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—National Park Service
- Division N—Build Act
- Division O—Wildfire Suppression Funding and Forest Management Activities Act
- Division P—Rayburn Act of 2018
- Division Q—Kevin and Avonte’s Law
- Division R—FALSET 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—CLACE 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 the Act, or any provision of the Act, shall be construed as referring only to the provisions of that division.

Section 4 of the Act states that this explanatory statement shall have the same force and 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 (COCO/GWOT) is contingent on the President so designating all such COCO/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 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. Rept. 115-222) and Senate Report (S. Rept. 115-191) 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 statements of the Appropriations Committees. The agreement further points out that funds in this Act must be used for the purposes for which appropriated, as required by section 1401 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 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 constitute the language referred to above unless expressly provided herein.

Aside from those in which the House or the Senate have directed the submission of a report, such reports are 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-04-338SP Appropriations Law—Vol. I and GAO-05-378SP 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 reallocation 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 agency 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, 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.
DIVISION C—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2018

The following statement is an explanation of the sources of discretionary items, obligated amounts, and budgetary referrals for the Department of the Interior, the Environmental Protection Agency (EPA), the National Aeronautics and Space Administration (NASA), the Department of the Interior, and the Forest Service, and related agencies for fiscal year 2018.

This joint explanatory statement accompanying this division is approved and indicates congressional intent. Unless otherwise noted, the language set forth in this House Report carries the same weight as language included in this joint explanatory statement and should be computed with the same specificity addressed to the contrary in this joint explanatory statement. While some language is repeated for emphasis, it is not intended for 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 appear 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 reports are to be transmitted to both the House and Senate Committees on Appropriations. Where this explanatory statement refers to the Committees or the Committees on Appropriations, otherwise noted, any reference to the House Subcommittee on Interior, Environment, and Related Agencies and the Senate Appropriations Committee on Interior, Environment, and Related Agencies.

The Committees direct each department and agency to fund in this Act the directions set forth in this Act and the accompanying statement, and not reallocate resources or reprogram activities except as specifically approved by the Committees through the reprogramming process as referenced in this explanatory statement. The explanatory statement addresses only those agencies and accounts for which there is a need for greater explanation than provided in the Act itself. Funds 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 include in the budget justification the Consolidated Appropriations Act, 2017, (Public Law 115-25) working group comments on the Consolidated Appropriations Act, 2017. The Department of the Interior and the Forest Service should follow the directives in Senate Report 114-381 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.

Yielding Management Practices.—Agencies shall provide supporting documentation on their methods for determining their optimal fleet inventories and justifications for any deviation from the General Services Administration's Fleet Management Regulations. Agencies shall provide justification for any deviation from the General Services Administration's Fleet Management Regulations for vehicles acquired under this Act, detailing the benefits of using vehicles acquired under this Act.

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 benefits of using vehicles acquired under this Act, and any difficulty in acquiring invasive species, as prescribed in the National Invasive Species Council Management Plan, 2016-2018.

White-Nose Syndrome.—The four Federal land management agencies and the U.S. Geological Survey shall continue to prioritize research and efforts to address white-nose syndrome in bats and to work with other Federal, State, non-governmental partners to implement the North American Bat Monitoring Program.

Multi-Agency Transparency.—The Committees support transparency within all agencies of the Department of the Interior, the Forest Service, and the Environmental Protection Agency. The 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. The Department of the Interior and the Forest Service shall follow the directives in Senate Report 114-381 regarding ANILCA training for agency employees.

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 the best scientifically identified projects to be funded through this agreement and those funded in previous fiscal years to utilize funding in a timely manner, and to submit a plan to implement the Fund to the President's budget submission to Congress.

The Committees believe increasing access to our public lands for hunting, fishing, and other outdoor recreation activities is important and ask agencies to be responsive in reprogramming to address new demands. The agencies should work with their respective State offices, and management units to identify priority projects. The Committees are to be informed of the selection process and how the agencies are meeting the outlined objectives prior to proposing additional projects. The agencies are again directed to provide detailed budget estimates justifying all funding in this Act. The Committees are also to be held accountable for the process used for allocating funds for recreational access in the next Congress.

National Ocean Policy.—The Committees direct the Department of the Interior to identify by agency and account, and admit a committee report within 60 days of enactment of this Act, all funding and associated actions in the
President’s budget submission for fiscal year 2019. The bill includes a funding mechanism to implement the coastal and marine spatial planning and ecosystem-based management components of the National Ocean Policy developed under Executive Order 13547.

REPROGRAMMING GUIDELINES

The following are the procedures governing reprogramming actions for programs and agencies, consistent with the Department of Interior, Environment, and Related Agencies Appropriations Act. The Committee reminds the agencies involved in this process that while reprogramming guidelines are in effect and must be complied with, until such time as the Committees modify them through bill or report language.

Definitions—"Reprogramming," as defined in these procedures, includes the reallocation of funds from the budget line-item, program area, or program to another within any appropriation funded in this Act. The Senate Committee report displays an allocation of an appropriation below that level, that more detailed level shall be the basis for reprogramming.

For construction, land acquisition, and forest legacy accounts, a reprogramming condition consists of specified unbudgeted, unobligated balances, from one construction, land acquisition, or forest legacy project to another.

A reprogramming shall also consist of any significant departure from the program described in the agency's budget justifications.

This includes proposed reprogramming and terminations, particularly those of significant national or regional importance, even without a change in function. An agency's budget justifications table presented in the budget justification shall be subject to this requirement.

The Committee believes that agencies funded by this Act are current in reviewing and implementing Executive Order 13567, a Comprehensive Plan for Reorganizing the Executive Branch, and have included in the fiscal year 2019 budget request a number of significant reorganization proposals for the Committee's consideration. The Committee is also aware of reports that agencies funded by this Act may be expanding additional organizational changes during the remainder of this fiscal year. Agencies are reminded that this agreement continues long-standing General Guidelines for Reorganization that requires agencies to review prior to their implementation. It is noted that such reorganization guidelines apply to proposed reorganizations of functional, programmatic, or organizational structure, reassigning or transfer of functions, and closures, consolidations, and relocation of offices, facilities, and laboratories presented in the budget justifications. In addition, no agency shall implement any part of a reorganization that modifies Office of State Boundaries for agencies or bureaus that were in effect at the date of enactment of this Act unless approved consequently, may be submitted to the Committees of Appropriations for reprogramming at any time after enactment, with such an amendment included in the normal budget review process.

(a) Any project or activity, which may be deferred through reprogramming, shall not later than 30 days of the enactment of such reprogramming, but instead, funds should now be sought for the deferred project or activity through the regular appropriations process.

(c) Except under the most urgent situations, reprogramming shall not be employed to avoid inappropriately decreasing allocations specifically denied or limited by Congress, or to decrease allocations specifically increased by the Committees.

Any reprogramming actions proposed to the House and Senate Committees on Appropriations shall be submitted to the Committees for approval. Wherever the Committees have no objections, however, agencies will be expected to extend the time deadlines if specifically requested by other Committees.

Criteria and Exceptions—A reprogramming request shall include a summary of the project activities and costs, the estimated amount of funds either saved or spent over the life of the project, and the estimated amount of funds saved or spent in the current fiscal year, and the justification for the amount of funds proposed to be saved or spent.

(a) With regard to the relief priority allocations of the Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE), there is no restriction on reprogramming among these programs. The Committees shall report on all reprogramming made during a given fiscal year no later than 30 days after the end of the fiscal year.

(b) With regard to the EPA, the Committees do not require record keeping of reprogramming requests associated with the Section 103 and Tribal Partnership Grants, or to a cumulative total of $50,000,000 from carryover balances among the individual program areas delineated in the Environmental Management and Related Agencies Appropriations account. However, such funds shall be reallocated from individual Geographic Programs.

Assumptions—"Assumption" as defined in those procedures shall refer to any charges, reserves, or holdbacks applied to a budget activity, budget line-item, or program funded by the Interior, Environment, and Related Agencies Appropriations Act unless such a provision in the budget justification and are subsequently approved by the Committees. The explanation for any assumption in the budget justification shall show the amount of the assumption, the activity assessed, and the purpose of the funds.

(d) Any program, budget activity, or budget line-item, program area, or program funded by the Interior, Environment, and Related Agencies Appropriations Act unless such a provision in the budget justification and are subsequently approved by the Committees. The explanation for any assumption in the budget justification shall show the amount of the assumption, the activity assessed, and the purpose of the funds.

(e) Any program, budget activity, or budget line-item, program area, or program funded by the Interior, Environment, and Related Agencies Appropriations Act unless such a provision in the budget justification and are subsequently approved by the Committees. The explanation for any assumption in the budget justification shall show the amount of the assumption, the activity assessed, and the purpose of the funds.

(f) Any program, budget activity, or budget line-item, program area, or program funded by the Interior, Environment, and Related Agencies Appropriations Act unless such a provision in the budget justification and are subsequently approved by the Committees. The explanation for any assumption in the budget justification shall show the amount of the assumption, the activity assessed, and the purpose of the funds.

(g) Any program, budget activity, or budget line-item, program area, or program funded by the Interior, Environment, and Related Agencies Appropriations Act unless such a provision in the budget justification and are subsequently approved by the Committees. The explanation for any assumption in the budget justification shall show the amount of the assumption, the activity assessed, and the purpose of the funds.

(h) Any program, budget activity, or budget line-item, program area, or program funded by the Interior, Environment, and Related Agencies Appropriations Act unless such a provision in the budget justification and are subsequently approved by the Committees. The explanation for any assumption in the budget justification shall show the amount of the assumption, the activity assessed, and the purpose of the funds.