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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 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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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. 106-506, 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 stand-level inventory, the transition plan described by the Tongass Land and Resource Management Plan Amendment lacks the scientific basis needed for success, and no less than \$1,000,000 is provided for the continuation of the inventory currently underway. The Committees expect the Service to meet the requirements of section 705(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539d(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, the timing and supply of economic young growth needed for a successful final transition 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 \$449,000,000 for Capital Improvement and Maintenance pro-

grams. This includes \$49,986,000 made available by discontinuing the use of Cost-Pool 9 and \$35,000,000 in one-time infrastructure funding to address deferred maintenance.

Legacy Roads and Trails.—The Committees recognize the need to remediate legacy roads and trails and direct the Service to address these projects as they rank 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 budget line 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 Forests.—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 access and use of these forests.

Comprehensive Capital Improvement Plan.—The Service is directed to establish a long-term, multi-year plan to guide needed investments in buildings, facilities, transportation systems, and other infrastructure by December 30, 2018. The plan should: (1) establish a process for setting and ranking construction and maintenance priorities; (2) reflect the Service's mission, goals, and requirements; (3) identify facilities, roads, and other infrastructure that should be disposed of or decommissioned; (4) consider existing investments in planning, construction, and maintenance, as well as deferred maintenance needs; and (5) identify future needs for investment to improve the physical infra-

structure and health of the national forests. The plan also should include estimated funding requirements. In future budget requests, the Service is directed to provide the Committees with a list of any proposed construction project with a cost greater than \$1,000,000.

LAND ACQUISITION

The agreement provides \$64,337,000 for Land Acquisition. The amounts provided 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 project list received for fiscal year 2018. The Service is expected to use the Critical Inholdings/Wilderness account to acquire high priority lands, such as wilderness and lands of significant value in designated conservation units, to consolidate Federal ownership. The Committees strongly encourage the Service to close projects once funds have been made available, an appraisal has been completed, and a purchase contract has been agreed to. Further instructions are contained under the Land and Water Conservation Fund heading in the front of this explanatory statement.

The Committees support the continuation of efforts to resolve the long-standing management challenges regarding school trust lands within the Boundary Waters Canoe Area in the Superior National Forest in Minnesota and encourage the Service to collaborate with nonprofit partners on the private forestland exchange alternative, which will provide the added benefit of preserving valuable forestlands outside of Superior National Forest.

State	Project	Forest Unit	This Bill
CA	Trinity Divide	Shasta-Trinity	\$5,000,000
MT	Clearwater-Blackfoot Project	Lois	5,000,000
MN	Minnesota School Trust Lands	Superior	4,000,000
MS	Mississippi Black Water Legacy	DeSoto	1,000,000
WA	WA Cascades/Yakima River Watershed	Okanogan-Wenatchee	5,000,000
AK	Admiralty Island NM Cube Cove	Tongass	4,235,000
CA	Red Hill	Sequoia	2,600,000
VA/WV	Chesapeake Bay Headwaters	George Washington and Jefferson	5,000,000
MT	Green Mountain National Trails	Helena	1,000,000
TN	Tennessee Mountain Trails and Waters	Cherokee	2,500,000
OH	Appalachian Foothills	Wayne	1,800,000
VT	Rolston Rest	Green Mountain	1,800,000
FL	Florida Longleaf Pine	Osceola	3,000,000
AZ	Doll Baby Ranch	Tonto	2,900,000
NM	Heart Bar Ranch	Gila	2,500,000
OR	Pacific Northwest Streams	Rogue River-Siskiyou	1,100,000
SC	South Carolina's Conservation Legacy	Sumter	1,600,000
Subtotal, FS Land Acquisitions			50,035,000
Acquisition Management			Budget Request 7,000,000
Cash Equalization			This Bill 7,352,000
Recreational Access			0 250,000
Critical Inholdings/Wilderness			0 4,700,000
Total, FS Land Acquisition			0 2,000,000
			7,000,000 64,337,000

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The agreement provides \$850,000 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 BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The agreement provides \$45,000 for Gifts, Donations and Bequests for Forest and Rangeland Research.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

The agreement provides \$2,500,000 for the Management of National Forest Lands for Subsistence Uses.

WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

The agreement provides a total of \$2,880,338,000 for Forest Service Wildland Fire Management. Of the funds 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 an additional \$200,000 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) can aid incident commanders 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 to develop an overall strategy for integrating this additional tool into the Federal firefighting mission. The Committees also recognize that certain satellite-based ground surveillance systems could significantly improve the accuracy of information provided to fire-fighters, other first responders, and communities and encourage the Service to seek opportunities to utilize these satellite systems, as appropriate, as