



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163

WASHINGTON, WEDNESDAY, MAY 3, 2017

No. 76—Book II

House of Representatives

EXPLANATORY STATEMENT SUBMITTED BY MR. FRELINGHUYSEN OF NEW JERSEY, CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS, REGARDING THE HOUSE AMENDMENT TO THE SENATE AMENDMENTS ON H.R. 244

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

This Act includes 11 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—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. 244.)

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 committee of conference.

Section 5 of the Act provides a statement of appropriations.

Section 6 of the Act states that each amount designated by Congress as an emergency requirement is contingent on the President so designating all such emergency amounts and transmitting such designations to Congress. The section further states that each amount designated by Congress as being for Overseas Contingency Operations/Global War on Terrorism (OCO/GWOT) is contingent on the President so designating all such OCO/GWOT amounts and transmitting such designations to Congress. The provision is consistent with the requirements in the Budget Control Act of 2011.

Section 7 of the Act addresses possible technical scorekeeping differences for fiscal year 2017 between the Office of Management and Budget and the Congressional Budget Office.

Section 8 of the Act makes a technical correction to the long title of the Further Continuing and Security Assistance Appropriations Act, 2017.

The Act does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined by clause 9 of rule XXI of the Rules of 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. Rpt. 114-531) and Senate Report (S. Rpt. 114-259) that remain unchanged by this agreement, except as noted in this explanatory statement.

The agreement restates that executive branch wishes cannot substitute for Congress's own statements as to the best evidence of congressional intentions, which are the official reports of the Congress. The agreement further points out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: "Appropriations shall be ap-

plied only to the objects for which the appropriations were made except as otherwise provided by law."

The House and Senate report language that is not changed by the explanatory statement is approved and indicates congressional intentions. The explanatory statement, while repeating some report language for emphasis, does not intend to negate 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 60 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 program, project, and activity as defined by the Government Accountability Office (GAO) in GAO-04-261SP Appropriations Law—Vol. I and GAO-05-734SP Budget Glossary.

A 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 interagency 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 reference 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 Committee 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.

□ 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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H3327

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

The following statement is an explanation of the effects of Division G, which makes appropriations for the Department of the Interior, the Environmental Protection Agency (EPA), the Forest Service, the Indian Health Service, and related agencies for fiscal year 2017. Report language contained in House Report 114-632 and Senate Report 114-281 providing specific guidance to agencies regarding the administration of appropriated funds and any corresponding reporting requirements carries the same emphasis as the language included in this explanatory statement and should be complied with unless specifically addressed to the contrary herein. This explanatory statement, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

In cases where the House report, Senate report, or this explanatory statement directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations.—Where this explanatory statement refers to the Committees or the Committees on Appropriations, unless otherwise noted, this reference is to the House Subcommittee on Interior, Environment, and Related Agencies and the Senate Subcommittee on Interior, Environment, and Related Agencies.

The Committees direct each department and agency funded in this Act to follow the directions set forth in this Act and the accompanying statement, and not reallocate resources or reorganize activities except as provided herein or otherwise approved by the Committees through the reprogramming process as described in this explanatory statement. This explanatory statement addresses only those agencies and accounts for which there is a need for greater explanation than provided in the Act itself. Funding levels for appropriations by account, program, and activity, with comparisons to the fiscal year 2016 enacted level and the fiscal year 2017 budget request, can be found in the table at the end of this division.

Unless expressly stated otherwise, any reference to "this Act" or "at the end of this

statement" shall be treated as referring only to the provisions of this division.

Recreation Fee Authority.—The one-year extension of recreation fee authority for the Department of the Interior and U.S. Forest Service contained in the budget request and included in both fiscal year 2017 House and Senate Interior, Environment, and Related Agencies Appropriations bills was included in the Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017 and Zika Response and Preparedness Act (Public Law 114-223).

Making Litigation Costs Transparent.—The Department of the Interior, 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) fee 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 agencies and State fish and wildlife agencies to recognize and fully utilize State fish and wildlife data and analyses as a primary source to inform land use, planning, and related natural resource decisions. Federal agencies should not unnecessarily duplicate raw data, but when appropriate, evaluate existing analysis of data prepared by the States, and reciprocally share data with State wildlife managers, to ensure that the most complete data set is available for decision support systems.

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 reproduction 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 Grants, Acequias and Community Ditches.—The Secretaries of the Interior and Agriculture are urged to recognize the traditional use of State-recognized community

land grants, acequias, and community ditches in the American Southwest during the land use planning process.

Executive Order #13783.—On March 28, 2017, Executive Order #13783 established policies 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 Subcommittee on Interior, Environment, and Related Agencies, including a review of the Clean Power Plan and related rules, and a review of methane and other regulations related to oil and gas development. The Committees also note that the Secretary of the Interior signed two secretarial orders on March 29, 2017, to overturn the moratorium on all new coal leases on Federal land, and to take additional steps to immediately comply with the Executive Order. The Committees expect the Department of the Interior and the Environmental Protection Agency to keep the Committees fully apprised of any actions taken to comply with the directives specified in the Executive Order or related secretarial orders.

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 communication is funded by taxpayer dollars.

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

Land and Water Conservation Fund.—The agreement includes \$400,000,000 derived from the Land and Water Conservation Fund (LWCF) for programs consistent with chapter 2003 of title 54 of the United States Code, as identified in the table below.

	FY 2016 Enacted	Budget Request (Discretionary)	This Bill
Land and Water Conservation Fund	\$450,000,000	\$475,000,000	\$400,000,000
State and Local Programs	160,800,000	173,501,000	160,800,000
National Park Service State Assistance	110,000,000	110,000,000	110,000,000
Comp. Endangered Species Conservation Fund	30,800,000	53,495,000	30,800,000
American Battlefield Protection Act	10,000,000	10,000,000	10,000,000
Highlands Conservation Act	10,000,000	0	10,000,000
Forest Legacy Program	62,347,000	62,347,000	62,347,000
Recreation	225,853,000	239,152,000	188,849,000
Federal Land Acquisition	63,435,000	65,653,000	54,415,000
Forest Service	58,500,000	58,653,000	49,995,000
Fish and Wildlife Service	53,700,000	58,242,000	42,023,000
National Park Service	38,630,000	43,958,000	31,415,000
Bureau of Land Management	12,618,000	12,643,000	11,000,000
Department of the Interior Valuation Services			

The Committees urge each of the agencies to comply with any Congressional requests for full and accurate accounting of cost, acreage, and location data of lands acquired with LWCF funds. In future budget justifications, the agencies are directed to include a detailed explanation on the use of prior year funds for recreational access projects and inholdings.

The Committees direct the agencies to continue to consider and rank Federal land acquisition projects consistent with the process used in prior years, and upon request, to provide a prioritized project list for any funding levels above the budget request being considered by the House or Senate Committees.

The Committees believe increasing access to our public lands for hunting, fishing, and

other recreational activities is important and again include funding for these projects. The Committees expect the same factors used to determine suitability of listed projects will apply to recreational access projects and the agencies should work through their respective regions, State offices, and/or management units to consider projects that may not rise to the level of listed projects. The agencies are directed to include an explanation of the process and criteria used for allocating funds for recreational access in future budget justifications. Further, the Committees are to be informed about the selection process and how the agencies are meeting the outlined objectives prior to proceeding with projects.

Public Access.—The Department of the Interior and the Forest Service are directed to

notify the House and Senate Committees on Appropriations in advance of any proposed project specifically intending to close an area to recreational shooting, hunting, or fishing on a non-emergency basis of more than 30 days.

National Ocean Policy.—The President's budget submission for fiscal year 2018 shall identify by agency and account all funding and associated actions proposed for the implementation of the coastal and marine spatial planning and ecosystem-based management components of the National Ocean Policy developed under Executive Order 13547.

Harassment-Free Workplace.—The Committees believe all Federal employees have the right to a harassment-free workplace and

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 unacceptable behavior at several national park system units. The Committees direct the Department of the Interior to report to the Committees regarding: 1) what specific corrective actions the National Park Service is taking to preclude additional incidents from occurring in the future, and 2) what steps the Department is taking to ensure that all of its bureaus and offices have strong and consistent anti-harassment policies in place. The Forest Service is also directed to provide a report that describes in detail the policy and process changes it has made to address past incidents. Finally, the EPA Office of Inspector General is directed to provide a report describing existing EPA policy, procedure and training regarding harassment at the Agency and any policy and process changes it has made. The reports shall be provided to the Committees within 120 days of enactment of this Act.

Access for Inspectors General.—Consistent with the Inspector General Act of 1978, the Committees expect departments and agencies funded by this Act to provide their respective Inspectors General access to all appropriate records, documents, and other materials in a timely manner. Accordingly, agencies and departments shall not prevent or impede access to records, documents or materials unless otherwise provided by law.

Restrictions on lobbying with appropriated funds.—The Committees remind the entities and employees funded under the jurisdiction of this bill that no part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used in a manner inconsistent with 18 U.S.C 1913.

REPROGRAMMING GUIDELINES

The agreement retains the reprogramming guidelines contained in the joint explanatory statement of Division G of the Consolidated Appropriations Act, 2016 (Public Law 114-113).

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT MANAGEMENT OF LANDS AND RESOURCES

Bureau of Land Management Directives.—The Bureau is reminded of the importance of the directives included in House Report 114-632 and Senate Report 114-281 not addressed herein, as well as the new directives in this statement, including the front matter.

The agreement provides \$1,095,375,000 for Management of Lands and Resources. In addition to the funding allocation table at the end of this explanatory statement, the agreement includes the following instructions:

Rangeland Management.—The Bureau is directed, to the greatest extent practicable, to

make vacant grazing allotments available to a holder of a grazing permit or lease when lands covered by the holder of the permit or lease are unusable because of drought or wildfire.

Wild Horses and Burros.—The Committees are aware of proposals to overhaul the program to ensure the humane treatment of animals in holding and on the range, improve the use of annual appropriations, and continue implementing the reforms recommended by the 2013 National Academy of Sciences' report. The Bureau is expected to review all serious proposals from non-governmental organizations, to keep the Committees informed throughout its decision-making process, and to transmit to Congress within 180 days of enactment of this Act a plan to achieve long-term sustainable populations on the range in a humane manner.

Greater Sage-grouse Conservation.—The agreement provides a total of \$68,900,000 for greater sage-grouse conservation activities, including the implementation of the National Seed Strategy, which is an increase of \$8,900,000 above the fiscal year 2016 enacted level. The Committees direct that the funds provided for greater sage-grouse be used for on-the-ground conservation measures as indicated in the fiscal year 2017 budget justification and House and Senate reports.

The Committees believe conservation is most successful when all partners trust and work cooperatively together. The Committees expect the Secretary and the Bureau to work collaboratively with States, communities, industry, and partners to address concerns with the Resource Management Plans and related Land Use Planning Amendments. The Committees remind the Bureau of the concerns noted in the House and Senate reports and direct the Bureau to report within 60 days of enactment of this Act how it has addressed each issue.

Internet Oil and Gas Leasing.—The Bureau is directed to provide the House and Senate Appropriations Committees with a plan to achieve cost-savings and efficiencies by transitioning to Internet-based oil and gas leasing within 180 days of enactment of this Act.

BLM and ONRR Coordination.—The Bureau and Office of Natural Resources Revenue are encouraged to better coordinate their respective leasing and revenue collection databases to increase efficiency and improve customer service.

Abandoned Mine Lands.—The agreement provides that funds may be used for projects included on the Bureau's high-priority mine reclamation list, such as the Red Devil Mine.

Pipeline Safety.—The Bureau is encouraged to continue to share standardized pipeline safety data, when appropriate, to enhance pipeline safety.

Law Enforcement.—The Bureau is encouraged to focus on visitor safety and archae-

ological resource protection, and work with the Department of Justice and the Department of Homeland Security on other matters of Federal law not unique to Bureau lands or property.

Cooperative Efforts in Alaska.—The Bureau, as the largest Federal landowner in the State of Alaska's Arctic region, is directed to work cooperatively with local stakeholders to enhance economic opportunities for the people who live and work in the region. The Bureau also is reminded of the directions contained in the Senate report regarding Legacy Wells, and Alaska Native lands in need of remediation. The Bureau is instructed to review recently executed land management plans to determine whether decisions to retain certain mineral closures are consistent with Federal law, including the Alaska National Interest Lands Conservation Act and the Federal Land Policy Management Act, including a determination whether sufficient notice was provided prior to the creation of Areas of Critical Environmental Concern. Further, the Bureau is encouraged to work cooperatively with the State of Alaska to lift Public Land Orders that no longer serve their original purpose.

Bureau of Land Management Foundation.—The agreement provides for the creation of a Bureau of Land Management Foundation, the purpose of which is to undertake, conduct, and encourage programs and activities that support the mission of the Bureau. This should include educational, technical, scientific, and other assistance or activities to assist the Bureau with wild free-roaming horses and burros; recreation, cultural, and historic resources; protection of Native American archaeological and cultural sites; and activities that support the reclamation and remediation of abandoned mine lands, contaminated Native lands, legacy and orphaned oil and gas well sites, and public lands affected by development connected to mineral exploration and development activities. Reclamation activities should include, but not be limited to, the remediation of soil and water contamination, the restoration of wildlife habitat in order to restore the natural, scenic, historic, cultural, and ecological values of such areas, or the promotion of the economic potential of such areas.

LAND ACQUISITION

The bill provides \$31,416,000 for Land Acquisition. The amounts recommended by this bill compared with the budget estimates by activity and project are shown in the table below, listed in priority order pursuant to the budget request for fiscal year 2017. Further instructions are contained under the Land and Water Conservation Fund heading in the front of this explanatory statement.

State	Project—Unit	Budget Request	This Bill
NT	High Divide—Madison River SRMA	\$4,000,000	\$4,000,000
ID	High Divide—Henry's Lake ACEC	50,000	50,000
ID	High Divide—Salmon River SRMA	700,000	700,000
ID	High Divide—Thousand Springs ACEC	300,000	300,000
ID	High Divide—Cifers of the Moon NM and Preserve/Oregon RHT	1,200,000	1,200,000
ID	High Divide—Sands Desert Habitat Mgmt Area/Teton River	2,750,000	2,750,000
NM	Rio Grande del Norte NM	1,250,000	1,250,000
CO	Domínguez-Escalante NCA	350,000	350,000
CO	Upper Colorado River SRMA	1,500,000	1,500,000
VA	Rivers of the Chesapeake—Meadowed SRMA	1,400,000	1,400,000
MD	Rivers of the Chesapeake—Nanyang NM	1,600,000	1,600,000
AZ	Agua Fria NM	3,300,000	3,300,000
CA	Dos Palmas ACEC	650,000	650,000
NM	Kasha-Katuwe Tent Rocks NM	750,000	750,000
	Additional Project Requests and Updated Appraisals	12,501,000	0
	Subtotal, Line Item Projects	32,301,000	19,800,000
	Recreational Access	8,000,000	8,000,000
	Emergencies, Hardships, and Inholdings	1,616,000	1,616,000
	Acquisition Management	2,042,000	2,000,000
	Total, BLM Land Acquisition	\$3,959,000	31,416,000