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House of Representatives

EXPLANATORY STATEMENT SUBMITTED BY MR. FRELING-HUYSEN, 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 Funding and Forest Management Activities Act
- Division P—Ray Baum's Act of 2018
- Division Q—Kevin and Avonte's Law
- Division R—TARGET Act (This is the original subject matter of H.R. 1625.)
- Division S—Other Matter
- 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.

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 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 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 XXI 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. 115-232) and Senate Report (S. Rpt. 115-131) 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 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 applied only to the objects for which the appro-

priations 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, 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 2:07 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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H2045

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, the Environmental Protection Agency (EPA), the Forest Service, the Indian Health Service, and related agencies for fiscal year 2018.

The joint explanatory statement accompanying this division is approved and indicates congressional intent. Unless otherwise noted, the language set forth in House Report 115-238 carries the same weight as language included in this joint explanatory statement and should be compiled with unless specifically addressed to the contrary in this joint explanatory statement. While some language is repeated for emphasis, it is not intended to negate the language referred to above unless expressly provided herein.

In instances where the House report speaks more broadly to policy issues or offers views that are subject to interpretation, such views remain those of the House and are not affirmed by this explanatory statement unless repeated herein. In cases where the House 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 referenced 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 2017 enacted level and the fiscal year 2018 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.

Committee Directives.—The Department of the Interior and Forest Service are directed to continue the directions included in the Explanatory Statement accompanying the Consolidated Appropriations Act, 2017 (P.L. 115-31) relating to Vacant Grazing Allotments; State Wildlife Data; Bighorn Sheep; Land Grants, Acequias, 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 House and Senate Interior, Environment, and Related Agencies Appropriations bills was included in the Continuing Appropriations Act, 2018 and Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115-56).

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, 2017 (Public Law 115-31).

White-Nose Syndrome.—The four Federal land management agencies and the U.S. Geological Survey are expected to continue to prioritize 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 Transparency.—The Committees support increasing 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 within 90 days 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.

Alaska National Interest Lands Conservation Act (ANILCA) Training.—The Department of the Interior and the Forest Service shall follow the directive in Senate Report 114-281 regarding ANILCA training for agency employees.

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. Agency inspectors general shall provide results from audits of fleet 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 appropriated and expended, actions taken, and outputs achieved for the early detection of and rapid response to invasive species, as prescribed in the National Invasive Species Council Management Plan, 2015-2018.

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

Youth Partnership Programs.—The Secretary of the Interior and the Secretary of Agriculture are encouraged to utilize, where practicable, youth partnership 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 young adults.

Land and Water Conservation Fund.—The agreement includes \$425,000,000 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 2017 Enacted	Budget Request	This Bill
Land and Water Conservation Fund	\$400,000,000	\$64,040,000	\$425,000,000
State, Local and Forest Legacy Programs	211,151,000	11,524,000	224,731,000
National Park Service State Assistance	110,005,000	3,043,000	124,006,000
Comp. Endangered Species Conservation Fund	39,800,000	0	19,638,000
American Battlefield Protection Act	10,900,000	8,481,000	10,900,000
Highlands Conservation Act	10,900,000	0	10,900,000
Forest Legacy Program	52,347,000	0	67,025,000
Recession	-12,002,000	0	-5,938,000
Federal Land Acquisition	188,849,000	52,516,000	200,269,000
Bureau of Land Management	31,416,000	3,609,000	24,916,000
Fish and Wildlife Service	49,995,000	17,051,000	53,839,000
National Park Service	42,023,000	14,856,000	46,935,000
Forest Service	54,415,000	7,000,000	64,337,000
Department of the Interior Valuation Services	11,000,000	10,000,000	10,242,000

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 the agencies to move forward with all projects specifically identified and funded through this agreement and those funded in previous fiscal years; to utilize funding in a timely manner; and to seek Congressional approval for reprogramming unobligated balances if applicable. Agencies are directed to continue their longstanding process of identifying and prioritizing potential Federal land acquisition projects in anticipation of program appropriations as consistent

with previous years. Within 30 days of enactment of this Act, each agency is directed to submit to the Committees a prioritized list of projects for fiscal year 2019 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 our public lands for hunting, fishing, and other recreational activities is important and again include funding for these projects. The Committees expect recreational access projects to be selected based on their role in meeting key recreation needs and the agencies should work with their respective re-

gions, State offices, and/or management units to identify potential projects. The Committees are to be informed about the selection process and how the agencies are meeting the outlined objectives prior to proceeding with projects. Further, the agencies are again directed to include in future budget justifications an explanation of the process used for allocating funds for recreational access in the previous year.

National Ocean Policy.—The Committees direct the Department of the Interior to identify by agency and account, and submit no later than 60 days after enactment of this Act, all funding and associated actions in the

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 utilizing an administrative account. As part of continuing efforts to improve collaboration in budgeting, the Committees have determined that ending the practice of Cost Pools in favor of more direct accounting is in the best interest of the Service and the taxpayer. The Committees are committed to working with the Service as it reviews options for replacing Cost Pools. As such, the Service is directed to develop a plan to transition away from Cost Pools, with the exception of Cost-Pool 9, which occurs with this bill, and provide that plan to the House and Senate Committees on Appropriations within 180 days of enactment of this Act.

Cost-Pool 9.—For 12 years, the Service has assessed program funds for facilities 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 that projects should be prioritized within that line item. As such, this agreement moves funds from programs to the dedicated facilities account. Where such changes have been made, it is noted within the account in this explanatory statement. If the Service identifies shortfalls for critical facilities maintenance needs, it is directed to submit a reprogramming request to the Committees. Additionally, the Service should reduce the size of its facilities footprint, where possible, particularly in areas where management functions can be combined while still providing comprehensive service to a geographic area.

National Fire Plan.—Despite more than \$5,000,000,000 in investments in hazardous fuels mitigation since the development of the National Fire Plan following the 2000 fire season, the Service has not been able to keep pace with the challenges caused by previous management decisions, a changing climate, ever-increasing costs, and an expanding wildland-urban interface, all of which exacerbate the risk of catastrophic wildfire. The Committees direct the Service to work with the Office of Management and Budget and the Department of the Interior, as well as other relevant agencies, to review and update the National Fire Plan, as needed.

Fire Hazard Potential Mapping Initiative.—The Committees believe the Service should more precisely and effectively target forest management activities to reduce the threat of catastrophic wildfires, improve the management of the national forests, and assist in protecting other Federal, State, and private lands. The Service is directed to develop a Fire Hazard Potential mapping tool to identify areas at a high risk for wildland fire and describe the resources that would be necessary to address the highest risk areas. The Service should cooperatively work with universities, such as the University of California and the University of Nevada, that have expertise in this area, as well as the Department of the Interior.

Printing Costs.—The Committees continue to be concerned about the Service's printing costs. The Service is directed to provide updated information as specified by Senate Reports 114-70 and 114-82 within 60 days of enactment of this Act. The Service should provide a justification for its costs, explain why they have not been reduced, and significantly reduce printing expenditures.

Reprogramming.—The Committees 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.

Ceratomyx Disease.—The Service is directed to continue its collaborative efforts to respond to the emergence of Ceratomyx disease in Hawaii and Florida and to develop recommended actions.

Puerto Rico Hurricane Recovery.—The Committees recognize the devastating effects of Hurricane Maria on Puerto Rico's natural resources, especially El Yunque National Forest, the International Institute of Tropical Forestry, and private forests, and strongly encourage the Service to utilize its expertise, working with private partners and the Government of Puerto Rico, to restore and rehabilitate the island's unique forest ecosystems.

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. In previous fiscal years, the Office was funded through the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act. This action aligns funding for the Office consistent with the 2017 reorganization of U.S. Department of Agriculture agencies and offices.

FOREST AND RANGELAND RESEARCH

The agreement provides \$297,000,000 for Forest and Rangeland Research, including \$77,000,000 for Forest Inventory and Analysis. The Service is directed to continue important work previously funded through the Wildland Fire Management account for Fire Plan Research and Development that significantly contributes to the understanding of wildfire regimes.

Cost-Pool 9.—The Committees note that funding previously assessed for Cost-Pool 9 from Forest and Rangeland Research is now accounted for in Capital Improvement and Maintenance.

Forest Research Priorities.—The Committees are concerned that the research program is not well aligned with the needs of the National Forest System. When assessing the value of existing programs and new proposals, significant weight should be given to projects whose findings could be incorporated into forest management decisions. Within the funds provided, the agreement includes sufficient funding to support existing academic partners focused on research and technology development to create new and expanded markets and to advance high-value, high-volume wood markets; wood bridge and other infrastructure needs in rural areas; bottomland hardwood plantation management research; and forest monitoring cooperatives in the Northern Region.

Research Reports.—The Committees direct the Service to cease publishing, within 30 days of enactment of this Act, paper copies for public distribution of science and research accomplishment reports and to redirect these funds to priority research projects, consistent with reprogramming requirements.

STATE AND PRIVATE FORESTRY

(INCLUDING RESCISSION OF FUNDS)

The agreement provides \$335,525,000 for State and Private Forestry.

Cooperative Forestry Activities.—The Committees direct the Service to continue to utilize existing partnerships with research institutions and States to fund research to establish methods, tools, and standard protocols that help quantify forest ecosystem services. Additionally, when funding decisions are made regarding tree mortality, strong consideration should be given to spruce beetle, Emerald Ash Borer, and bark beetle infestations, which affect forests throughout the Nation.

Forest Legacy.—The bill provides \$67,025,000 for the Forest Legacy program.

This includes \$6,400,000 for program administration and \$60,625,000 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 115-31, the Consolidated Appropriations Act, 2017. The Committees include a rescission of \$5,938,000 in Forest Legacy funds. This funding rescission is from cost savings of some projects and funds returned from failed or partially failed projects.

International Forestry Technical Assistance.—The Committees acknowledge that Timor-Leste and Australia have entered into a treaty to establish a permanent maritime boundary. The Committees recognize the increased development that will likely occur and encourage the Service to provide technical assistance, as appropriate, to Timor-Leste to protect the unique biodiversity of the region while facilitating robust economic development.

NATIONAL FOREST SYSTEM

The agreement provides \$1,923,750,000 for the National Forest System.

Cost-Pool 9.—The Committees note that funding previously assessed for Cost-Pool 9 from the National Forest System is now accounted for in Capital Improvement and Maintenance.

Hazardous Fuels.—The agreement provides \$430,000,000 for hazardous fuels management activities within the National Forest System account. With the accounting change for Cost-Pool 9, this is a \$45,500,000 increase over the fiscal year 2017 level. Within the total provided, \$15,000,000 is for biomass utilization grants, in accordance with the directions included in Senate Report 114-281. The Committees direct the Service to prioritize hazardous fuel removal projects that are critical to protecting public safety in high hazard areas in the national forests facing significant tree mortality and to increase cross-boundary collaboration with landowners near National Forest System lands and encourage the use of hazardous fuels funding for this purpose.

Uinta National Forest.—The Committees are concerned about the number of dead and dying trees in the Mirror Lake Scenic Byway region in the Uinta National Forest and urge the Service to evaluate the risk of wildfire to the area and target management practices accordingly.

Grazing Fee Rates.—The Service is directed to provide information to the Committees detailing the implications on grazing fee calculations if the Service adopted the definition of Western States as defined by Public Law 95-514.

Recreation, Heritage and Wilderness.—The Committees have been made aware that the majority of recreation special-use permitting activities take place in the Landownership and Access Management subaccount, previously known as Landownership Management. Given the importance of special-use permitting activities to users of our national forests and concerns about significant delays in processing requests, funding is included to increase the pace and scale of such activities. Within the funds provided for recreation, \$750,000 shall be for the maintenance of rural airstrips and \$500,000 is made available to support infrastructure and trails development and to build the capacity of local user groups and partnership organizations for all National Recreation Areas administered by the Service that were established after 1997.

Law Enforcement.—The agreement provides \$2,500,000 for the Service's illegal marijuana eradication and remediation efforts.