 tion Acts, \$65,271,000, to remain available until Sep-
3 tember 30, 2022.

4 MILITARY CONSTRUCTION, AIR FORCE RESERVE

5 For construction, acquisition, expansion, rehabilita-
6 tion, and conversion of facilities for the training and ad-
7 ministration of the Air Force Reserve as authorized by
8 chapter 1803 of title 10, United States Code, and Military
9 Construction Authorization Acts, \$63,535,000, to remain
10 available until September 30, 2022.

11 NORTH ATLANTIC TREATY ORGANIZATION

12 SECURITY INVESTMENT PROGRAM

13 For the United States share of the cost of the North
14 Atlantic Treaty Organization Security Investment Pro-
15 gram for the acquisition and construction of military fa-
16 cilities and installations (including international military
17 headquarters) and for related expenses for the collective
18 defense of the North Atlantic Treaty Area as authorized
19 by section 2806 of title 10, United States Code, and Mili-
20 tary Construction Authorization Acts, \$154,000,000, to
21 remain available until expended.

22 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

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

1 U.S.C. 2687 note), \$255,867,000, to remain available
2 until expended.

3 FAMILY HOUSING OPERATION AND MAINTENANCE,

4 ARMY

5 For expenses of family housing for the Army for op-
6 eration and maintenance, including debt payment, leasing,
7 minor construction, principal and interest charges, and in-
8 surance premiums, as authorized by law, \$348,907,000.

9 FAMILY HOUSING OPERATION AND MAINTENANCE,

10 NAVY AND MARINE CORPS

11 For expenses of family housing for the Navy and Ma-
12 rine Corps for operation and maintenance, including debt
13 payment, leasing, minor construction, principal and inter-
14 est charges, and insurance premiums, as authorized by
15 law, \$328,282,000.

16 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR

17 FORCE

18 For expenses of family housing for the Air Force for
19 operation and maintenance, including debt payment, leas-
20 ing, minor construction, principal and interest charges,
21 and insurance premiums, as authorized by law,
22 \$318,324,000.

1 authorized by law, \$83,682,000, to remain available until
2 September 30, 2022.

3 FAMILY HOUSING CONSTRUCTION, AIR FORCE

4 For expenses of family housing for the Air Force for
5 construction, including acquisition, replacement, addition,
6 expansion, extension, and alteration, as authorized by law,
7 \$85,062,000, to remain available until September 30,
8 2022.

9 DEPARTMENT OF DEFENSE FAMILY HOUSING

10 IMPROVEMENT FUND

11 For the Department of Defense Family Housing Im-
12 provement Fund, \$2,726,000, to remain available until ex-
13 pended, for family housing initiatives undertaken pursu-
14 ant to section 2883 of title 10, United States Code, pro-
15 viding alternative means of acquiring and improving mili-
16 tary family housing and supporting facilities.

17 DEPARTMENT OF DEFENSE MILITARY

18 UNACCOMPANIED HOUSING IMPROVEMENT FUND

19 For the Department of Defense Military Unaccom-
20 panied Housing Improvement Fund, \$623,000, to remain
21 available until expended, for unaccompanied housing ini-
22 tiatives undertaken pursuant to section 2883 of title 10,
23 United States Code, providing alternative means of acquir-
24 ing and improving military unaccompanied housing and
25 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. Amounts appropriated or otherwise made
17 available in an account funded under the headings in this
18 title may be transferred among projects and activities
19 within the account in accordance with the reprogramming
20 guidelines for military construction and family housing
21 construction contained in Department of Defense Finan-
22 cial Management Regulation 7000.14–R, Volume 3, Chap-
23 ter 7, of March 2011, as in effect on the date of enactment
24 of this Act.

1 SEC. 123. None of the funds made available in this
2 title may be obligated or expended for planning and design
3 and construction of projects at Arlington National Ceme-
4 tery.

5 SEC. 124. For the purposes of this Act, the term
6 “congressional defense committees” means the Commit-
7 tees on Armed Services of the House of Representatives
8 and the Senate, the Subcommittee on Military Construc-
9 tion and Veterans Affairs of the Committee on Appropria-
10 tions of the Senate, and the Subcommittee on Military
11 Construction and Veterans Affairs of the Committee on
12 Appropriations of the House of Representatives.

13 SEC. 125. For an additional amount for the accounts
14 and in the amounts specified, to remain available until
15 September 30, 2022:

16 “Military Construction, Army”, \$68,800,000;

17 “Military Construction, Navy and Marine
18 Corps”, \$110,100,000;

19 “Military Construction, Air Force”,
20 \$127,300,000;

21 “Military Construction, Army National Guard”,
22 \$83,500,000;

23 “Military Construction, Air National Guard”,
24 \$24,000,000;

1 SEC. 127. None of the funds made available by this
2 Act may be used to carry out the closure or realignment
3 of the United States Naval Station, Guantánamo Bay,
4 Cuba.

5 SEC. 128. Notwithstanding any other provision of
6 law, none of the funds appropriated or otherwise made
7 available by this or any other Act may be used to consoli-
8 date or relocate any element of a United States Air Force
9 Rapid Engineer Deployable Heavy Operational Repair
10 Squadron Engineer (RED HORSE) outside of the United
11 States until the Secretary of the Air Force (1) completes
12 an analysis and comparison of the cost and infrastructure
13 investment required to consolidate or relocate a RED
14 HORSE squadron outside of the United States versus
15 within the United States; (2) provides to the Committees
16 on Appropriations of both Houses of Congress (“the Com-
17 mittees”) a report detailing the findings of the cost anal-
18 ysis; and (3) certifies in writing to the Committees that
19 the preferred site for the consolidation or relocation yields
20 the greatest savings for the Air Force: *Provided*, That the
21 term “United States” in this section does not include any
22 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 \$95,769,000,000, to remain available until expended and
22 to become available on October 1, 2018: *Provided*, That
23 not to exceed \$18,000,000 of the amount made available
24 for fiscal year 2019 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, \$11,832,000,000, to
16 remain available until expended and to become available
17 on October 1, 2018: *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, \$122,000,000, to remain available until expended,
4 of which \$109,000,000 shall become available on October
5 1, 2018.

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 2018,
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, \$178,626,000.

19 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

20 For the cost of direct loans, \$30,000, 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 \$2,356,000.

3 In addition, for administrative expenses necessary to
4 carry out the direct loan program, \$395,000, 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 \$2,910,000,000: *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 10 percent shall remain
5 available until September 30, 2019.

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; \$1,923,000,000, which shall be in addition

1 to funds previously appropriated under this heading that
2 become available on October 1, 2017; and, in addition,
3 \$49,161,000,000, plus reimbursements, shall become
4 available on October 1, 2018, and shall remain available
5 until September 30, 2019: *Provided*, That, of the amount
6 made available on October 1, 2018, under this heading,
7 not to exceed 5 percent shall remain available until Sep-
8 tember 30, 2020: *Provided further*, That, notwithstanding
9 any other provision of law, the Secretary of Veterans Af-
10 fairs shall establish a priority for the provision of medical
11 treatment for veterans who have service-connected disabil-
12 ities, lower income, or have special needs: *Provided further*,
13 That, notwithstanding any other provision of law, the Sec-
14 retary of Veterans Affairs shall give priority funding for
15 the provision of basic medical benefits to veterans in en-
16 rollment priority groups 1 through 6: *Provided further*,
17 That, notwithstanding any other provision of law, the Sec-
18 retary of Veterans Affairs may authorize the dispensing
19 of prescription drugs from Veterans Health Administra-
20 tion facilities to enrolled veterans with privately written
21 prescriptions based on requirements established by the
22 Secretary: *Provided further*, That the implementation of
23 the program described in the previous proviso shall incur
24 no additional cost to the Department of Veterans Affairs:
25 *Provided further*, That the Secretary of Veterans Affairs

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

5 MEDICAL COMMUNITY CARE

6 For necessary expenses for furnishing health care to
7 individuals pursuant to chapter 17 of title 38, United
8 States Code, at non-Department facilities, \$254,000,000,
9 which shall be in addition to funds previously appropriated
10 under this heading that become available on October 1,
11 2017; and, in addition, \$8,385,000,000, plus reimburse-
12 ments shall become available on October 1, 2018, and
13 shall remain available until September 30, 2019: *Provided,*
14 That, of the amount made available on October 1, 2018
15 under this heading, \$2,000,000,000 shall remain available
16 until September 30, 2022.

17 MEDICAL SUPPORT AND COMPLIANCE

18 For necessary expenses in the administration of the
19 medical, hospital, nursing home, domiciliary, construction,
20 supply, and research activities, as authorized by law; ad-
21 ministrative expenses in support of capital policy activi-
22 ties; and administrative and legal expenses of the Depart-
23 ment for collecting and recovering amounts owed the De-
24 partment as authorized under chapter 17 of title 38,
25 United States Code, and the Federal Medical Care Recov-

1 ery Act (42 U.S.C. 2651 et seq.), \$100,000,000, which
2 shall be in addition to funds previously appropriated under
3 this heading that become available on October 1, 2017;
4 and, in addition, \$7,239,000,000, plus reimbursements,
5 shall become available on October 1, 2018, and shall re-
6 main available until September 30, 2019: *Provided*, That,
7 of the amount made available on October 1, 2018, under
8 this heading, not to exceed 5 percent shall remain avail-
9 able until September 30, 2020.

10

MEDICAL FACILITIES

11 For necessary expenses for the maintenance and op-
12 eration of hospitals, nursing homes, domiciliary facilities,
13 and other necessary facilities of the Veterans Health Ad-
14 ministration; for administrative expenses in support of
15 planning, design, project management, real property ac-
16 quisition and disposition, construction, and renovation of
17 any facility under the jurisdiction or for the use of the
18 Department; for oversight, engineering, and architectural
19 activities not charged to project costs; for repairing, alter-
20 ing, improving, or providing facilities in the several hos-
21 pitals and homes under the jurisdiction of the Depart-
22 ment, not otherwise provided for, either by contract or by
23 the hire of temporary employees and purchase of mate-
24 rials; for leases of facilities; and for laundry services;
25 \$707,000,000, which shall be in addition to funds pre-

1 viously appropriated under this heading that become avail-
2 able on October 1, 2017; and, in addition,
3 \$5,915,000,000, plus reimbursements, shall become avail-
4 able on October 1, 2018, and shall remain available until
5 September 30, 2019: *Provided*, That, of the amount made
6 available on October 1, 2018, under this heading, not to
7 exceed 5 percent shall remain available until September
8 30, 2020.

9 MEDICAL AND PROSTHETIC RESEARCH

10 For necessary expenses in carrying out programs of
11 medical and prosthetic research and development as au-
12 thorized by chapter 73 of title 38, United States Code,
13 \$722,262,000, plus reimbursements, shall remain avail-
14 able until September 30, 2019: *Provided*, That the Sec-
15 retary of Veterans Affairs shall ensure that sufficient
16 amounts appropriated under this heading are available for
17 prosthetic research specifically for female veterans, and
18 for toxic exposure research.

19 NATIONAL CEMETERY ADMINISTRATION

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

1 ation or improvement of facilities under the jurisdiction
2 of the National Cemetery Administration, \$306,193,000,
3 of which not to exceed 10 percent shall remain available
4 until September 30, 2019.

5 DEPARTMENTAL ADMINISTRATION

6 GENERAL ADMINISTRATION

7 (INCLUDING TRANSFER OF FUNDS)

8 For necessary operating expenses of the Department
9 of Veterans Affairs, not otherwise provided for, including
10 administrative expenses in support of Department-wide
11 capital planning, management and policy activities, uni-
12 forms, or allowances therefor; not to exceed \$25,000 for
13 official reception and representation expenses; hire of pas-
14 senger motor vehicles; and reimbursement of the General
15 Services Administration for security guard services,
16 \$329,891,000, of which not to exceed 10 percent shall re-
17 main available until September 30, 2019: *Provided*, That
18 funds provided under this heading may be transferred to
19 “General Operating Expenses, Veterans Benefits Adminis-
20 tration”.

21 BOARD OF VETERANS APPEALS

22 For necessary operating expenses of the Board of
23 Veterans Appeals, \$166,000,000, of which not to exceed
24 10 percent shall remain available until September 30,
25 2019.

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, \$4,055,500,000, plus reimbursements: *Pro-*
12 *vided*, That \$1,230,320,000 shall be for pay and associ-
13 ated costs, of which not to exceed 5 percent shall remain
14 available until September 30, 2019: *Provided further*, That
15 \$2,466,650,000 shall be for operations and maintenance,
16 of which not to exceed 5 percent shall remain available
17 until September 30, 2019: *Provided further*, That
18 \$358,530,000 shall be for information technology systems
19 development, and shall remain available until September
20 30, 2019: *Provided further*, That amounts made available
21 for information technology systems development may not
22 be obligated or expended until the Secretary of Veterans
23 Affairs or the Chief Information Officer of the Depart-
24 ment of Veterans Affairs submits to the Committees on
25 Appropriations of both Houses of Congress a certification

1 of the amounts, in parts or in full, to be obligated and
2 expended for each development project: *Provided further,*
3 That amounts made available for salaries and expenses,
4 operations and maintenance, and information technology
5 systems development may be transferred among the three
6 subaccounts after the Secretary of Veterans Affairs re-
7 quests from the Committees on Appropriations of both
8 Houses of Congress the authority to make the transfer
9 and an approval is issued: *Provided further,* That amounts
10 made available for the “Information Technology Systems”
11 account for development may be transferred among
12 projects or to newly defined projects: *Provided further,*
13 That no project may be increased or decreased by more
14 than \$3,000,000 of cost prior to submitting a request to
15 the Committees on Appropriations of both Houses of Con-
16 gress to make the transfer and an approval is issued, or
17 absent a response, a period of 30 days has elapsed: *Pro-*
18 *vided further,* That funds under this heading may be used
19 by the Interagency Program Office through the Depart-
20 ment of Veterans Affairs to define data standards, code
21 sets, and value sets used to enable interoperability: *Pro-*
22 *vided further,* That the funds made available under this
23 heading for information technology systems development
24 shall be for the projects, and in the amounts, specified
25 under this heading in the report accompanying this Act.

1 OFFICE OF INSPECTOR GENERAL

2 For necessary expenses of the Office of Inspector
3 General, to include information technology, in carrying out
4 the provisions of the Inspector General Act of 1978 (5
5 U.S.C. App.), \$164,000,000, of which not to exceed 10
6 percent shall remain available until September 30, 2019.

7 CONSTRUCTION, MAJOR PROJECTS

8 For constructing, altering, extending, and improving
9 any of the facilities, including parking projects, under the
10 jurisdiction or for the use of the Department of Veterans
11 Affairs, or for any of the purposes set forth in sections
12 316, 2404, 2406 and chapter 81 of title 38, United States
13 Code, not otherwise provided for, including planning, ar-
14 chitectural and engineering services, construction manage-
15 ment services, maintenance or guarantee period services
16 costs associated with equipment guarantees provided
17 under the project, services of claims analysts, offsite utility
18 and storm drainage system construction costs, and site ac-
19 quisition, where the estimated cost of a project is more
20 than the amount set forth in section 8104(a)(3)(A) of title
21 38, United States Code, or where funds for a project were
22 made available in a previous major project appropriation,
23 \$512,430,000, of which \$432,430,000 shall remain avail-
24 able until September 30, 2022, and of which \$80,000,000
25 shall remain available until expended: *Provided*, That ex-

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

1 by September 30, 2019: *Provided further*, That the Sec-
2 retary of Veterans Affairs shall promptly submit to the
3 Committees on Appropriations of both Houses of Congress
4 a written report on any approved major construction
5 project for which obligations are not incurred within the
6 time limitations established above.

7 CONSTRUCTION, MINOR PROJECTS

8 For constructing, altering, extending, and improving
9 any of the facilities, including parking projects, under the
10 jurisdiction or for the use of the Department of Veterans
11 Affairs, including planning and assessments of needs
12 which may lead to capital investments, architectural and
13 engineering services, maintenance or guarantee period
14 services costs associated with equipment guarantees pro-
15 vided under the project, services of claims analysts, offsite
16 utility and storm drainage system construction costs, and
17 site acquisition, or for any of the purposes set forth in
18 sections 316, 2404, 2406 and chapter 81 of title 38,
19 United States Code, not otherwise provided for, where the
20 estimated cost of a project is equal to or less than the
21 amount set forth in section 8104(a)(3)(A) of title 38,
22 United States Code, \$342,570,000, to remain available
23 until September 30, 2022, along with unobligated balances
24 of previous “Construction, Minor Projects” appropriations
25 which are hereby made available for any project where the

1 ADMINISTRATIVE PROVISIONS
2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 201. Any appropriation for fiscal year 2018 for
4 “Compensation and Pensions”, “Readjustment Benefits”,
5 and “Veterans Insurance and Indemnities” may be trans-
6 ferred as necessary to any other of the mentioned appro-
7 priations: *Provided*, That, before a transfer may take
8 place, the Secretary of Veterans Affairs shall request from
9 the Committees on Appropriations of both Houses of Con-
10 gress the authority to make the transfer and such Com-
11 mittees issue an approval, or absent a response, a period
12 of 30 days has elapsed.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 202. Amounts made available for the Depart-
15 ment of Veterans Affairs for fiscal year 2018, in this or
16 any other Act, under the “Medical Services”, “Medical
17 Community Care”, “Medical Support and Compliance”,
18 and “Medical Facilities” accounts may be transferred
19 among the accounts: *Provided*, That any transfers among
20 the “Medical Services”, “Medical Community Care”, and
21 “Medical Support and Compliance” accounts of 1 percent
22 or less of the total amount appropriated to the account
23 in this or any other Act may take place subject to notifica-
24 tion from the Secretary of Veterans Affairs to the Com-
25 mittees on Appropriations of both Houses of Congress of

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

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

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

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

12 SEC. 206. Appropriations available in this title for
13 “Compensation and Pensions”, “Readjustment Benefits”,
14 and “Veterans Insurance and Indemnities” shall be avail-
15 able for payment of prior year accrued obligations re-
16 quired to be recorded by law against the corresponding
17 prior year accounts within the last quarter of fiscal year
18 2017.

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

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 208. Notwithstanding any other provision of
3 law, during fiscal year 2018, the Secretary of Veterans
4 Affairs shall, from the National Service Life Insurance
5 Fund under section 1920 of title 38, United States Code,
6 the Veterans' Special Life Insurance Fund under section
7 1923 of title 38, United States Code, and the United
8 States Government Life Insurance Fund under section
9 1955 of title 38, United States Code, reimburse the "Gen-
10 eral Operating Expenses, Veterans Benefits Administra-
11 tion" and "Information Technology Systems" accounts for
12 the cost of administration of the insurance programs fi-
13 nanced through those accounts: *Provided*, That reimburse-
14 ment shall be made only from the surplus earnings accu-
15 mulated in such an insurance program during fiscal year
16 2018 that are available for dividends in that program after
17 claims have been paid and actuarially determined reserves
18 have been set aside: *Provided further*, That if the cost of
19 administration of such an insurance program exceeds the
20 amount of surplus earnings accumulated in that program,
21 reimbursement shall be made only to the extent of such
22 surplus earnings: *Provided further*, That the Secretary
23 shall determine the cost of administration for fiscal year
24 2018 which is properly allocable to the provision of each
25 such insurance program and to the provision of any total

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

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

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 210. Funds available in this title or funds for
10 salaries and other administrative expenses shall also be
11 available to reimburse the Office of Resolution Manage-
12 ment, the Office of Employment Discrimination Complaint
13 Adjudication, the Office of Accountability and Whistle-
14 blower Protection, and the Office of Diversity and Inclu-
15 sion for all services provided at rates which will recover
16 actual costs but not to exceed \$47,700,000 for the Office
17 of Resolution Management, \$4,000,000 for the Office of
18 Employment Discrimination Complaint Adjudication,
19 \$17,700,000 for the Office of Accountability and Whistle-
20 blower Protection, and \$3,000,000 for the Office of Diver-
21 sity and Inclusion: *Provided*, That payments may be made
22 in advance for services to be furnished based on estimated
23 costs: *Provided further*, That amounts received shall be
24 credited to the “General Administration” and “Informa-

1 tion Technology Systems” accounts for use by the office
2 that provided the service.

3 SEC. 211. No funds of the Department of Veterans
4 Affairs shall be available for hospital care, nursing home
5 care, or medical services provided to any person under
6 chapter 17 of title 38, United States Code, for a non-serv-
7 ice-connected disability described in section 1729(a)(2) of
8 such title, unless that person has disclosed to the Sec-
9 retary of Veterans Affairs, in such form as the Secretary
10 may require, current, accurate third-party reimbursement
11 information for purposes of section 1729 of such title: *Pro-*
12 *vided*, That the Secretary may recover, in the same man-
13 ner as any other debt due the United States, the reason-
14 able charges for such care or services from any person who
15 does not make such disclosure as required: *Provided fur-*
16 *ther*, That any amounts so recovered for care or services
17 provided in a prior fiscal year may be obligated by the
18 Secretary during the fiscal year in which amounts are re-
19 ceived.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 212. Notwithstanding any other provision of
22 law, proceeds or revenues derived from enhanced-use leas-
23 ing activities (including disposal) may be deposited into
24 the “Construction, Major Projects” and “Construction,
25 Minor Projects” accounts and be used for construction

1 (including site acquisition and disposition), alterations,
2 and improvements of any medical facility under the juris-
3 diction or for the use of the Department of Veterans Af-
4 fairs. Such sums as realized are in addition to the amount
5 provided for in “Construction, Major Projects” and “Con-
6 struction, Minor Projects”.

7 SEC. 213. Amounts made available under “Medical
8 Services” are available—

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

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

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 214. Such sums as may be deposited to the
16 Medical Care Collections Fund pursuant to section 1729A
17 of title 38, United States Code, may be transferred to the
18 “Medical Services” and “Medical Community Care” ac-
19 counts to remain available until expended for the purposes
20 of these accounts.

21 SEC. 215. The Secretary of Veterans Affairs may
22 enter into agreements with Federally Qualified Health
23 Centers in the State of Alaska and Indian tribes and tribal
24 organizations which are party to the Alaska Native Health
25 Compact with the Indian Health Service, to provide health

1 care, including behavioral health and dental care, to vet-
2 erans in rural Alaska. The Secretary shall require partici-
3 pating veterans and facilities to comply with all appro-
4 priate rules and regulations, as established by the Sec-
5 retary. The term “rural Alaska” shall mean those lands
6 which are not within the boundaries of the municipality
7 of Anchorage or the Fairbanks North Star Borough.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 216. Such sums as may be deposited to the De-
10 partment of Veterans Affairs Capital Asset Fund pursu-
11 ant to section 8118 of title 38, United States Code, may
12 be transferred to the “Construction, Major Projects” and
13 “Construction, Minor Projects” accounts, to remain avail-
14 able until expended for the purposes of these accounts.

15 (RESCISSION OF FUNDS)

16 SEC. 217. Of the unobligated balance of funds made
17 available in the sixth proviso under the heading “Depart-
18 ment of Veterans Affairs—Veterans Health Administra-
19 tion—Medical Services” in title II of Division J of the
20 Consolidated Appropriations Act, 2016 (Public Law 114–
21 113), \$751,000,000 is hereby rescinded.

22 SEC. 218. Not later than 30 days after the end of
23 each fiscal quarter, the Secretary of Veterans Affairs shall
24 submit to the Committees on Appropriations of both
25 Houses of Congress a report on the financial status of the

1 Department of Veterans Affairs for the preceding quarter:
2 *Provided*, That, at a minimum, the report shall include
3 the direction contained in the paragraph entitled “Quar-
4 terly reporting”, under the heading “General Administra-
5 tion” in the joint explanatory statement accompanying
6 this Act.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 219. Amounts made available under the “Med-
9 ical Services”, “Medical Community Care”, “Medical Sup-
10 port and Compliance”, “Medical Facilities”, “General Op-
11 erating Expenses, Veterans Benefits Administration”,
12 “General Administration”, and “National Cemetery Ad-
13 ministration” accounts for fiscal year 2018 may be trans-
14 ferred to or from the “Information Technology Systems”
15 account: *Provided*, That such transfers may not result in
16 a more than 10 percent aggregate increase in the total
17 amount made available by this Act for the “Information
18 Technology Systems” account: *Provided further*, That, be-
19 fore a transfer may take place, the Secretary of Veterans
20 Affairs shall request from the Committees on Appropria-
21 tions of both Houses of Congress the authority to make
22 the transfer and an approval is issued.

23 SEC. 220. None of the funds appropriated or other-
24 wise made available by this Act or any other Act for the
25 Department of Veterans Affairs may be used in a manner

1 that is inconsistent with: (1) section 842 of the Transpor-
2 tation, Treasury, Housing and Urban Development, the
3 Judiciary, the District of Columbia, and Independent
4 Agencies Appropriations Act, 2006 (Public Law 109–115;
5 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
6 United States Code.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 221. Of the amounts appropriated to the De-
9 partment of Veterans Affairs for fiscal year 2018 for
10 “Medical Services”, “Medical Community Care”, “Medical
11 Support and Compliance”, “Medical Facilities”, “Con-
12 struction, Minor Projects”, and “Information Technology
13 Systems”, up to \$298,000,000, plus reimbursements, may
14 be transferred to the Joint Department of Defense—De-
15 partment of Veterans Affairs Medical Facility Demonstra-
16 tion Fund, established by section 1704 of the National De-
17 fense Authorization Act for Fiscal Year 2010 (Public Law
18 111–84; 123 Stat. 3571) and may be used for operation
19 of the facilities designated as combined Federal medical
20 facilities as described by section 706 of the Duncan
21 Hunter National Defense Authorization Act for Fiscal
22 Year 2009 (Public Law 110–417; 122 Stat. 4500): *Pro-*
23 *vided*, That additional funds may be transferred from ac-
24 counts designated in this section to the Joint Department
25 of Defense—Department of Veterans Affairs Medical Fa-

1 cility Demonstration Fund upon written notification by
2 the Secretary of Veterans Affairs to the Committees on
3 Appropriations of both Houses of Congress: *Provided fur-*
4 *ther*, That section 222 of title II of division A of Public
5 Law 114–223 is repealed.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 222. Of the amounts appropriated to the De-
8 partment of Veterans Affairs which become available on
9 October 1, 2018, for “Medical Services”, “Medical Com-
10 munity Care”, “Medical Support and Compliance”, and
11 “Medical Facilities”, up to \$307,000,000, plus reimburse-
12 ments, may be transferred to the Joint Department of De-
13 fense—Department of Veterans Affairs Medical Facility
14 Demonstration Fund, established by section 1704 of the
15 National Defense Authorization Act for Fiscal Year 2010
16 (Public Law 111–84; 123 Stat. 3571) and may be used
17 for operation of the facilities designated as combined Fed-
18 eral medical facilities as described by section 706 of the
19 Duncan Hunter National Defense Authorization Act for
20 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500):
21 *Provided*, That additional funds may be transferred from
22 accounts designated in this section to the Joint Depart-
23 ment of Defense—Department of Veterans Affairs Med-
24 ical Facility Demonstration Fund upon written notifica-

1 tion by the Secretary of Veterans Affairs to the Commit-
2 tees on Appropriations of both Houses of Congress.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 223. Such sums as may be deposited to the
5 Medical Care Collections Fund pursuant to section 1729A
6 of title 38, United States Code, for health care provided
7 at facilities designated as combined Federal medical facili-
8 ties as described by section 706 of the Duncan Hunter
9 National Defense Authorization Act for Fiscal Year 2009
10 (Public Law 110–417; 122 Stat. 4500) shall also be avail-
11 able: (1) for transfer to the Joint Department of De-
12 fense—Department of Veterans Affairs Medical Facility
13 Demonstration Fund, established by section 1704 of the
14 National Defense Authorization Act for Fiscal Year 2010
15 (Public Law 111–84; 123 Stat. 3571); and (2) for oper-
16 ations of the facilities designated as combined Federal
17 medical facilities as described by section 706 of the Dun-
18 can Hunter National Defense Authorization Act for Fiscal
19 Year 2009 (Public Law 110–417; 122 Stat. 4500): *Pro-*
20 *vided*, That, notwithstanding section 1704(b)(3) of the
21 National Defense Authorization Act for Fiscal Year 2010
22 (Public Law 111–84; 123 Stat. 2573), amounts trans-
23 ferred to the Joint Department of Defense—Department
24 of Veterans Affairs Medical Facility Demonstration Fund
25 shall remain available until expended.

1 (INCLUDING TRANSFER OF FUNDS)

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

10 SEC. 225. The Committee directs the Department to
11 make every effort to fund State Veterans Nursing Home
12 Construction grants for those projects included on the VA
13 State Home Construction Grants Priority List for fiscal
14 year 2017.

15 SEC. 226. The Secretary of Veterans Affairs shall no-
16 tify the Committees on Appropriations of both Houses of
17 Congress of all bid savings in a major construction project
18 that total at least \$10,000,000, or 5 percent of the pro-
19 grammed amount of the project, whichever is less: *Pro-*
20 *vided*, That such notification shall occur within 14 days
21 of a contract identifying the programmed amount: *Pro-*
22 *vided further*, That the Secretary shall notify the Commit-
23 tees on Appropriations of both Houses of Congress 14
24 days prior to the obligation of such bid savings and shall
25 describe the anticipated use of such savings.

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

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

19 SEC. 229. Of the funds provided to the Department
20 of Veterans Affairs for fiscal year 2018 for “Medical Sup-
21 port and Compliance” a maximum of \$40,000,000 may
22 be obligated from the “Medical Support and Compliance”
23 account for the VistA Evolution and electronic health
24 record interoperability projects: *Provided*, That funds in
25 addition to these amounts may be obligated for the VistA

1 Evolution and electronic health record interoperability
2 projects upon written notification by the Secretary of Vet-
3 erans Affairs to the Committees on Appropriations of both
4 Houses of Congress.

5 SEC. 230. The Secretary of Veterans Affairs shall
6 provide written notification to the Committees on Appro-
7 priations of both Houses of Congress 15 days prior to or-
8 ganizational changes which result in the transfer of 25 or
9 more full-time equivalents from one organizational unit of
10 the Department of Veterans Affairs to another.

11 SEC. 231. Of the funds provided under the heading
12 “Medical Facilities” for fiscal year 2018 including funds
13 previously appropriated under the same heading in ad-
14 vance for fiscal year 2018 in Public Law 114–223, no less
15 than \$1,870,000,000, shall be for non-recurring mainte-
16 nance: *Provided*, That the authorities contained in section
17 202 of this Act shall apply to such funds.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 232. The Secretary of Veterans Affairs, upon
20 determination that such action is necessary to address
21 needs of the Veterans Health Administration, may trans-
22 fer to the “Medical Services” account any discretionary
23 appropriations made available for fiscal year 2018 in this
24 title or any discretionary unobligated balances within the
25 Department of Veterans Affairs, including those appro-

1 priated for fiscal year 2018, that were provided in advance
2 by appropriations Acts: *Provided*, That transfers shall be
3 made only with the approval of the Office of Management
4 and Budget: *Provided further*, That the transfer authority
5 provided in this section is in addition to any other transfer
6 authority provided by law: *Provided further*, That no
7 amounts may be transferred from amounts that were des-
8 ignated by Congress as an emergency requirement pursu-
9 ant to a concurrent resolution on the budget or the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985:
11 *Provided further*, That such authority to transfer may not
12 be used unless for higher priority items, based on emer-
13 gent healthcare requirements, than those for which origi-
14 nally appropriated and in no case where the item for which
15 funds are requested has been denied by Congress: *Pro-
16 vided further*, That, upon determination that all or part
17 of the funds transferred from an appropriation are not
18 necessary, such amounts may be transferred back to that
19 appropriation and shall be available for the same purposes
20 as originally appropriated: *Provided further*, That before
21 a transfer may take place, the Secretary of Veterans Af-
22 fairs shall request from the Committees on Appropriations
23 of both Houses of Congress the authority to make the
24 transfer and receive approval of that request.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 233. Amounts made available for the Depart-
3 ment of Veterans Affairs for fiscal year 2018, under the
4 “Board of Veterans Appeals” and the “General Operating
5 Expenses, Veterans Benefits Administration” accounts
6 may be transferred between such accounts: *Provided*, That
7 before a transfer may take place, the Secretary of Vet-
8 erans Affairs shall request from the Committees on Appro-
9 priations of both Houses of Congress the authority to
10 make the transfer and receive approval of that request.

11 SEC. 234. The Secretary of Veterans Affairs may not
12 reprogram funds among major construction projects or
13 programs if such instance of reprogramming will exceed
14 \$7,000,000, unless such reprogramming is approved by
15 the Committees on Appropriations of both Houses of Con-
16 gress.

17 (RESCISSION OF FUNDS)

18 SEC. 235. Of the unobligated balances available with-
19 in the “DOD–VA Health Care Sharing Incentive Fund”,
20 \$15,000,000 are hereby rescinded.

21 SEC. 236. For the purposes of performing an activity
22 or function of the Veterans Health Administration, Vet-
23 erans Benefit Administration, or National Cemetery Ad-
24 ministration, section 842 of Public Law 109–115 shall not
25 apply to a qualified firm under 51 percent ownership by

1 a covered entity defined in section 450b(e) of title 25,
2 United States Code or a covered entity defined in section
3 637(a)(15) of title 15, United States Code.

4 SEC. 237. (a) No funds appropriated or otherwise
5 made available in this Act shall be used to pay a bonus
6 to any employee of the Veterans Health Administration
7 in a position of Deputy Under Secretary for Health or
8 higher until the Committee on Appropriations of the Sen-
9 ate and the Committee on Appropriations of the House
10 of Representatives determine that all recommendations set
11 forth by the Inspector General of the Department of Vet-
12 erans Affairs and the Comptroller General of the United
13 States in report numbers GAO 16-373, VAOIG 14-
14 03540-11-123, and VAOIG 16-03985-181 have been
15 fully implemented and closed.

16 (b) Not less frequently than monthly until the Com-
17 mittee on Appropriations of the Senate and the Committee
18 on Appropriations of the House of Representatives make
19 the determination described in subsection (a), and not less
20 frequently than quarterly during the one-year period after
21 such determination, the Secretary of Veterans Affairs
22 shall submit to the Committee on Appropriations of the
23 Senate and the Committee on Appropriations of the House
24 of Representatives a progress report on fully implementing
25 the recommendations described in subsection (a).

1 SEC. 238. (a) Except as provided in subsection (b),
2 the Secretary of Veterans Affairs, in consultation with the
3 Secretary of Defense and the Secretary of Labor, shall dis-
4 continue using Social Security account numbers to identify
5 individuals in all information systems of the Department
6 of Veterans Affairs as follows:

7 (1) For all veterans submitting to the Secretary
8 of Veterans Affairs new claims for benefits under
9 laws administered by the Secretary, not later than 2
10 years after the date of the enactment of this Act.

11 (2) For all individuals not described in para-
12 graph (1), not later than 5 years after the date of
13 the enactment of this Act.

14 (b) The Secretary of Veterans Affairs may use a So-
15 cial Security account number to identify an individual in
16 an information system of the Department of Veterans Af-
17 fairs if and only if the use of such number is required
18 to obtain information the Secretary requires from an in-
19 formation system that is not under the jurisdiction of the
20 Secretary.

21 SEC. 239. (a) The Secretary of Veterans Affairs shall
22 treat a marriage and family therapist described in sub-
23 section (b) as qualified to serve as a marriage and family
24 therapist in the Department of Veterans Affairs, regard-
25 less of any requirements established by the Commission

1 on Accreditation for Marriage and Family Therapy Edu-
2 cation.

3 (b) A marriage and family therapist described in this
4 subsection is a therapist who meets each of the following
5 criteria:

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

9 (2) Is licensed as a marriage and family thera-
10 pist in a State (as defined in section 101(20) of title
11 38, United States Code) and possesses the highest
12 level of licensure offered from the State.

13 (3) Has passed the Association of Marital and
14 Family Therapy Regulatory Board Examination in
15 Marital and Family Therapy or a related examina-
16 tion for licensure administered by a State (as so de-
17 fined).

18 SEC. 240. (a) None of the funds appropriated or oth-
19 erwise made available in this Act to the Department of
20 Veterans Affairs shall be expended for the purpose of or-
21 ganizing or using groups of subject matter experts to
22 evaluate compensation claims under the laws administered
23 by the Secretary of Veterans Affairs.

24 (b) It is the sense of Congress that the evaluation
25 and adjudication of compensation claims under the laws

1 administered by the Secretary of Veterans Affairs should
2 be a uniform process equally applied to all claims and the
3 Secretary should not use subject matter experts or any
4 other process that applies additional or heightened scrutiny to claims of a particular class of veterans absent explicit legislative authorization to do so.

7 SEC. 241. None of the funds appropriated in this or
8 prior appropriations Acts or otherwise made available to
9 the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

13 SEC. 242. (a) One year after enactment of this Act,
14 the Secretary of Veterans Affairs shall deny or revoke the
15 eligibility of a healthcare provider to provide non-Department healthcare services to veterans if the Secretary determines that—

18 (1) the healthcare provider was removed from
19 employment with the Department of Veterans Affairs due to conduct that violated a policy of the Department relating to the delivery of safe and appropriate patient care;

23 (2) the healthcare provider violated the requirements of a medical license of the healthcare provider;

1 (3) the healthcare provider had a Department
2 credential revoked and the Secretary determines that
3 the grounds for such revocation impact the ability of
4 the healthcare provider to deliver safe and appro-
5 priate care; or

6 (4) the healthcare provider violated a law for
7 which a term of imprisonment of more than one year
8 may be imposed.

9 (b) One year after enactment of this Act, the Sec-
10 retary may deny, revoke, or suspend the eligibility of a
11 healthcare provider to provide non-Department healthcare
12 services if the Secretary has reasonable belief that such
13 action is necessary to immediately protect the health, safe-
14 ty, or welfare of veterans and—

15 (1) the healthcare provider is under investiga-
16 tion by the medical licensing board of a State in
17 which the healthcare provider is licensed or prac-
18 tices;

19 (2) the healthcare provider has entered into a
20 settlement agreement for a disciplinary charge relat-
21 ing to the practice of medicine by the healthcare
22 provider; or

23 (3) the Secretary otherwise determines that
24 such action is appropriate under the circumstances.

1 (c) The Secretary shall suspend the eligibility of a
2 healthcare provider to provide non-Department healthcare
3 services to veterans if the healthcare provider is suspended
4 from serving as a healthcare provider of the Department.

5 (d) The Secretary shall review the Department em-
6 ployment status and history of each healthcare provider
7 providing non-Department healthcare services to deter-
8 mine instances of circumstances described in subsections
9 (a) through (c) and shall take action as appropriate to
10 each circumstance as described in subsections (a) through
11 (c).

12 (e) Not later than 2 years after the date of the enact-
13 ment of this Act, the Comptroller General of the United
14 States shall submit to Congress a report on the implemen-
15 tation by the Secretary of this section, including the fol-
16 lowing:

17 (1) The aggregate number of healthcare pro-
18 viders denied or suspended under this section from
19 participation in providing non-Department
20 healthcare services.

21 (2) An evaluation of any impact on access to
22 care for patients or staffing shortages in programs
23 of the Department providing non-Department
24 healthcare services.

1 (3) An explanation of the coordination of the
2 Department with the medical licensing boards of
3 States in implementing this section, the amount of
4 involvement of such boards in such implementation,
5 and efforts by the Department to address any con-
6 cerns raised by such boards with respect to such im-
7 plementation.

8 (4) Such recommendations as the Comptroller
9 General considers appropriate regarding harmo-
10 nizing eligibility criteria between healthcare pro-
11 viders of the Department and healthcare providers
12 eligible to provide non-Department healthcare serv-
13 ices.

14 (f) In this section, the term “non-Department
15 healthcare services” means—

16 (1) services provided under subchapter I of
17 chapter 17 of title 38, United States Code, at non-
18 Department facilities (as defined in section 1701 of
19 such title);

20 (2) services provided under section 101 of the
21 Veterans Access, Choice, and Accountability Act of
22 2014 (Public Law 113–146; 38 U.S.C. 1701 note);

23 (3) services purchased through the Medical
24 Community Care account of the Department; or

1 *further*, That such amount is designated by the Congress
2 as being for an emergency requirement pursuant to sec-
3 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
4 gency Deficit Control Act of 1985.

5 (c) Each amount designated in this section by the
6 Congress as an emergency requirement pursuant to sec-
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985 shall be available (or
9 rescinded, if applicable) only if the President subsequently
10 so designates all such amounts and transmits such des-
11 ignations to the Congress.

12 (d) This section shall become effective immediately
13 upon enactment of this Act.

14 (RESCISSIONS OF FUNDS)

15 SEC. 244. (a) Of the unobligated balance of funds
16 made available through September 30, 2018, under the
17 heading “Construction, Major Projects” in division J of
18 the Consolidated Appropriations Act, 2014 (Public Law
19 113–76), \$10,000,000 is hereby rescinded.

20 (b) For an additional amount for “Construction,
21 Major Projects”, \$10,000,000, to remain available until
22 September 30, 2023.

23 (c) Of the unobligated balance of funds made avail-
24 able through September 30, 2019, under the heading
25 “Construction, Major Projects” in division I of the Con-

1 solidated and Further Continuing Appropriations Act,
2 2015 (Public Law 113–235), \$410,000,000 is hereby re-
3 scinded.

4 (d) For an additional amount for “Construction,
5 Major Projects”, \$410,000,000, to remain available until
6 September 30, 2024.

7 SEC. 245. Of the funds provided to the Department
8 of Veterans Affairs for each of fiscal year 2018 and fiscal
9 year 2019 for “Medical Services”, funds may be used in
10 each year to carry out and expand the child care program
11 authorized by section 205 of Public Law 111–163, not-
12 withstanding subsection (e) of such section.

13 SEC. 246. (a) Section 204(c) of the Department of
14 Veterans Affairs Health Care Programs Enhancement Act
15 of 2001 (Public Law 107–135; 38 U.S.C. 1710 note) is
16 amended—

17 (1) by inserting “(1)” before “The program”;
18 and

19 (2) by adding at the end the following new
20 paragraph:

21 “(2) The program shall be carried out at not
22 fewer than two medical centers or clinics in each
23 Veterans Integrated Service Network by not later
24 than December 31, 2019, and at not fewer than 50
25 percent of all medical centers in each Veterans Inte-

1 grated Service Network by not later than December
2 31, 2021.”.

3 (b)(1) Paragraph (6) of section 1701 of title 38,
4 United States Code, is amended by adding at the end the
5 following new subparagraph:

6 “(H) Chiropractic services.”.

7 (2) Paragraph (8) of such section is amended by in-
8 serting “chiropractic,” after “counseling,”.

9 (3) Paragraph (9) of such section is amended—

10 (A) by redesignating subparagraphs (F)
11 through (K) as subparagraphs (G) through (L), re-
12 spectively; and

13 (B) by inserting after subparagraph (E) the fol-
14 lowing new subparagraph (F):

15 “(F) periodic and preventive chiropractic
16 examinations and services;”.

17 SEC. 247. (a) PILOT PROGRAM.—The Secretary of
18 Veterans Affairs shall carry out a pilot program to provide
19 educational assistance to certain former members of the
20 Armed Forces for education and training as physician as-
21 sistants of the Department of Veterans Affairs.

22 (b) ELIGIBLE INDIVIDUALS.—An individual is eligi-
23 ble to participate in the pilot program if the individual—

1 (1) has medical or military health experience
2 gained while serving as a member of the Armed
3 Forces;

4 (2) has received a certificate, associate degree,
5 baccalaureate degree, master's degree, or
6 postbaccalaureate training in a science relating to
7 health care; or

8 (3) has participated in the delivery of
9 healthcare services or related medical services, in-
10 cluding participation in military training relating to
11 the identification, evaluation, treatment, and preven-
12 tion of diseases and disorders.

13 (c) DURATION.—The pilot program shall be carried
14 out during the 5-year period beginning on the date that
15 is 180 days after the date of the enactment of this Act.

16 (d) SELECTION.—

17 (1) The Secretary shall select eligible individ-
18 uals under subsection (b) to participate in the pilot
19 program.

20 (2) In selecting individuals to participate in the
21 pilot program under paragraph (1), the Secretary
22 shall give priority to individuals who agree to be em-
23 ployed as a physician assistant for the Veterans
24 Health Administration at a medical facility of the
25 Department located in a community that—

1 (A) is designated as a medically under-
2 served population under section 330(b)(3)(A) of
3 the Public Health Service Act (42 U.S.C.
4 254b(b)(3)(A)); and

5 (B) is in a State with a per capita popu-
6 lation of veterans of more than 5 percent ac-
7 cording to the National Center for Veterans
8 Analysis and Statistics and the United States
9 Census Bureau.

10 (e) EDUCATIONAL ASSISTANCE.—In carrying out the
11 pilot program, the Secretary shall provide educational as-
12 sistance to individuals participating in the pilot program,
13 including through the use of scholarships, to cover the
14 costs to such individuals of obtaining a master's degree
15 in physician assistant studies or a similar master's degree.

16 (f) PERIOD OF OBLIGATED SERVICE.—The Secretary
17 shall enter into an agreement with each individual partici-
18 pating in the pilot program in which such individual
19 agrees to be employed as a physician assistant for the Vet-
20 erans Health Administration for a period of obligated
21 service to be determined by the Secretary.

22 (g) BREACH.—An individual who participates in the
23 pilot program and fails to satisfy the period of obligated
24 service under subsection (f) shall be liable to the United
25 States, in lieu of such obligated service, for the amount

1 that has been paid or is payable to or on behalf of the
2 individual under the pilot program, reduced by the propor-
3 tion that the number of days served for completion of the
4 period of obligated service bears to the total number of
5 days in the period of obligated service of such individual.

6 (h) REPORT.—Not later than one year after the date
7 of the enactment of this Act, the Secretary of Veterans
8 Affairs, in collaboration with the Secretary of Labor, the
9 Secretary of Defense, and the Secretary of Health and
10 Human Services, shall submit to Congress a report on the
11 pilot program’s effectiveness of helping to meet the short-
12 age of physician assistants employed by the Department.

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

21 (1) In the case of an individual who served on
22 a coastwise merchant vessel seeking such recognition
23 for whom no applicable Coast Guard shipping or dis-
24 charge form, ship logbook, merchant mariner’s docu-
25 ment or Z-card, or other official employment record

1 is available, the Secretary of Defense shall provide
2 such recognition on the basis of applicable Social Se-
3 curity Administration records submitted for or by
4 the individual, together with validated testimony
5 given by the individual or the primary next of kin
6 of the individual that the individual performed such
7 service during the period beginning on December 7,
8 1941, and ending on December 31, 1946.

9 (2) In the case of an individual who served on
10 a coastwise merchant vessel seeking such recognition
11 for whom the applicable Coast Guard shipping or
12 discharge form, ship logbook, merchant mariner's
13 document or Z-card, or other official employment
14 record has been destroyed or otherwise become un-
15 available by reason of any action committed by a
16 person responsible for the control and maintenance
17 of such form, logbook, or record, the Secretary of
18 Defense shall accept other official documentation
19 demonstrating that the individual performed such
20 service during period beginning on December 7,
21 1941, and ending on December 31, 1946.

22 (3) For the purpose of determining whether to
23 recognize service allegedly performed during the pe-
24 riod beginning on December 7, 1941, and ending on
25 December 31, 1946, the Secretary shall recognize

1 masters of seagoing vessels or other officers in com-
2 mand of similarly organized groups as agents of the
3 United States who were authorized to document any
4 individual for purposes of hiring the individual to
5 perform service in the merchant marine or dis-
6 charging an individual from such service.

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

12 (c) BENEFITS ALLOWED.—

13 (1) MEDALS, RIBBONS, AND DECORATIONS.—
14 An individual whose service is recognized as active
15 duty pursuant to subsection (a) may be awarded an
16 appropriate medal, ribbon, or other military decora-
17 tion based on such service.

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

24 SEC. 249. (a) Notwithstanding any other provision
25 of law, the amounts appropriated or otherwise made avail-

1 able to the Department of Veterans Affairs for the “Med-
2 ical Services” account may be used to provide—

3 (1) fertility counseling and treatment using as-
4 sisted reproductive technology to a covered veteran
5 or the spouse of a covered veteran; or

6 (2) adoption reimbursement to a covered vet-
7 eran.

8 (b) In this section:

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

12 (2) The term “covered veteran” means a vet-
13 eran, as such term is defined in section 101 of title
14 38, United States Code, who has a service-connected
15 disability that results in the inability of the veteran
16 to procreate without the use of fertility treatment.

17 (3) The term “assisted reproductive tech-
18 nology” means benefits relating to reproductive as-
19 sistance provided to a member of the Armed Forces
20 who incurs a serious injury or illness on active duty
21 pursuant to section 1074(c)(4)(A) of title 10, United
22 States Code, as described in the memorandum on
23 the subject of “Policy for Assisted Reproductive
24 Services for the Benefit of Seriously or Severely Ill/
25 Injured (Category II or III) Active Duty Service

1 Members” issued by the Assistant Secretary of De-
2 fense for Health Affairs on April 3, 2012, and the
3 guidance issued to implement such policy, including
4 any limitations on the amount of such benefits avail-
5 able to such a member.

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

15 (c) Amounts made available for the purposes speci-
16 fied in subsection (a) of this section are subject to the
17 requirements for funds contained in section 508 of division
18 H of the Consolidated Appropriations Act, 2017 (Public
19 Law 115–31).

20 (RESCISSION OF FUNDS)

21 SEC. 250. Of the unobligated balances available from
22 prior year appropriations under the heading “Information
23 Technology Systems”, \$30,000,000 are hereby rescinded.

24 SEC. 251. (a) DEMAND PROFILE.—

1 (1) IN GENERAL.—The Secretary of Veterans
2 Affairs shall establish a demand profile with respect
3 to each healthcare service furnished under the laws
4 administered by the Secretary.

5 (2) ELEMENTS.—Each demand profile estab-
6 lished under paragraph (1) with respect to a
7 healthcare service shall include the following infor-
8 mation:

9 (A) The number of requests for the
10 healthcare service under the laws administered
11 by the Secretary.

12 (B) The number of appointments for the
13 receipt of the healthcare service under the laws
14 administered by the Secretary, disaggregated
15 by—

16 (i) appointments at facilities of the
17 Department of Veterans Affairs; and

18 (ii) appointments with non-Depart-
19 ment healthcare providers.

20 (C) The capacity of the Department to
21 provide the healthcare service at facilities of the
22 Department.

23 (D) An assessment of the extent to which
24 the Department needs to use non-Department
25 healthcare providers to provide healthcare serv-

1 ices under the laws administered by the Sec-
2 retary.

3 (3) USE OF DEMAND PROFILE FOR PROVISION
4 OF NON-DEPARTMENT CARE.—The Secretary shall
5 use the demand profile established under paragraph
6 (1) to inform the capability and capacity of any non-
7 Department healthcare services provided under the
8 laws administered by the Secretary.

9 (b) STRATEGIC PLAN.—

10 (1) IN GENERAL.—Not later than 120 days
11 after the date of the enactment of this Act, the Sec-
12 retary of Veterans Affairs shall submit to the appro-
13 priate committees of Congress a strategic plan that
14 specifies a 5-year forecast—

15 (A) for healthcare capacity and capabilities
16 to be provided and maintained at each medical
17 facility of the Department of Veterans Affairs;
18 and

19 (B) for the demand for health care from
20 the Department, disaggregated by geographic
21 area as determined by the Secretary.

22 (2) UPDATE.—The Secretary shall annually up-
23 date the strategic plan required under paragraph (1)
24 during the 5-year period specified in such sub-
25 section.

1 (3) ELEMENTS.—In preparing the strategic
2 plan under paragraph (1), and any updates to such
3 plan under paragraph (2), the Secretary shall—

4 (A) take into account the information set
5 forth in the demand profiles established under
6 subsection (a)(1);

7 (B) assess capacity, capabilities, and de-
8 mand with respect to primary and specialty
9 care at each medical facility of the Department;
10 and

11 (C) include the use of primary care in the
12 community through any non-Department
13 healthcare services provided under the laws ad-
14 ministered by the Secretary when there is a
15 lack of density of veterans in a community to
16 justify a full-time staff at a medical facility of
17 the Department.

18 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
19 FINED.—In this section, the term “appropriate commit-
20 tees of Congress” means—

21 (1) the Committee on Veterans’ Affairs and the
22 Committee on Appropriations of the Senate; and

23 (2) the Committee on Veterans’ Affairs and the
24 Committee on Appropriations of the House of Rep-
25 resentatives.

1 SEC. 252. (a) ESTABLISHMENT OF ACCESS STAND-
2 ARDS.—The Secretary of Veterans Affairs shall establish
3 uniform access standards for furnishing the following
4 types of health care services, including through the use
5 of non-Department of Veterans Affairs health care pro-
6 viders:

- 7 (1) Urgent care.
- 8 (2) Routine care.
- 9 (3) Referred or specialty care.
- 10 (4) Wellness or preventative care.

11 (b) COORDINATION WITH OTHER ENTITIES.—The
12 Secretary shall coordinate with the Department of De-
13 fense, the Department of Health and Human Services, en-
14 tities in the private sector, and other non-governmental
15 entities in establishing the uniform access standards under
16 subsection (a).

17 (c) REPORT.—Not later than 120 days after the date
18 of the enactment of this Act, the Secretary shall submit
19 to the appropriate committees of Congress a report detail-
20 ing the uniform access standards established under sub-
21 section (a).

22 (d) DEFINITIONS.—In this section:

- 23 (1) APPROPRIATE COMMITTEES OF CON-
24 GRESS.—The term “appropriate committees of Con-
25 gress” means—

1 (A) the Committee on Veterans' Affairs
2 and the Committee on Appropriations of the
3 Senate; and

4 (B) the Committee on Veterans' Affairs
5 and the Committee on Appropriations of the
6 House of Representatives.

7 (2) UNIFORM ACCESS STANDARDS.—The term
8 “uniform access standards” includes, with respect to
9 a health care service—

10 (A) the average time a veteran is expected
11 to wait to receive an appointment for such serv-
12 ice;

13 (B) the average time a veteran is expected
14 to drive to arrive at an appointment for such
15 service;

16 (C) the average time a veteran is expected
17 to wait at a facility to receive such service; and

18 (D) such other access standards as the
19 Secretary considers appropriate.

20 SEC. 253. None of the funds in this or any other Act
21 may be used to dispose of approximately 430 vacant or
22 mostly vacant buildings and structures, and approximately
23 730 underutilized buildings and structures, until such
24 time as the Secretary of Veterans Affairs provides a report

1 to the Committees on Appropriations of both Houses of
2 Congress including the following elements:

3 (1) an explanation of the process and method-
4 ology used to determine, record and validate which
5 buildings and structures in VA's real property port-
6 folio are vacant, mostly vacant, or underutilized, and
7 their physical condition;

8 (2) an explanation of the process by which
9 those property disposal analyses and plans were de-
10 veloped and coordinated with, and within, each
11 VISN;

12 (3) a cost-benefit analysis of the Department's
13 ongoing real property disposal plans, both in terms
14 of this immediate disposal action, and in aggregate;

15 (4) a discussion of the impact of historic des-
16 ignations of buildings and structures on the Depart-
17 ment's ability to manage its real property portfolio;
18 and

19 (5) a certification that the disposal of these
20 identified properties will have no significant adverse
21 impact on the Department's ability to provide health
22 care and benefits for veterans.

23 SEC. 254. (a) The Secretary of Veterans Affairs may
24 use amounts appropriated or otherwise made available in
25 this title to ensure that the ratio of veterans to full-time

1 employment equivalents within any program of rehabilita-
2 tion conducted under chapter 31 of title 38, United States
3 Code, does not exceed 125 veterans to one full-time em-
4 ployment equivalent.

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

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

12 (2) recommendations for such action as the
13 Secretary considers necessary to reduce the veteran-
14 to-staff ratio for each such program.

15 SEC. 255. (a) None of the funds made available in
16 this Act may be used to deny an Inspector General funded
17 under this Act timely access to any records, documents,
18 or other materials available to the department or agency
19 over which that Inspector General has responsibilities
20 under the Inspector General Act of 1978 (5 U.S.C. App.),
21 or to prevent or impede that Inspector General's access
22 to such records, documents, or other materials, under any
23 provision of law, except a provision of law that expressly
24 refers to the Inspector General and expressly limits the
25 Inspector General's right of access.

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

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

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

14 SEC. 256. None of the funds appropriated or other-
15 wise made available in this title may be used by the Sec-
16 retary of Veterans Affairs to enter into an agreement re-
17 lated to resolving a dispute or claim with an individual
18 that would restrict in any way the individual from speak-
19 ing to members of Congress or their staff on any topic
20 not otherwise prohibited from disclosure by Federal law
21 or required by Executive Order to be kept secret in the
22 interest of national defense or the conduct of foreign af-
23 fairs.

24 SEC. 257. Appropriations made available in this Act
25 under the heading “Medical Services” shall be available

1 to carry out sections 322(d) and 521A of title 38, United
2 States Code, to include the payment of the administrative
3 expenses necessary to carry out such sections. Of the
4 amount appropriated for fiscal year 2018, up to
5 \$2,000,000 shall be available for the payment of monthly
6 assistance allowances to veterans pursuant to 38 U.S.C.
7 322(d) and up to \$8,000,000 shall be available for the
8 payment of grants pursuant to 38 U.S.C. 521A. Of the
9 amounts appropriated in advance for fiscal year 2019, up
10 to \$2,000,000 shall be available for the payment of month-
11 ly assistance allowances to veterans pursuant to 38 U.S.C.
12 322(d) and up to \$8,000,000 shall be available for the
13 payment of grants pursuant to 38 U.S.C. 521A.

14 SEC. 258. (a) In fiscal year 2018 and each fiscal year
15 hereafter, beginning with the fiscal year 2019 budget re-
16 quest submitted to Congress pursuant to section 1105(a)
17 of title 31, United States Code, the budget justification
18 documents submitted for the “Construction, Major
19 Projects” account of the Department of Veterans Affairs
20 shall include, at a minimum, the information required
21 under subsection (b).

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

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

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

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

4 (4) the estimated funding required for the
5 project for each of the 4 fiscal years succeeding the
6 budget year; and

7 (5) such additional information as is enumer-
8 ated under the heading relating to the “Construc-
9 tion, Major Projects” account of the Department of
10 Veterans Affairs in the joint explanatory statement
11 accompanying this Act.

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

17 SEC. 259. (a) EXTENSION.—Subsection (b) of section
18 506 of the Caregivers and Veterans Omnibus Health Serv-
19 ices Act of 2010 (Public Law 111–163; 38 U.S.C. 523
20 note) is amended to read as follows:

21 “(b) DURATION OF PROGRAM.—The Secretary may
22 not carry out the pilot program after September 30,
23 2019.”.

1 (b) EXPANSION OF LOCATIONS.—Subsection (c) of
2 such section is amended by adding at the end the following
3 new paragraph:

4 “(3) ADDITIONAL LOCATIONS.—The Secretary
5 may expand the pilot program to include additional
6 locations if the Secretary recommends that the pilot
7 program be expanded in the initial report submitted
8 under subsection (g)(2)(C).”.

9 (c) REPORT.—Subsection (g) of such section is
10 amended—

11 (1) in the subsection heading, by striking “Re-
12 port on Program” and inserting “Reports”;

13 (2) in paragraph (1), by inserting “and not
14 later than 180 days after the completion of the pilot
15 program,” after “September 30, 2017,”; and

16 (3) in paragraph (2)—

17 (A) in the matter preceding subparagraph
18 (A), by striking “The report” and inserting
19 “Each report”; and

20 (B) in subparagraph (C), by inserting “or
21 expanding” after “continuing”.

22 SEC. 260. None of the funds in this or any other Act
23 may be used to close Department of Veterans Affairs (VA)
24 hospitals, domiciliaries, or clinics, or to diminish
25 healthcare services at existing Veterans Health Adminis-

1 tration medical facilities as part of a planned realignment
2 of VA services until the Secretary provides to the Commit-
3 tees on Appropriations of both Houses of Congress a re-
4 port including the following elements:

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

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

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

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

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

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

4 (7) consideration given for reuse of historic
5 buildings within newly identified realignment re-
6 quirements: *Provided*, That, this provision shall not
7 apply to capital projects in any VISN which have
8 been authorized or approved by Congress.

9 SEC. 261. (a) IN GENERAL.—Section 2402(a) of title
10 38, United States Code, is amended by adding at the end
11 the following new paragraph:

12 “(10) Any individual—

13 “(A) who—

14 “(i) was naturalized pursuant to sec-
15 tion 2(1) of the Hmong Veterans’ Natu-
16 ralization Act of 2000 (Public Law 106–
17 207; 8 U.S.C. 1423 note); and

18 “(ii) at the time of the individual’s
19 death resided in the United States; or

20 “(B) who—

21 “(i) the Secretary determines served
22 honorably with a special guerrilla unit or
23 irregular forces operating from a base in
24 Laos in support of the Armed Forces of
25 the United States at any time during the

1 period beginning February 28, 1961, and
2 ending May 7, 1975; and

3 “(ii) at the time of the individual’s
4 death—

5 “(I) was a citizen of the United
6 States or an alien lawfully admitted
7 for permanent residence in the United
8 States; and

9 “(II) resided in the United
10 States.”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall apply with respect to an individual
13 dying on or after the date of the enactment of this Act.

14 SEC. 262. The Secretary may carry out a 2-year pilot
15 program making grants to nonprofit veterans services or-
16 ganizations recognized by the Secretary in accordance
17 with section 5902 of title 38, United States Code, to up-
18 grade, through construction and repair, VSO community
19 facilities into health and wellness centers and to promote
20 and expand complementary and integrative wellness pro-
21 grams: *Provided*, That no single grant may exceed a total
22 of \$500,000: *Provided further*, That the Secretary may not
23 provide more than 20 grants during the 2-year pilot pro-
24 gram: *Provided further*, That the recipient of a grant
25 under this section may not use the grant to purchase real

1 estate or to carry out repair of facilities leased by the re-
2 cipient or to construct facilities on property leased by the
3 recipient: *Provided further*, That the Secretary ensures
4 that the grant recipients use grant funds to construct or
5 repair facilities located in at least 10 different geographic
6 locations in economically depressed areas or areas des-
7 ignated as highly rural that are not in close proximity to
8 Department of Veterans Affairs medical centers: *Provided*
9 *further*, That the Secretary shall report to the Committees
10 on Appropriations of both Houses of Congress no later
11 than 180 days after enactment of this Act, on the grant
12 program established under this section.

13 MODIFICATION OF PRIORITY OF STATE HOME PROJECTS
14 OF THE DEPARTMENT OF VETERANS AFFAIRS

15 SEC. 263. (a) PROJECTS FROM PREVIOUS YEARS.—

16 (1) IN GENERAL.—Paragraph (4) of section
17 8135(e) of title 38, United States Code, is amend-
18 ed—

19 (A) by striking “The Secretary” and in-
20 serting “(A) The Secretary”; and

21 (B) by adding at the end the following new
22 subparagraph:

23 “(B) With respect to a project that is approved in
24 a fiscal year but for which a grant has not been awarded
25 under this subchapter in that fiscal year, the Secretary

1 may not accord a lower priority on the list described in
2 subparagraph (A) to that project in any subsequent fiscal
3 year (as compared to the priority accorded that project
4 in any previous fiscal year) unless the reason for such
5 lower priority is the inclusion in such list of a project de-
6 scribed in subparagraph (A) or (B) of paragraph (2).”.

7 (2) CONFORMING AMENDMENT.—Paragraph (2)
8 of such section is amended, in the matter preceding
9 subparagraph (A), by striking “paragraphs (3) and
10 (5)(C)” and inserting “paragraphs (3), (4)(B), and
11 (5)(C)”.

12 (b) CONSIDERATION OF ACCESS TO PRIVATE FACILI-
13 TIES.—Such section is further amended by adding at the
14 end the following new paragraph:

15 “(8) In determining under subparagraphs (D), (F),
16 and (H) of paragraph (2) whether a State has a great,
17 significant, or limited need for beds in connection with an
18 application under subsection (a), the Secretary shall—

19 “(A) consider the availability and accessibility
20 to individuals in that State of private facilities pro-
21 viding similar care to the care for which the applica-
22 tion is submitted under such subsection; and

23 “(B) accord a lower priority in the list estab-
24 lished under paragraph (4) to applications by States

1 with a significant number of such private facilities,
2 as determined by the Secretary.”.

3 ACCESS TO DEPARTMENT OF VETERANS AFFAIRS MENTAL
4 AND BEHAVIORAL HEALTH CARE FOR CERTAIN INDI-
5 VIDUALS DISCHARGED OR RELEASED FROM THE AC-
6 TIVE MILITARY, NAVAL, OR AIR SERVICE UNDER
7 CONDITIONS OTHER THAN HONORABLE

8 SEC. 264. (a) IN GENERAL.—Subchapter II of chap-
9 ter 17 of title 38, United States Code, is amended by in-
10 serting after section 1712C the following new section:

11 **“§ 1712D. Mental and behavioral health care for cer-**
12 **tain individuals discharged or released**
13 **from the active military, naval, or air**
14 **service under conditions other than hon-**
15 **orable**

16 “(a) IN GENERAL.—Notwithstanding section 5303(a)
17 of this title and subject to subsection (c), the Secretary
18 shall furnish to an eligible individual covered mental and
19 behavioral health care.

20 “(b) ELIGIBLE INDIVIDUALS.—For purposes of this
21 section, an eligible individual is any of the following:

22 “(1) An individual who—

23 “(A) served in the active military, naval, or
24 air service for a period of more than 180 days
25 and was deployed in a theater of combat oper-

1 ations, in support of a contingency operation, or
2 in an area at a time during which hostilities are
3 occurring in that area, for a period of more
4 than 30 days during such service;

5 “(B) was discharged or released from such
6 service by reason of committing a covered of-
7 fense; and

8 “(C) was diagnosed by a qualified mental
9 health care provider with a mental or behavioral
10 health condition before committing the covered
11 offense.

12 “(2) An individual who—

13 “(A) served in the active military, naval, or
14 air service for a period of more than 180 days
15 and was deployed in a theater of combat oper-
16 ations, in support of a contingency operation, or
17 in an area at a time during which hostilities are
18 occurring in that area, for a period of more
19 than 30 days during such service;

20 “(B) was discharged or released from such
21 service by reason of committing a covered of-
22 fense;

23 “(C) is diagnosed with a mental or behav-
24 ioral health condition after committing such

1 covered offense but before the expiration of the
2 five-year period beginning on the later of—

3 “(i) the date of the enactment of this
4 section; or

5 “(ii) the date on which the individual
6 is discharged or released from such service;

7 “(D) submits to the Secretary—

8 “(i) a certification from a qualified
9 mental health care provider that the pro-
10 vider believes such condition may have led
11 the individual to commit such offense; and

12 “(ii) the Certificate of Release or Dis-
13 charge from Active Duty (DD Form 214)
14 of the individual; and

15 “(E) is determined by the Secretary pursu-
16 ant to subsection (c) to have had a mental or
17 behavioral health condition at the time the indi-
18 vidual committed the covered offense that con-
19 tributed to the commission of the offense.

20 “(c) DETERMINATION BY SECRETARY.—(1) Not later
21 than 90 days after receiving the information submitted
22 under subsection (b)(2)(D) with respect to an individual,
23 the Secretary shall determine whether, at the time of com-
24 mitting the covered offense, the individual had a mental

1 or behavioral health condition that contributed to the com-
2 mission of the offense.

3 “(2) If the Secretary does not make a determination
4 under paragraph (1) with respect to a mental or behav-
5 ioral health condition of an individual before the end of
6 the 90-day period beginning on the date of the submittal
7 of the information described in subsection (b)(2)(D), the
8 condition is deemed to be a mental or behavioral health
9 condition that contributed to the commission of the of-
10 fense until such time as the Secretary makes the deter-
11 mination.

12 “(d) INITIAL MENTAL HEALTH SCREENING.—(1)
13 The Secretary may furnish to each individual described
14 in paragraph (2) an initial mental health screening not
15 later than the later of—

16 “(A) five years after the date of the enactment
17 of this section; or

18 “(B) five years after the date on which the indi-
19 vidual was discharged or released from the active
20 military, naval, or air service.

21 “(2) Individuals described in this paragraph are the
22 following:

23 “(A) Eligible individuals described in subsection
24 (b)(1).

1 “(B) Individuals described in subparagraphs
2 (A), (B), and (C) of subsection (b)(2).

3 “(3) The mental health screening provided to an indi-
4 vidual under paragraph (1) shall be at no cost to the indi-
5 vidual.

6 “(e) NOTIFICATION OF ELIGIBILITY.—The Secretary
7 shall notify each eligible individual described in subsection
8 (b)(1) about the eligibility of the individual for covered
9 mental and behavioral health care under this section not
10 later than the later of—

11 “(1) 180 days after the date of the enactment
12 of this section; or

13 “(2) 180 days after the date on which the indi-
14 vidual was discharged or released from the active
15 military, naval, or air service.

16 “(f) ANNUAL REPORT.—Not less frequently than an-
17 nually, the Secretary shall submit to the Committee on
18 Veterans’ Affairs of the Senate and the Committee on Vet-
19 erans’ Affairs of the House of Representatives a report
20 that includes, with respect to the year preceding the sub-
21 mittal of the report, the following:

22 “(1) The number of eligible individuals who
23 were furnished covered mental and behavioral health
24 care under this section.

1 “(2) The number of individuals who the Sec-
2 retary determined under subsection (c) did not have
3 a mental or behavioral health condition at the time
4 of committing a covered offense that contributed to
5 the commission of the offense.

6 “(3) The number of individuals who requested
7 an initial mental health screening under subsection
8 (d).

9 “(4) The number of individuals who were fur-
10 nished an initial mental health screening under sub-
11 section (d).

12 “(g) DEFINITIONS.—In this section:

13 “(1) The term ‘covered mental and behavioral
14 health care’ means the same types of medical serv-
15 ices furnished by the Department to individuals with
16 service-connected mental or behavioral health condi-
17 tions to treat such conditions.

18 “(2) The term ‘covered offense’ means an of-
19 fense for which an individual is discharged or sepa-
20 rated from the active military, naval, or air service
21 under conditions other than honorable but not a dis-
22 honorable discharge or a discharge by court-martial.

23 “(3) The term ‘qualified mental health care
24 provider’ means a licensed or certified health care
25 provider whose scope of practice includes diagnosing

1 mental or behavioral health conditions and includes
2 physicians, psychologists, psychiatric nurse practi-
3 tioners, physician assistants, clinical social workers,
4 and licensed professional counselors.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of chapter 17 of such title is amended
7 by inserting after the item relating to section 1712C the
8 following new item:

“1712D. Mental and behavioral health care for certain individuals discharged
or released from the active military, naval, or air service under
conditions other than honorable.”.

9 (c) EFFECTIVE DATE.—Section 1712D of title 38,
10 United States Code, as added by subsection (a), shall take
11 effect on the date that is 120 days after the date of the
12 enactment of this Act.

13 SEC. 265. None of the funds appropriated or other-
14 wise made available to the Department of Veterans Affairs
15 in this Act may be used in a manner that would—

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

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

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

1 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 \$10,000 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, \$79,000,000, 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.

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, \$33,608,000: *Provided*, That, of the
8 foregoing amount, \$800,000 shall be transferred to the
9 General Services Administration for planning and design
10 of a courthouse: *Provided further*, That \$2,580,000 shall
11 be available for the purpose of providing financial assist-
12 ance as described, and in accordance with the process and
13 reporting procedures set forth, under this heading in Pub-
14 lic Law 102–229.

15 DEPARTMENT OF DEFENSE—CIVIL
16 CEMETERIAL EXPENSES, ARMY
17 SALARIES AND EXPENSES

18 For necessary expenses for maintenance, operation,
19 and improvement of Arlington National Cemetery and Sol-
20 diers' and Airmen's Home National Cemetery, including
21 the purchase or lease of passenger motor vehicles for re-
22 placement on a one-for-one basis only, and not to exceed
23 \$2,000 for official reception and representation expenses,
24 \$81,000,000, of which not to exceed 20 percent shall re-
25 main available until September 30, 2020. In addition,

1 such sums as may be necessary for parking maintenance,
2 repairs and replacement, to be derived from the “Lease
3 of Department of Defense Real Property for Defense
4 Agencies” account.

5 ARMED FORCES RETIREMENT HOME

6 TRUST FUND

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

22 ADMINISTRATIVE PROVISIONS

23 SEC. 301. Funds appropriated in this Act under the
24 heading “Department of Defense—Civil, Cemeterial Ex-
25 penses, Army”, may be provided to Arlington County, Vir-

1 ginia, for the relocation of the federally owned water main
2 at Arlington National Cemetery, making additional land
3 available for ground burials.

4 SEC. 302. Amounts deposited into the special account
5 established under 10 U.S.C. 4727 are appropriated and
6 shall be available until expended to support activities at
7 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”, \$139,700,000, to remain available until Sep-
7 tember 30, 2022, 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 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

13 For an additional amount for “Military Construction,
14 Navy and Marine Corps”, \$18,500,000, to remain avail-
15 able until September 30, 2022, 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”\$478,030,000, to remain available until Sep-
24 tember 30, 2022, 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”, \$1,900,000, to remain available until Sep-
7 tember 30, 2022, 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.

TITLE V

1

GENERAL PROVISIONS

2

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

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

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

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

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

23 SEC. 507. (a) None of the funds made available in
24 this Act may be used to maintain or establish a computer

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

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

7 SEC. 508. None of the funds made available in this
8 Act may be used by an agency of the executive branch
9 to pay for first-class travel by an employee of the agency
10 in contravention of sections 301–10.122 through 301–
11 10.124 of title 41, Code of Federal Regulations.

12 SEC. 509. (a) IN GENERAL.—None of the funds ap-
13 propriated or otherwise made available to the Department
14 of Defense in this Act may be used to construct, renovate,
15 or expand any facility in the United States, its territories,
16 or possessions to house any individual detained at United
17 States Naval Station, Guantánamo Bay, Cuba, for the
18 purposes of detention or imprisonment in the custody or
19 under the control of the Department of Defense.

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

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

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

4 (2) is—

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

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

9 This Act may be cited as the “Military Construction,
10 Veterans Affairs, and Related Agencies Appropriations
11 Act, 2018”.

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115TH CONGRESS
1ST Session

S. 1557

[Report No. 115-130]

A BILL

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2018, and for other purposes.

JULY 13, 2017

Read twice and placed on the calendar