House of Representatives

EXPLANATORY STATEMENT SUBMITTED BY MR. FREILING-HUYSSEN, CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS, REGARDING THE HOUSE AMENDMENT TO SENATE AMENDMENT ON H.R. 1262.

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—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2018
• Division C—Transportation, Housing and Urban Development, and Related Agencies 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—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—Navy—BUDGET ACT
• Division O—Wildfire Suppression Funding and Forest Management Activities Act
• Division P—Ray Mabus’s Act of 2018
• Division Q—Kevin and Avotino’s Law
• Division R—TARGET Act (This is the original subject matter of H.R. 1262)
• 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.
Section 3 of the Act states that, unless expressly provided otherwise, any reference to the words “this Act” 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 (OCGOWT) is contingent on the President designating all such OCGOWT amounts.
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. Rept. 115-223) and the Senate Report (S. Rept. 115-136) that remain unchanged by this agreement, except as noted in this explanatory statement.

The agreement restates that appropriations were made except as otherwise provided by law.

The House and Senate report language that is not changed by the explanatory statement, that is not otherwise provided, or that has been treated as referring only to the provisions of that division.

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 agreements are maintained that the Committees use the definitions for transfers, reprogramming, and program, project, and activity as defined by the Government Accountability Office (GAO) in GAO-04-361SP Appropriations Law—Vol. 1 and GAO-05-731SP Budget Glossary.

A transfer is the shifting of funds between appropriations. It applies to (1) transfers from one account to another, (2) transfers from another agency, and (3) transfers to a new account 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. It is identified by reference to include the most specific level of budget items identified in the Congress, Rural Development, Food and Drug Administration, and Related Agencies Appropriations 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
Lake Tahoe.—The Committees are encouraged by the work conducted in the Lake Tahoe Basin Management Unit and expect the Service to prioritize funding the implementation of P.L. 105-506, as amended, and to do so in consultation with affected States, local governments, and other stakeholders. Within 60 days of enactment of this Act, the Service shall report to the Committees on these activities and the funding that will be allocated in fiscal year 2018.

Tongass National Forest.—Without a comprehensive land management plan, the Tongass National Forest Resource Management Plan Amendment lacks the scientific basis needed for success, and no less than $1,080,000 is provided for the continuation of the inventory currently underway. The Committees expect the Service to meet the requirements of sections 105 and 106 of the National Environmental Policy Act of 1969 and the Alaska National Interest Lands Conservation Act (16 U.S.C. 318a(a)) and to consider a plan revision or new plan amendment based on the results of the inventory. Any plan revision or amendment should include a timber management program sufficient to preserve a viable timber industry in the region. Until the Service has determined, based on a completed stand-level inventory, that the timber and supply of quality timber is adequate for a successful forest inventory and whether the 2016 Forest Plan should be amended or revised, the Service is directed not to implement a final transition away from its Tongass old-growth timber program to a program based primarily on young growth.

**CAPITAL IMPROVEMENT AND MAINTENANCE (INCLUDING TRANSFER OF FUNDS)**

The agreement provides $450,000,000 for Capital Improvement and Maintenance Programs. This includes $40,000,000 made available by discontinuing the use of Cost-Pool 9 and $25,000,000 in one-time infrastructure funding to address deferred maintenance.

**Legacy Roads and Trails.—** The Committees are directed to remeasure legacy roads and trails and direct the Service to address these projects as they appear in priority along with all other infrastructure needs from the appropriations provided for roads and trails through the Capital Improvement and Maintenance account and provide $40,000,000 within the Roads and Trails item.

**Smokejumper Bases.—** The agreement provides funds for repairs, maintenance, and upgrades at smokejumper bases to ensure operational readiness.

**Green Mountain and Finger Lakes National Forest.—** The Committees urge the Service to address longstanding capital improvement needs in the Green Mountain and Finger Lakes National Forests, particularly those that will save the Service money while also improving the public’s use and access to these forests.

**Comprehensive Capital Improvement Plan.—** The Service is directed to establish a comprehensive capital improvement plan with a long-term, multi-year plan to guide needed investments in buildings, facilities, transportation infrastructure, and other infrastructure.

**Emergency Assistance for Fires.—** The agreement provides $64,331,000 for emergency assistance and firefighting operations. It also includes $1,000,000 for fire-line construction.

**Acquisition of Lands for National Forests Special Acts.—** The agreement provides $560,000 for the Acquisition of Lands for National Forests Special Acts.

**Acquisition of Lands to Complete Land Exchanges.—** The agreement provides $192,000 for the Acquisition of Lands to Complete Land Exchanges.

**Range Betterment Fund.—** The agreement provides $2,065,000 for the Range Betterment Fund.

**Gifts, Donations and Requests for Forest and Rangeland Research.—** The agreement provides $450,000 for Gifts, Donations and Requests for Forest and Rangeland Research.

**Management of National Forest Lands for Subsistence Use.—** The agreement provides $2,500,000 for the Management of National Forest Lands for Subsistence Use.

**Wildland Fire Management (Including Transfers of Funds)—** The agreement provides a total of $3,000,000 for Fire Service Wildland Fire Management. The services provided, $1,556,818,000 is for suppression operations, which includes an additional $500,000,000 above the 10-year average.

**Cost-Pool 9.—** The Committees note that funding previously assessed for Cost-Pool 9 from Wildland Fire Management is now accounted for in Capital Improvement and Maintenance.

**Regional Restoration.—** The agreement provides $200,000,000 for partnerships that enhance the Service’s capacity to execute science-based forest restoration treatments to reduce the risk of wildfires and improve the health of dry forest ecosystems.

**Unmanned Aerial Systems.—** The Committees recognize Unmanned Aerial Systems (UAS) as a tool to enhance management capabilities as well as improve the safety of firefighters and the public. As such, the Service is expected to work with the Department of the Interior and the Federal Aviation Administration’s Center of Excellence for Unmanned Aircraft Systems to continue evaluating these systems use and develop an overall strategy for integrating this additional tool into the Federal firefighting mission. The Committees also recognize that certain site-specific, science-based ground surveillance systems could significantly improve the accuracy of information provided to firefighters, other first responders, and communities and encourage the Service to seek opportunities to utilize these systems, as appropriate.