House of Representatives

EXPLANATORY STATEMENT SUBMITTED BY MR. FRELINGHUYSEN OF NEW JERSEY, CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS, REGARDING THE HOUSE AMENDMENTS TO THE SENATE AMENDMENTS ON H.R. 644

The following is an explanation of the Conference Appropriations Act, 2017.

This Act includes regular appropriations bills for fiscal year 2017. The divisions contained in the Act are as follows:

DIVISION A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2017

DIVISION B—Department of Justice, Commerce, Justice, Science, and Related Agencies Appropriations Act, 2017

DIVISION C—Department of Defense Appropriations Act, 2017

DIVISION D—Energy and Water Development and Related Agencies Appropriations Act, 2017

DIVISION E—Financial Services and General Government Appropriations Act, 2017

DIVISION F—Department of Homeland Security Appropriations Act, 2017

DIVISION G—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2017

DIVISION H—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2017

DIVISION I—Legislative Branch Appropriations Act, 2017

DIVISION J—Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017

DIVISION K—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2017

DIVISION L—Military Construction and Veterans Affairs—Additional Appropriations Act, 2017

DIVISION M—Other Matters

DIVISION N—Honoring Investments in Recruiting and Employing American Military Veterans Act of 2017 (This is the original subject matter of H.R. 546)

Section 1 of the Act is the short title of the bill.

Section 2 of the Act displays a table of contents.

Section 3 of the Act states that, unless expressly provided otherwise, any reference to “this Act” contained in any division shall be treated as referring only to the provisions of that division.

Section 4 of the Act states that this explanatory statement shall have the same effect with respect to the allocation of funds and implementation of this legislation as if it were a joint explanatory statement of a conference committee.

Section 5 of the Act provides a statement of appropriation.

Section 6 of the Act states that each amount designated by Congress as an emergency requirement is contingent on the President designating such an amount as an emergency requirement.

The Act does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined by the House Appropriations Committee.


The Act contains an additional appropriation for the House of Representatives.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

CONGRESSIONAL DIRECTIVES

The explanatory statement is silent on provisions that were in both the House Report (H.R. 114-614) and Senate Report (S. Rep. 114-225) that remain unchanged by this agreement, except as noted in this explanatory statement.

The agreement contains a provision that executive branch agencies may substitute for Congress's own statements in the best evidence of congressional intentions, which are the official reports of the Congress. The agreement further notes that funds in this Act shall be used for the purposes for which appropriated, as required by section 201 of title 31 of the United States Code, which provides: “Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”

The House and Senate report language that does not change by the explanatory statement is approved and indicates congressional intentions. The explanatory statement, while repeating some report language where emphasis, due space limitations, or to the language referred to above unless expressly provided herein.

In cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations no later than 20 days after enactment of this Act, unless otherwise directed.

Hereafter, in division A of this statement, the term 'the Committees' refers to the Committees on Appropriations of the House of Representatives and the Senate.

For the appropriations provided by this Act and previous Acts, the departments and agencies funded by this agreement are reminded that the Committees use the definitions for transfer, reprogramming, and project, and activity as defined by the Government Accountability Office (GAO) in GAO-04-316SP Appropriations Law—Vol. 1 and GAO-05-538SP Budget Glossary.

This transfer is the shifting of funds between appropriations. It applies to (1) transfers from one agency to another, (2) transfers from one account to another within the same agency, and (3) transfers to an allowance or intra-agency working fund. In each instance, statutory authority is required.

Reprogramming is the utilization of funds in an appropriation account for purposes other than those contemplated at the time of appropriation. It is the shifting of funds from one object to another within an appropriation.

A program, project, or activity (PPA) is an element within a budget account. PPAs are identified by references to include the most specific level of budget. Items identified in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2017, accompanying Conference reports, explanatory statements, the Statement of Managers, and Budget Justifications. Program activity structures are intended to provide a meaningful representation of the operations financed by a specific budget account by project, activity, or organization.
CONGRESSIONAL RECORD—HOUSE  May 3, 2017

DIVERSION D—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

The following statement is an explanation of Division D, which provides appropriations for the Department of the Interior, the Environmental Protection Agency (EPA), the Forest Service, the National Park Service, and related agencies for fiscal year 2017. Report language contained in House Report 114-323 and Senate Report 114-281 provides guidance to agencies regarding the administration of appropriated funds and any corresponding reporting requirements. The language included in this explanatory statement should be complied with unless specifically addressed to the contrary herein.

Making Appropriations Transparent.—The Department of the Interior, the EPA, and the Forest Service are directed to provide to the House and Senate Committees on Appropriations, and to make publicly available no later than 60 days after enactment of this Act, detailed equal Access to Justice Act (EAJA) information as specified in the explanatory statement accompanying Division G of the Consolidated Appropriations Act, 2016 (Public Law 114-113).

State Wildlife Data.—The Department of the Interior and U.S. Forest Service are expected to prioritize continued coordination with other Federal, state, local, and wildlife agencies to recognize and fully utilize State fish and wildlife data and analysis as a primary source to inform land use, planning, and management decisions. Federal agencies should not unnecessarily duplicate new data, but when appropriate, evaluate and ensure that data are recognized by the States, and then make data accessible to all Federal agencies for use.

Paper Reduction Efforts.—The Committees urge each agency funded by this Act to work with the Office of Management and Budget (OMB) to reduce printing and production costs and direct each agency to report to the Committees as part of its fiscal year 2018 budget request on specific management actions taken to achieve this goal and estimated cost savings created by these actions.

Land, Water, and Community Grants.—Public Lands, Water Projects, and Community Development Grants are to be used to support the traditional use of State-recognized community land grants, easements, and community ditches in the American Southwest during the land use planning process.

Executive Order 13690.—On March 20, 2017, the President issued Executive Order 13690 for the purposes of conserving the Nation's water resources and ensuring water supply for domestic energy production. The Order directs executive branch departments and agencies to immediately review all actions with respect to domestic energy resources. The Committees note that several specific directives apply to entities under the jurisdiction of the Department of the Interior, the EPA, and the Forest Service.

Transparency of Information.—The Committees expect that Federal agencies funded under this Act shall, to the extent practicable, clearly state within materials used for advertising or educational purposes that the information is funded by taxpayer dollars.

Fleet Management Practices.—Agencies shall provide supporting documentation on their methods for determining and implementing fleet inventories and justification for any deviation from the General Services Administration's (GSA)'s Federal Property Management Standards upon request of the Committees on Appropriations. Agency Inspector general shall provide results from audits of fleet management practices and make them publicly available.

Land and Water Conservation Fund.—The Land and Water Conservation Fund (LWCF) was authorized by Public Law 88-216 and has been funded by receipts from excise taxes on certain recreational items purchased by Federal Lands.

Enforcement of the Executive Order on Executive Order 13690, as amended, is required as a condition of funding for any project that may be subject to the Executive Order.
continue to be deeply concerned about reports of harassment and hostile work environments at some of the agencies funded through this Act, especially the long-term pattern of harassment at the Department of Homeland Security and the Department of the Interior.

Wild Horses and Burros.—The Committees are aware of proposals to overhaul the program to ensure humane treatment of un迎接, additional funds.