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House of Representatives

CONFERENCE REPORT AND EXPLANATORY MATERIAL STATEMENT ON H.J. RES. 31, FURTHER CONTINUING APPROPRIATIONS FOR DEPARTMENT OF HOMELAND SECURITY, 2019, SUBMITTED BY MRS. LOWEY, CHAIRWOMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS

CONFERENCE REPORT (H. REPT. 116-9)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the joint resolution (H.J. Res. 31), making further continuing appropriations for the Department of Homeland Security for fiscal year 2019, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Consolidated Appropriations Act, 2019".

SEC. 2. TABLE OF CONTENTS.

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of appropriations.
- Sec. 5. Availability of funds.
- Sec. 6. Adjustments to compensation.
- Sec. 7. Technical correction.

DIVISION A—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2019

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DIVISION G—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2019

- Title I—Department of Transportation

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DIVISION H—EXTENSIONS, TECHNICAL CORRECTIONS, AND OTHER MATTERS

- Title I—Immigration Extensions
- Title II—Technical Corrections
- Title III—Budgetary Effects

SEC. 3. REFERENCES TO ACT.

Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. STATEMENT OF APPROPRIATIONS.

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2019.

SEC. 5. AVAILABILITY OF FUNDS.

Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 6. ADJUSTMENTS TO COMPENSATION.

For a payment to Joe Anne Jones, widow of Walter B. Jones Jr., late a Representative from North Carolina, \$174,000.

SEC. 7. TECHNICAL CORRECTION.

Division O of the Consolidated Appropriations Act, 2018 (Public Law 115-141) is amended—

- (1) in the heading, by inserting "Stephen Sepp" before "Wildfire"; and
- (2) by amending section 101 to read as follows:

"SEC. 101. SHORT TITLE.

"(a) SHORT TITLE.—This division may be cited as the "Stephen Sepp Wildfire Suppression Funding and Forest Management Activities Act".

"(b) REFERENCES.—A reference to the Wildfire Suppression Funding and Forest Management Activities Act, including a reference in a regulation, order, or other law, is deemed to refer to the Stephen Sepp Wildfire Suppression Funding and Forest Management Activities Act."

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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emission reduction activities deemed necessary for compliance with national ambient air quality standards and included in a State Implementation Plan submitted to EPA. Not later than the end of fiscal year 2019, EPA should provide a report to the Committees that includes a table showing how fiscal year 2017 and 2018 funds were allocated. The table also should include grant recipients and metrics for anticipated or actual results.

Animas River Spill.—EPA is directed to follow directives included in Senate Report 115-276 related to the Animas River and the Gold King Mine spill. In addition, the bill provides \$4,000,000 for fiscal year 2019 for long-term water quality monitoring of the Animas River.

Categorical Grants.—The bill provides \$1,077,041,000 for Categorical Grants. Funding levels are specified in the table at the end of this division. Within this amount, the Beaches Protection program and Radon program are both maintained at the fiscal year 2018 enacted levels. The Agency shall continue to allocate radon grants in fiscal year 2019 following the direction in House Report 114-632.

Categorical Grant: State and Local Air Quality Management.—The bill provides \$228,219,000. The Agency is directed to allocate funding follow the guidance contained in Senate Report 115-276.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

The bill provides a total of \$68,000,000 for the Water Infrastructure Finance and Innovation Act (WIFIA) program. Within base funding in Title II, the bill provides \$10,000,000 for the WIFIA program, and a Title IV general provision provides an additional \$58,000,000 for the program. By utilizing \$5,000,000 in base funds and \$3,000,000 in Title IV funds, the Agency may use up to a total of \$8,000,000 to assist with the administrative expenses for the program. The remaining \$60,000,000 in WIFIA funds is provided to subsidize direct loans, which may translate into a potential loan capacity greater than \$7,000,000,000 for eligible entities for water infrastructure projects.

The Conferees encourage the Agency to prioritize applications for WIFIA financing for projects that address lead and emerging contaminants, including PFOA and PFAS.

ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

The bill continues several administrative provisions from previous years.

Rescission.—The bill rescinds \$139,078,000 in unobligated balances from the State and Tribal Assistance Grants account. The Agency shall calculate the requisite percent reduction necessary to rescind such amounts from new obligational authority provided to this account, both from the direct appropriation and from amounts provided in a general provision in Title IV, and apply it across program project areas by formula. The Agency is directed to submit, as part of the operating plan, detail on the application of such rescissions by program project area.

TITLE III—RELATED AGENCIES DEPARTMENT OF AGRICULTURE FOREST SERVICE

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

The bill provides \$875,000 for the Office of the Under Secretary for Natural Resources and Environment.

Forest Service Accounting, Budgeting, and Management.—The Conferees appreciate the Service's efforts to improve its accounting, budgeting, and management practices and look forward to working with the Service,

Office of Budget and Program Analysis, Under Secretary for Natural Resources and Environment, and Secretary of Agriculture to continue these improvements. The Conferees are particularly interested in the Service's plan to transition away from Cost Pools and remind the Service that a plan is required within 180 days of enactment of P.L. 115-141.

Forest Service Directives.—The Forest Service is reminded of the importance of the directives included in the explanatory statement to accompany P.L. 115-141, House Report 115-765, and Senate Report 115-276 that are not specifically addressed herein, as well as the new directives in this statement, including the front matter.

Wildland Fire Management.—The Consolidated Appropriations Act, 2018 (P.L. 115-141) provided a budget cap adjustment for wildfire suppression costs and included forest management reforms. The Conferees remind the Service and the Secretary of Agriculture of the multi-year effort to achieve these budget and legislative changes and expect that all authorities will be appropriately used to improve the condition of the Nation's forests, as well as the ability of the Service to proactively manage and sustain them for future generations. The Conferees also remind the Service of their expectations for more accurate accounting for wildfire suppression costs, especially in light of the availability of the cap adjustment in fiscal year 2020. The Conferees are hopeful that the Secretary's Shared Stewardship initiative will result in better forest management, healthier forests, and an increase in the number of fire-adapted communities.

Report on Partnerships.—Within 180 days of enactment of this Act, the Conferees request a detailed report on the funding the Service has provided to the National Forest Foundation and National Fish and Wildlife Foundation for each of the past 10 fiscal years. The report also should include information on the specific projects and activities, other partners involved, and the Foundations' administrative operations that were supported by these funds.

Conservation Finance.—The Conferees encourage the Service to continue conservation finance efforts to leverage non-Federal investments in outcome-focused projects, promote collaboration with public and private sector partners, and utilize new tools to accelerate the pace and scale of forest management activities.

Reprogramming.—The Conferees remind the Service to follow the letter and spirit of the reprogramming requirements in this explanatory statement and direct the Service to submit requests through the Office of Budget and Program Analysis.

FOREST AND RANGELAND RESEARCH

The agreement provides \$300,000,000 for Forest and Rangeland Research. This includes \$223,000,000 for base research activities and \$77,000,000 for Forest Inventory and Analysis. The Service is directed to provide \$3,000,000 to the Joint Fire Science Program for fiscal year 2019.

The Conferees note the interest of Members of Congress, States, forestry and research associations, industry, and researchers in the Service's various research programs, projects, and activities. The Conferees believe Congress should broadly define the highest priority research goals, and that the Service should formulate the specific programs, projects, and activities to achieve them. The Conferees expect the Service to complete the review and restructuring of the research program, as directed by House Report 115-765 and Senate Report 115-276, prior to the end of the second quarter of fiscal year 2019. The Conferees look forward to re-

viewing the Service's plan for strengthening its research program and note that they will adjust the directions regarding forestry research as needed in the future.

The Conferees direct the Service to prioritize data collection and analysis on U.S. forests; research to support land affected by wildland fire; post-fire analysis; research to support the National Forest System; and research related to forest products for fiscal year 2019.

The Service is directed to provide information to the Committees regarding the mission of the Southern Research Station Pineville Research Facility and the viability of continued wood utilization research at that site within 60 days of enactment of this Act.

The Service is directed to provide a report regarding its current and planned research on issues and risks related to firefighter health and safety in wildlands and wildland urban interface within 90 days of enactment of this Act. The report should include detailed budget information and identify gaps in knowledge and potential remedies to address them.

STATE AND PRIVATE FORESTRY (INCLUDING RESCISSION OF FUNDS)

The agreement provides \$335,487,000 for State and Private Forestry.

Cooperative Forestry Activities.—The Conferees direct the Service to continue focus on spruce beetle, Emerald Ash Borer, and bark beetle infestations, which affect forests throughout the Nation.

The Service is expected to follow the Senate direction on wood energy technical assistance, herein.

Forest Legacy.—The bill provides \$63,990,000 for the Forest Legacy program. This includes \$6,400,000 for program administration and \$57,590,000 for projects. The Service should fund projects in priority order according to the updated, competitively selected national priority list submitted to the Committees and the directive contained in Division G of the explanatory statement accompanying Public Law 115-141, the Consolidated Appropriations Act, 2018. The Conferees include a rescission of \$1,503,000 in Forest Legacy funds. This funding rescission is from cost savings of some projects and funds returned from failed or partially failed projects.

The Conferees are concerned with the Service's ability to provide timely information on project status and available balances and expect the Service to be able to provide this information expeditiously moving forward. Ensuring project recordkeeping is accurate must be a top priority in fiscal year 2019.

NATIONAL FOREST SYSTEM

The agreement provides \$1,938,000,000 for the National Forest System.

Hazardous Fuels.—The agreement provides \$435,000,000 for hazardous fuels management activities within the National Forest System account. Included in this amount is \$3,000,000 for the Southwest Ecological Restoration Institutes.

Ouachita National Forest.—The Service is directed to conduct an inventory and evaluation of land generally depicted on the map entitled "Flatside Wilderness Adjacent Inventory Area", dated November 30, 2017, to determine the suitability of that land for inclusion in the National Wilderness Preservation System.

Gifford Pinchot National Forest.—In lieu of the directive in House Report 115-765, the Conferees encourage the Service and all interested parties to work together regarding the use of all-terrain vehicles in the forest.

CAPITAL IMPROVEMENT AND MAINTENANCE (INCLUDING TRANSFER OF FUNDS)

The agreement provides \$446,000,000 for Capital Improvement and Maintenance programs.