House of Representatives

EXPLANATORY STATEMENT SUBMITTED BY MR. FRELINGHUYSEN, CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS, REGARDING THE HOUSE AMENDMENT TO SENATE AMENDMENT ON H.R. 1625

The following is an explanation of the Consolidated Appropriations Act, 2018. This Act includes 12 regular appropriations bills for fiscal year 2018. The divisions contained in the Act are as follows:
- Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2018
- Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2018
- Division C—Department of Defense Appropriations Act, 2018
- Division D—Energy and Water Development and Related Agencies Appropriations Act, 2018
- Division E—Financial Services and General Government Appropriations Act, 2018
- Division F—Department of Homeland Security Appropriations Act, 2018
- Division G—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2018
- Division H—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2018
- Division I—Legislative Branch Appropriations Act, 2018
- Division J—Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018
- Division K—Department of State, Foreign Operations, and Related Programs Appropriations Act, 2018
- Division L—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2018
- Division M—Extensions
- Division N—BUILD ACT
- Division O—Wildfire Suppression Funded and Forest Management Assistance Act
- Division P—Ray Baumes's Act of 2018
- Division Q—Kevin and Avielle's Law
- Division R—TARGET Act (This is the original subject matter of H.R. 1625.)
- Division S—Other Matters
- Division T—Revenue Provisions
- Division U—Tax Technical Corrections
- Division V—CLOUD Act

Section 1 of the Act is the short title of the bill. Section 2 of the Act displays a table of contents. Sections 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 being for Overseas Contingency Operations/Global War on Terrorism (COGWOT) is contingent on the President designating all such COGWOT 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 salaries and compensation rates and provides for a death gratuity. The Act does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined by clause 9 of rule XXII of the Rules of the House of Representatives.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

CONGRESSIONAL DIRECTIVES

The explanatory statement is silent on provisions that were in both the House Report (H. Rpt. 113-232) and Senate Report (S. Rpt. 113-131) 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 intent, 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 1201 of title III 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 is not changed by the explanatory statement is approved and indicates congressional intentions. The explanatory statement, under the reporting committee 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.

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

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-02-134SP 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. PPA's 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 of 2018, 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.

For fiscal year 2018, the Committees continue to include bill language requiring advanced notification of certain agency actions. Notification will be required at least

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:47 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
March 22, 2018

CONGRESSIONAL RECORD—HOUSE

DIVISION G—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

The following statement is an explanation of the effects of Division G, which makes appropriations for the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2018 (Public Law 115-278). It is not intended to negate the language referred to above unless expressly provided herein.

In the 33 years that I have spoken more broadly to policy issues or offers views that are subject to interpretation, such views remain those of the House and are not attributed to the Senate. I repeat this unless otherwise noted.

The House Report or this explanatory statement directs that a direct reference to the report is to be included in the House and Senate Committees on Appropriations, unless otherwise noted. This reference is to the House Committee on Natural Resources Appropriations Subcommittee and the Senate Committee on Interior, Environment, and Related Agencies Appropriations Committee.

Congress directs a direct reference to the House report and agency funds in this Act to follow the directions set forth in this Act and the accompanying explanatory statement, and not to resources or reorganize activities except as provided herein or otherwise approved by the Committees through the reprogramming process as referred to above, unless otherwise noted.

This explanatory statement describes only those agencies and accounts for which there is need for greater explanation than provided in this Act itself. Funding levels for appropriations by account, program, and activity, with comparisons to the fiscal year 2018 enacted level and the fiscal year 2019 budget request, can be found in the table at the end of this division.

Unless otherwise noted, any reference to “this Act” or “at the end of this statement” shall be treated as referring only to the provisions of this Act.

Committee Expectations. The Department of the Interior and the Forest Service are directed to continue the directions included in the explanatory statement accompanying the Department of the Interior and Related Agencies Appropriations Act, 2017 (Public Law 115-51) regarding Vanmat Grazing Areas, State Wildlife Data, Big Horn Sheep, Lands Grants, Aesthetic, and Community Ditches and Public Access.

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 2018 and subsequent Appropriations Acts, and the one-year extension of this authority, detailed in the Department of the Interior and the Forest Service Appropriations Act, 2017 (Public Law 115-51).

Making Litigation Costs Transparent. The Department of the Interior is directed to provide to the House and Senate Committees on Appropriations, and to make publicly available no later than 90 days after enactment of this Act, a detailed description and justification for the costs of litigation in the United States. National Park Service Appropriations Act, 2018 and Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115-36).

White-Nose Syndrome. The four federal land managers in the U.S. Geological Survey are expected to continue prioritizing research on, and efforts to address, white-nose syndrome in bats and to work with other Federal, State, and non-governmental partners to implement the North American Bat Monitoring Program.

Multi-Agency Programs. The Committees support increased transparency within all agencies of the Department of the Interior, the Forest Service, and the Environmental Protection Agency. These agencies are encouraged to disclose costs associated with analyses required by the National Environmental Policy Act.

Paper Reduction Efforts. The Committees urge the Department of the Interior, EPA, Forest Service, and Indian Health Service to work with the Office of Management and Budget to reduce printing and reproduction costs and direct each agency to report to the Committees on the extent of enactment of this Act on steps being undertaken to achieve this goal and how much each agency expects to save by implementing these measures.


Transparency of Information. The Committees expect that Federal agencies funded under this Act shall, to the extent practicable, promptly provide materials used for advertising or educational purposes that the communication is funded by taxpayer dollars.

Forest Management Practices. Agencies shall provide supporting documentation on their methods for determining their optimal forest inventories and justification for any deviation from the General Service Administration’s Federal Property Management Regulation on request of the Committees. Agencies shall provide results from audits of forest management practices and make them publicly available.

Invasive Species. The Department of the Interior is directed to provide a written report to the Committees within 180 days of enactment of this Act, detailing the funds requested and expended, actions taken, and outcomes achieved, and the detection of and rapid response to invasive species, as prescribed in the National Invasive Species Council Management Plan.

Delivery of Reports and Correspondence. All reports, correspondence, and programmatic requests from the agencies to the Committees shall be provided in both written and electronic formats.

Youth Partnership Programs. The Secretary of the Interior and the Secretary of Agriculture are encouraged to utilize, where practicable, youth conservation programs like the Public Lands Corps, Youth Conservation Corps, Student Conservation Association, Job Corps, and other related partnerships with Federal, State, local, tribal, or non-profit groups that serve youth adults.

Land and Water Conservation Fund. The agreement includes $250,000,000 derived from the Land and Water Conservation Fund (LWCF) for programs consistent with title 54 of the United States Code, as identified in the table below.

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There is bipartisan support for the Land and Water Conservation Fund and this agreement includes funding for State assistance and new land acquisition projects. The Committees expect agencies to work with communities with all projects specifically identified and funded through this agreement and these are limited to those projects of fiscal years 2016. Each agency is directed to submit to the Committees a prioritized list of projects for fiscal year 2018 consideration. In future years, the agencies are directed to submit their lists within 30 days of the President’s budget submission to Congress.

The Committees believe increasing access to the public lands for hunting, fishing, and other recreational activities is important and again include funding for these projects. The Committees express an intent that all projects be identified by agency and project and that the funds are derived from the Land and Water Conservation Fund (LWCF). The Committees are to be informed about the selection process and how the agencies are meeting the outlined objectives prior to proceeding with projects. The Committees are to be informed of inclusions in future budget justifications an explanation of the selection of projects.

National Park Service. The Committees direct the Department of the Interior to identify by agency and project and that the funds are derived from the Land and Water Conservation Fund (LWCF). The Committees are to be informed about the selection process and how the agencies are meeting the outlined objectives prior to proceeding with projects. The Committees are to be informed of inclusions in future budget justifications an explanation of the selection of projects.
CONGRESSIONAL RECORD – HOUSE
March 22, 2013

Cost Pools.—The Service has been utilizing Cost Pools to pay for certain costs associated with personnel, administrative activities, facilities, and other expenses rather than direct charges to specific activities. As part of continuing efforts to improve collaboration in budgeting, the Committees have directed the Service to consider using Cost Pools in favor of more direct accounting in the best interest of the Service and the taxpayer. The Committees are committed to working with the Service and recommend revising options for replacing Cost Pools. As such, the Service is directed to develop a plan for implementing Cost Pools, in consultation with the House and Senate Committees on Appropriations and within 180 days of enactment of this Act.

Cost-Pool 8.—For 12 years, the Service has assessed program funds for facility maintenance needs, causing the funds appropriated to programs to appear greater than they actually were. The Committees believe all facility projects should be accounted for in the facility line item, and such projects should be prioritized within that line item. As such, the Committees funded from Congress to the dedicated facilities account. When such charges have been made, it is noted within this omnibus report and this omnibus report is submitted to the Service for identification of the specific type of project as a term of approval.

Debt for Facilities.—The Service will report on the relative costs of constructing facilities and related project costs and will submit a report to the House and Senate Committees on Appropriations, including an estimate of the costs that will be incurred. The report will be submitted in accordance with requirements of the Debt Act.

Forest and Range Research.—The Committee notes the importance of forest and range research in support of ecosystem stewardship. The Service is directed to submit a report to the Committees on the status of the Forest and Range Research program, including a detailed description of the activities planned for the fiscal year 2013. The report will include a description of the research priorities, the activities planned for the fiscal year 2013, and a detailed budget for the program.

Wildland Fire Plan.—The Service has developed a Wildland Fire Plan to address the need for improved coordination and resources to combat the threat of catastrophic wildfires. The Committees have directed the Service to submit a report to the Committees on the status of the development of the Wildland Fire Plan, including the activities planned for the fiscal year 2013. The report will include a description of the research priorities, the activities planned for the fiscal year 2013, and a detailed budget for the program.

National Forest System.—The Committee notes the importance of national forests and their role in conservation and recreation. The Committee has directed the Service to submit a report to the Committees on the status of the national forests, including a detailed description of the activities planned for the fiscal year 2013. The report will include a description of the research priorities, the activities planned for the fiscal year 2013, and a detailed budget for the program.

EXPLANATION OF VOTES

The bill provides $273,359,000 for the National Forest System. The Committee notes the importance of national forests and their role in conservation and recreation. The Committee has directed the Service to submit a report to the Committees on the status of the national forests, including a detailed description of the activities planned for the fiscal year 2013. The report will include a description of the research priorities, the activities planned for the fiscal year 2013, and a detailed budget for the program.