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***H2045** 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 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 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 ***H2046** 30 days in advance of any action if (1) a major capital investment is modified; (2) an office is realigned or reorganized; and (3) activities are carried out that were not described in the budget request.

The agreement directs the Office of Budget and Program Analysis (OBPA) of the U.S. Department of Agriculture (USDA) to provide an organizational chart for each agency funded by this Act to the division and subdivision level, as appropriate, by May 1, 2018. The agreement also directs the Food and Drug Administration (FDA), the Commodity Futures Trading Commission (CFTC), and the Farm Credit Administration (FCA) to provide an organizational chart of each agency respectively to the division and subdivision level, as appropriate, by May 1, 2018.

Further, USDA, CFTC, and FDA should be mindful of Congressional authority to determine and set final funding levels for fiscal year 2019. Therefore, the agencies should not presuppose program funding outcomes and prematurely initiate action to redirect staffing prior to knowing final outcomes on fiscal year 2019 program funding. The agreement directs OBPA to provide the Committees with the number of staff years and employees on board for each agency funded by this Act on a quarterly basis.

TITLE I

AGRICULTURAL PROGRAMS
PROCESSING, RESEARCH AND MARKETING
OFFICE OF THE SECRETARY
(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$46,532,000 for the Office of the Secretary.

The agreement directs the Secretary to provide the report on the Commodity Credit Corporation in H. Rpt. 115-232 under this heading on May 16, 2018 and November 15, 2018.

The agreement recognizes the Department has statutory authorities and programs designed to help break the multi-generational trap of poverty in rural counties and supports USDA's utilization of existing programs and funding within Rural Development (RD) and the Food and Nutrition Service (FNS) in order to assist families, create jobs, and develop a path towards self-sufficiency. Other existing resources such as the extension service and public universities can be used for coordination and outreach activities. The Committees still await the detailed plan required to be submitted by the Secretary detailing all funding resources and bundled services to combat rural poverty.

The agreement includes \$600,000,000 for a rural broadband pilot program to assist in further closing the digital divide. Lack of adequate broadband is an impediment to rural economic development, and deployment of broadband service yields a multitude of socio-economic benefits including: economic growth, improved educational opportunities, and increased access to healthcare options. The agreement reiterates that funding should be prioritized to areas currently lacking access to broadband service, and investments in broadband shall consider any technology that best serves the goals of broadband expansion. Lastly, the agreement restates the importance of coordination among federal agencies in expanding broadband deployment and adoption and expects the Department to take caution to maximize these limited resources and not overbuild or duplicate existing broadband capable infrastructure.

The agreement acknowledges that the United States Department of Homeland Security (DHS) will continue to be responsible for the construction of the National Bio and Agro-Defense Facility (NBAF). The agreement provides an additional \$4,000,000 to USDA to support operational activities of the NBAF.

In addition to \$10,000,000 in mandatory funding available to assist socially disadvantaged and veteran farmers and ranchers, the agreement includes an additional \$3,000,000 in discretionary funding for these activities.

It was the intent of Congress that the Secretary consider the views of all producers who suffered losses related to the consequences of Hurricanes Harvey, Irma, Maria, and other hurricanes and wildfires occurring in calendar year 2017 in determining eligibility for assistance provided in Title I of Public Law No: 115-123.

The agreement provides an additional \$500,000,000 for Water and Waste grants and loans to address infrastructure needs in Rural America, and directs the Secretary to prioritize communities that have the greatest infrastructure needs.

On February 3, 2017, USDA restricted the public's access to the search tool for the Animal Care Inspection System, saying it needed to conduct a comprehensive review of the information on its website. USDA is now posting heavily redacted inspection reports that make it difficult in certain cases for the public to understand the subject of the inspection, assess USDA's subsequent actions, and to evaluate the effectiveness of its enforcement. USDA's actions to date do not meet the requirements in H. Rpt. 115-232 that the online searchable database should allow analysis and comparison of data and include all inspection reports, annual reports, and other documents related to enforcement of animal welfare laws. USDA is directed to comply with these requirements and is reminded that as part of its oversight responsibilities,

Congress has the right to make any inquiry it wishes into litigation in which USDA is involved. USDA is directed to respond to any such inquiries fully.

The following table reflects the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

The agreement provides \$19,786,000 for the Office of the Chief Economist. This includes \$2,869,000 for the Office of Pest Management Policy, previously funded through the Agricultural Research Service.

OFFICE OF HEARINGS AND APPEALS

The agreement provides \$15,222,000 for the Office of Hearings and Appeals.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

The agreement provides \$9,525,000 for the Office of Budget and Program Analysis.

OFFICE OF THE CHIEF INFORMATION OFFICER

The agreement provides \$58,950,000 for the Office of the Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The agreement provides \$6,028,000 for the Office of the Chief Financial Officer.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

The agreement provides \$901,000 for the Office of the Assistant Secretary for Civil Rights.

OFFICE OF CIVIL RIGHTS

The agreement provides \$24,206,000 for the Office of Civil Rights.

AGRICULTURE BUILDINGS AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$64,414,000 for Agriculture Buildings and Facilities.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$3,503,000 for Hazardous Materials Management.

OFFICE OF INSPECTOR GENERAL

The agreement provides \$98,208,000 for the Office of Inspector General.

OFFICE OF THE GENERAL COUNSEL

The agreement provides \$44,546,000 for the Office of General Counsel.

The Office of General Counsel (OGC) and the Committees have had a longstanding tradition of working together to ensure that legislation is properly drafted and effectuates the Committees' intent. This greatly benefits the Committees as well as USDA. OGC is directed to provide such assistance promptly when requested.

OFFICE OF ETHICS

The agreement provides \$4,136,000 for the Office of Ethics.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS

The agreement provides \$800,000 for the Office of the Under Secretary for Research, Education, and Economics.

ECONOMIC RESEARCH SERVICE

The agreement provides \$86,757,000 for the Economic Research Service.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The agreement provides \$191,717,000 for the National Agricultural Statistics Service (NASS), including up to \$63,350,000 for the Census of Agriculture.

The agreement directs NASS to calculate and report in the monthly Agricultural Prices Report on the average price of premium or better alfalfa sold in the United States. Additionally, NASS should work with the Agricultural Marketing Service to develop more robust price discovery mechanisms for alfalfa.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

The agreement provides \$1,202,766,000 for the Agricultural Research Service (ARS), Salaries and Expenses.

The agreement does not accept the President's budget request regarding the termination of research programs, redirections of research programs, or closure of research locations. The agreement expects extramural research to be funded at no less than the fiscal year 2017 levels. The agreement provides funding increases for cotton ginning, alfalfa,

small grains genomics, falling wheat, the National Agricultural Library, the National Arboretum, high performance computing, pear genetics, sustainable water use, warmwater aquaculture, poultry, the U.S. Wheat and Barley Scab Initiative, the Pulse Crop Health Initiative, rangeland research, floriculture, hops research, oriental fruit fly, cattle fever tick, UAS precision agriculture, plant and animal genomic research preservation, sorghum sugarcane aphid, cranberry and blueberry research, greenhouse research, molecular potato breeding, whitefly research, and human nutrition.

The agreement includes no less than the fiscal year 2017 level for ARS to develop the necessary mechanisms to ensure a viable and qualified scientific workforce is available upon completion of NBAF. The agreement *H2047 supports implementation of a program to recruit and train scientists, and other technical positions, focused on pathology, virology, immunology, entomology, epidemiology, microbiology, and computational biology for productive USDA careers at NBAF.

The agreement directs ARS to work with the Animal and Plant Health Inspection Service (APHIS) and stakeholders to develop an integrated management program for control of the scale insect pest infestation that is destroying Roseau cane in the Mississippi River's Delta region along the Gulf of Mexico.

The whitefly (*Bemisia tabaci*) epidemic is severely impacting vegetable and cotton production in the Southeast U.S., particularly in Georgia, Mississippi and Alabama. Therefore, the agreement includes \$1,250,000 for whitefly research and directs ARS and the National Institute of Food and Agriculture (NIFA), in cooperation with land-grant universities located in the impacted states, to develop and submit a plan of action which addresses the whitefly problem to the Committees no later than 90 days after the date of enactment of this Act.

The agreement supports additional funding for plant disease research to improve the quality of sugar beet production.

BUILDINGS AND FACILITIES

For ARS Buildings and Facilities, the agreement provides an appropriation of \$140,600,000 for the next highest priorities identified in the USDA ARS Capital Investment Strategy, April 2012.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

The agreement provides \$887,171,000 for the National Institute of Food and Agriculture, Research and Education Activities.

The following table reflects the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

The agreement provides \$11,880,000 for the Native American Institutions Endowment Fund.

EXTENSION ACTIVITIES

The agreement provides \$483,626,000 for the National Institute of Food and Agriculture, Extension Activities.

The agreement provides \$3,000,000 for the Rural Health and Safety Education Program to address the opioid abuse epidemic and to combat opioid abuse in rural communities.

The following table reflects the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

***H2048 INTEGRATED ACTIVITIES**

The agreement provides \$37,000,000 for the National Institute of Food and Agriculture, Integrated Activities.

The following table reflects the amounts provided by the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

The agreement provides \$901,000 for the Office of the Under Secretary for Marketing and Regulatory Programs.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$981,893,000 for the Animal and Plant Health Inspection Service (APHIS), Salaries and Expenses.

The agreement includes a net increase of \$35,681,000 for high priority initiatives in order to protect the plant and animal resources of the Nation from pests and diseases. The agreement provides increases within the total funding level of: \$7,500,000 for Avian Health to help pay for losses due to low pathogenic avian influenza; \$5,000,000 for Cattle Health in support of the Cattle Fever Tick Eradication Program; \$2,000,000 for Agricultural Quarantine Inspection; \$500,000 for Field Crop and Rangeland Ecosystems Pests in order to control or eradicate pests destroying Roseau cane in wetlands near the Mississippi River Delta; \$11,670,000 for Specialty Crop Pests, including \$5,000,000 for the control or eradication of the spotted lanternfly and \$2,500,000 for oriental fruit fly port detection; \$2,000,000 for Tree and Wood Pests; \$2,000,000 for Animal Welfare; and, \$5,000,000 for the Wildlife Damage Management program.

The agreement provides \$30,810,000 for the Animal Welfare program. The agreement directs that APHIS continue its inspections of registered ARS research facilities to ensure their adherence to the Animal Welfare Act.

To address the cattle fever tick infestation in South Texas, the agreement provides an additional \$5,000,000 for all activities under the Cattle Fever Tick Eradication Program (CFTEP) for research and scientific tools concentrating on the following: new systematic cattle fever tick treatment products with longer treatment intervals for cattle; new cattle fever tick treatment products for wildlife, especially nilgai antelope; and new or improved cattle fever tick preventative therapies, such as vaccines, for both cattle and wildlife hosts. APHIS and ARS are urged to collaborate with Mexican National Animal Health Officials, Mexican State Animal Health Officials from the Mexican states that border Texas, and Mexican livestock and wildlife industry representatives to develop and implement a fever tick control or eradication program that will reduce or eliminate the fever tick population along the Mexican side of the Rio Grande River, and thus the threat of fever tick incursion presented by wildlife and livestock populations across the Rio Grande from the permanent quarantine zone in Texas.

The agreement includes no less than \$3,500,000 for cervid health activities. Within the funds provided, APHIS should give consideration to indemnity payments if warranted.

The agreement directs APHIS to complete the requirements under the Foreign Market Access Requests heading in H.Rpt. 115-232 by July 15, 2018.

The agreement includes a \$6,170,000 increase to help states and producers address the damaging effects of citrus greening disease within the Specialty Crop Pests program as well as a one-time increase of \$7,500,000 for the Huanglongbing Multi-Agency Coordination (HLB-MAC) group.

The agreement includes \$28,000,000 under Wildlife Damage Management for national rabies management, surveillance, and eradication efforts and \$2,000,000 for Wildlife Services education and training. The agreement also provides \$1,600,000 for combatting wildlife depredation to production aquaculture and an additional \$5,000,000 for increased feral swine surveillance. Additionally, no less than \$250,000 should be available for the agency to reduce blackbird depredation in the Northern Great Plains.

The agreement notes that assessing AQI treatment monitoring fees on a per-enclosure basis imposes disproportionate impacts on industry and user groups at certain key ports of entry, including ports along the southeast United States. The agreement encourages USDA to conduct a new study that specifically outlines the actual costs of treatments, examines the disproportionate impact the fee has on airports and seaports in different regions of the U.S., and evaluates alternative and equitable funding mechanisms. Such report should also incorporate due consideration of the recommendations of the Treatment Fee Working Group's September 27, 2016 "Report to APHIS". USDA shall brief the Committees on the status of such study and other efforts to ensure equitable collection of revenues for vital AQI treatment monitoring efforts no later than 120 days after enactment of this Act.

The following table reflects the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

BUILDINGS AND FACILITIES

The agreement provides \$3,175,000 for APHIS Buildings and Facilities.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The agreement provides \$151,595,000 for Agricultural Marketing Service.

The agreement includes \$3,000,000 for the Acer Access and Development Program; \$43,482,000 for grain inspection and packers and stockyards activities; \$4,944,000 for U.S. Warehouse Act activities; and \$13,236,000 for international food procurement.

The agreement provides an increase of \$3,000,000 for the National Organic Program (NOP) and directs the Department to focus these resources on robust fraud detection and oversight to ensure the USDA organic seal remains verified and trusted.

LIMITATION ON ADMINISTRATIVE EXPENSES

The agreement includes a limitation on administrative expenses of \$61,227,000.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$20,705,000 for Funds for Strengthening Markets, Income, and Supply.

The following table reflects the status of this fund for fiscal year 2018:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

PAYMENTS TO STATES AND POSSESSIONS

The agreement provides \$1,235,000 for Payments to States and Possessions.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

The agreement includes a limitation on inspection and weighing services expenses of \$55,000,000.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

The agreement provides \$800,000 for the Office of the Under Secretary for Food Safety.

FOOD SAFETY AND INSPECTION SERVICE

The agreement provides \$1,056,844,000 for the Food Safety and Inspection Service (FSIS).

The agreement provides \$7,500,000 for public health veterinarian recruitment and retention incentives, and \$8,000,000 to fully implement Siluriformes fish and fish product inspection.

The following table reflects the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

TITLE II

FARM PRODUCTION AND CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FARM PRODUCTION AND CONSERVATION

The agreement provides \$901,000 for the Office of the Under Secretary for Farm Production and Conservation.

Within 90 days of enactment of this Act, USDA is directed to provide to the Committees and the House and Senate Agriculture Committees its reorganization and implementation plans for the new Farm Production and Conservation (FPAC) Mission Area. The reorganization plan should include any cost-benefit analysis, workforce and staffing assessment, and customer service assessments. The implementation plan shall include projected budget and staffing

trends for the agencies and business center. -The Department shall also provide a detailed spending plan for the FY 2019 budget request to transfer to the FPAC Business Center \$60,228,000 appropriated pursuant to 16 U.S.C. 3841(a). Thereafter, the Department is directed to provide quarterly staffing reports for the FPAC agencies.

FARM PRODUCTION AND CONSERVATION BUSINESS CENTER

The agreement provides \$1,028,000 for the Farm Production and Conservation Business Center.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$1,202,146,000 for Farm Service Agency, Salaries and Expenses. Included in this amount is \$6,850,000 for reports and analytics for field operations; \$1,776,000 for National Agriculture Imagery Program; \$5,000,000 for Oriental Fruit Fly as referenced in H. Rpt. 115-232; and \$6,315,000 for rent.

The following table reflects the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

STATE MEDIATION GRANTS

The agreement provides \$3,904,000 for State Mediation Grants.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

The agreement provides \$6,500,000 for the Grassroots Source Water Protection Program.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

The agreement provides \$500,000 for the Dairy Indemnity Program.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$8,000,000 for the hiring of additional farm loan officers to meet program demand.

The following table reflects the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

RISK MANAGEMENT AGENCY

SALARIES AND EXPENSES

The agreement provides \$74,829,000 for the Risk Management Agency (RMA), Salaries and Expenses.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

The agreement provides \$874,107,000 for Conservation Operations.

The agreement provides \$9,380,000 for the Snow Survey and Water Forecasting Program; \$9,481,000 for the Plant Materials Centers; \$80,802,000 for the Soil Surveys Program; and \$774,444,000 for Conservation Technical Assistance.

The agreement directs NRCS to provide flexibility to State Conservation officers in determining human resource needs.

WATERSHED AND FLOOD PREVENTION OPERATIONS

The agreement provides \$150,000,000 for Watershed and Flood Prevention Operations.

WATERSHED REHABILITATION PROGRAM

The agreement provides \$10,000,000 for the Watershed Rehabilitation Program.

CORPORATIONS

FEDERAL CROP INSURANCE CORPORATION FUND

The agreement provides an appropriation of such sums as may be necessary for the Federal Crop Insurance Corporation Fund.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides an appropriation of such sums as may be necessary for Reimbursement for Net Realized Losses of the Commodity Credit Corporation.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

The agreement provides a limitation of \$5,000,000 for Hazardous Waste Management.

TITLE III

RURAL DEVELOPMENT PROGRAMS

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$230,835,000 for Rural Development, Salaries and Expenses.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides a total subsidy of \$483,716,000 for activities under the Rural Housing Insurance Fund Program Account.

The agreement notes that the Department has traditionally had difficulties in effectively delivering housing programs on tribal lands and directs the Secretary to pursue innovative ways to address this problem.

The agreement includes a \$100,000,000 increase over fiscal year 2017 in direct rural single family housing loans, from \$1,000,000,000 to \$1,100,000,000. The Secretary is encouraged to prioritize this increase to areas that have recently experienced natural disasters, including hurricanes and wildfires.

The following table indicates loan, subsidy, and grant levels provided by the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

RENTAL ASSISTANCE PROGRAM

The agreement provides \$1,345,293,000 for the Rental Assistance Program.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

The agreement provides \$47,000,000 for the Multi-Family Housing Revitalization Program Account.

MUTUAL AND SELF-HELP HOUSING GRANTS

The agreement provides \$30,000,000 for Mutual and Self-Help Housing Grants.

RURAL HOUSING ASSISTANCE GRANTS

The agreement provides \$40,000,000 for Rural Housing Assistance Grants.

The following table reflects the grant levels provided by the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$48,627,000 for the Rural Community Facilities Program Account.

The following table reflects the loan, subsidy, and grant amounts provided by the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$77,342,000 for the Rural Business Program Account.

The following table reflects the loan, subsidy, and grant levels provided by the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The agreement provides \$8,829,000 for the Intermediary Relending Program Fund Account.

The following table reflects the loan and subsidy levels provided by the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

The agreement provides \$45,000,000 for the Rural Economic Development Loans Program Account.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The agreement provides \$27,550,000 for Rural Cooperative Development Grants.

RURAL ENERGY FOR AMERICA PROGRAM

The agreement provides \$293,000 for the Rural Energy for America Program.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$560,263,000 for the Rural Utilities Service Rural Water and Waste Disposal Program Account.

The following table reflects the loan, subsidy, and grant levels provided by the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The agreement provides \$34,133,000 for activities under the Rural Electrification and Telecommunications Loans Program Account. The agreement provides for a transfer of \$33,270,000 to the Rural Development, Salaries and Expenses account.

The following table indicates loan levels provided by the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

The agreement provides \$67,000,000 for the Distance Learning, Telemedicine, and Broadband Program.

The following table indicates loan levels provided by the agreement:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND CONSUMER SERVICES

The agreement provides \$800,000 for the Office of the Under Secretary for Food, Nutrition, and Consumer Services.

Some state contracted electronic benefit transfer (EBT) processors are charging switching or routing fees in connection with the routing of SNAP benefits. These fees require retailers and/or those routing transactions on behalf of retailers (often referred to as third party processors) to pay for EBT transaction switching and routing to the State EBT processor that handles the client EBT account. In addition, these fees may seek to offset artificially low cost-per-case-month fees that are bid as part of State contracts, and therefore adversely affect competition among existing or new EBT Processors. Therefore, in the interest of maintaining competitiveness for EBT transaction routing, Section 750 extends existing statutory prohibitions against the charging of fees by State contracted EBT processors in connection with the redemption of USDA domestic food assistance benefits to include the charging of gateway switching or routing fees to SNAP authorized retailers or their third party processors.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$24,254,139,000 for Child Nutrition Programs. Included in the total is an appropriated amount of \$15,382,129,000 and a transfer from Section 32 of \$8,872,010,000.

The agreement provides an increase of \$5,000,000 for the Summer Electronic Benefits Transfer for Children Demonstration and directs USDA to expand the program into new States and areas.

The agreement provides the following for Child Nutrition Programs:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

The agreement provides \$6,175,000,000 for the Special Supplemental Nutrition Program for Women, Infants, and Children.

The agreement fully funds estimated WIC participation in fiscal year 2018. The agreement includes \$60,000,000 for breastfeeding *H2051 support initiatives; \$14,000,000 for infrastructure; and an increase of \$25,000,000 for the contingency reserve.

The work of the National Academies of Science (NAS) to review and make recommendations for updating the WIC food packages to reflect current science and cultural factors is recognized. The agreement notes, however, that while all revised packages now allow some fish, the amounts remain low compared to the recommendations of other authoritative health agencies. The agreement strongly encourages the Department to consider the health and cultural benefits of fish consumption as the NAS recommendations are reviewed and used to inform the Department's next course of action. The agreement also strongly encourages the Department to continue to allow states to submit cultural food package proposals to respond to the cultural preferences of WIC participants in states like Alaska.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

The agreement provides \$74,013,499,000 for the Supplemental Nutrition Assistance Program (SNAP).

The agreement provides the following for SNAP:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

COMMODITY ASSISTANCE PROGRAM

The agreement provides \$322,139,000 for the Commodity Assistance Program. The agreement includes \$238,120,000 for the Commodity Supplemental Food Program; \$18,548,000 for the Farmers' Market Nutrition Program; and \$64,401,000 for the Emergency Food Assistance Program.

NUTRITION PROGRAMS ADMINISTRATION

The agreement provides \$153,841,000 for Nutrition Programs Administration. The agreement includes \$2,000,000 to continue the Congressional Hunger Center Fellows Program and \$1,825,000 for decentralized rent and security payments.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS

The agreement includes \$875,000 for the Office of the Under Secretary for Trade and Foreign Agricultural Affairs.

OFFICE OF CODEX ALIMENTARIUS

The agreement provides \$3,796,000 for the Office of Codex Alimentarius. Funding was previously provided through the Food Safety and Inspection Service.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$199,666,000 for the Foreign Agricultural Service, Salaries and Expenses and a transfer of \$6,382,000.

The agreement includes \$3,600,000 for International Cooperative Administrative Support Services; an increase of \$1,200,000 for the Cochran Fellowship Program; an increase of \$850,000 for Borlaug Fellows Program; and an increase of \$2,160,000 for Country Strategy Support Fund.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The agreement provides \$149,000 for administrative expenses for the Food for Peace Title I Direct Credit and Food for Progress Program Account to be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

FOOD FOR PEACE TITLE II GRANTS

The agreement provides \$1,600,000,000 for Food for Peace Title II Grants. The agreement also includes an additional one-time increase of \$116,000,000, for a total level of \$1,716,000,000.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR
EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

The agreement provides \$207,626,000 for the McGovern-Dole International Food for Education and Child Nutrition Program.

COMMODITY CREDIT CORPORATION EXPORT (LOANS)

CREDIT GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$8,845,000 for the Commodity Credit Corporation Export Loans Credit Guarantee Program Account.

TITLE VI-RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The agreement provides specific amounts by Food and Drug Administration (FDA) activity as reflected in the following table:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

The agreement provides \$2,800,078,000 in new discretionary budget authority and \$2,337,963,000 in definite user fees for a total of \$5,138,041,000 for Food and Drug Administration, Salaries and Expenses. This total does not include permanent, indefinite user fees for the Mammography Quality Standards Act; Color Certification; Export Certification; Priority Review Vouchers Pediatric Disease; Food and Feed Recall; Food Reinspection; Voluntary Qualified Importer Program; the Third Party Auditor Program; Outsourcing Facility; and Medical Countermeasure Priority Review Vouchers. The agreement expects the FDA to continue all projects, activities, laboratories, and programs as included in fiscal year 2017 unless otherwise specified.

The agreement includes increases of \$1,000,000 to review botanical drug and dietary supplement interactions; \$400,000 to support the Critical Path Initiative; \$2,800,000 to support intramural work and extramural collaborations necessary to begin developing the appropriate lab methods to detect evidence of seafood decomposition; \$300,000 to help expedite the clearance at ports and distribution hubs of critically important medical products; \$15,000,000 for the Oncology Center of Excellence; \$10,500,000 to support produce safety cooperative agreements with states; and \$9,700,000 for the animal drugs and feeds program to manage increased workloads. The agreement also includes \$1,500,000 for the HHS Office of Inspector General specifically for oversight of FDA activities, and \$1,500,000 for consumer education and outreach regarding biotechnology.

The agreement includes a one-time increase of \$2,500,000 to assist the agency in obtaining information from medical specialists and medical specialty groups concerning clinical use of each of the substances nominated for the list developed by the FDA of bulk drug substances for which there is a clinical need ("503B Bulks List"). Additionally, the agreement directs the FDA to follow congressional intent as it relates to human drug compounded medicines and the standards set forth under current Good Manufacturing Practices (CGMP). Given the need for high quality control and patient safety, the agency is instructed to prohibit outsourcing facilities from compounding drug products from bulk ingredients when outsourcing facilities could otherwise be compounding from an FDA approved drug product.

The agreement also includes a general provision providing \$94,000,000 for the FDA to expand its efforts related to addressing the opioid crisis. According to the FDA, there is an increasing trend in the number of deaths involving fentanyl, a synthetic opioid, being used in combination with other drugs, including cocaine, heroin, and methamphetamine. A significant amount of illicit fentanyl is entering the country as part of the hundreds of millions of parcels that come through International Mail Facilities (IMF) annually. This funding will allow the FDA to strategically

strengthen the agency's presence at IMFs to increase its overall operational capacity to inspect more incoming packages. Specifically, this funding is for the FDA to purchase equipment and information *H2052 technology to identify unapproved and counterfeit pharmaceuticals, and to upgrade laboratory facilities used in this effort. Additionally, funding is provided to better identify and target firms and organizations importing into the United States; increase the staff inspecting packages and to increase the number of packages they are inspecting; increase criminal investigation resources; and increase staff and equipment to efficiently screen imported products.

Additionally, the agreement encourages the FDA to continue implementing the Opioid Action Plan to determine how changes in opioid packaging, distribution, and medication disposal procedures can help mitigate the national opioid crisis, including working to support ongoing efforts at the state and regional level.

The agreement notes that the FDA has not finalized the rule to extend the compliance date for manufacturers for the Nutrition Facts Label Final Rule and the Serving Size Final Rule, which is causing significant confusion and market disruptions, and directs the agency to finalize the rule before July 26, 2018. Further, the agreement directs the agency to issue its conclusions on the status of pending dietary fiber ingredients expeditiously.

The agreement directs the FDA to make the report on Tobacco Product User Fees described in H. Rpt. 115-232 publicly available on its website within 60 days of enactment of the Act.

The agreement notes that the FDA initiated studies concerning glass products for injectable products and directs the FDA to evaluate the agency's study data and any other appropriate available data and report back to the Committees within 45 days on whether it plans to update the 2011 Advisory to reflect recent science.

Concerns remain about the FDA's ability to meet its legal obligation to protect trade secrets and confidential commercial information the agency obtains from its regulated industries. FDA is overdue in providing a detailed description of its systems to ensure protection of such information and is directed to provide this plan within 60 days of enactment of this Act.

The agreement fully supports the requirement for all covered facilities to have food defense plans but concerns have been raised that the final rule entitled "Mitigation Strategies to Protect Food Against Intentional Adulteration," dated May 27, 2016 ([81 Fed. Reg. 34165](#)) is overly prescriptive, costly, and inconsistent with current successful practices that have been used to protect the nation's food supply. In order to address the fundamental concerns with the final rule, the agreement urges the Agency to consider providing more time for further collaborative dialogue with stakeholders.

BUILDINGS AND FACILITIES

The agreement provides \$11,788,000 for the Food and Drug Administration Buildings and Facilities.

FDA INNOVATION ACCOUNT, CURES ACT

The agreement provides \$60,000,000 for the FDA as authorized in the 21st Century Cures Act.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

The agreement provides \$249,000,000 for the CFTC, of which \$48,000,000 is for the purchase of information technology and of which \$2,700,000 is for the Office of Inspector General (OIG). Of this amount for OIG, not less than \$350,000 should be for overhead expenses.

The agreement directs the CFTC to submit, within 30 days of enactment, a detailed spending plan for the allocation of the funds made available, displayed by discrete program, project, and activity, including staffing projections, specifying both FTEs and contractors, and planned investments in information technology.

The agreement hereby restates the language under the headings Swap Dealer de Minimis and Internal Risk Management Transactions in H.Rpt.115-232.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The agreement includes a limitation of \$70,600,000 on administrative expenses of the Farm Credit Administration.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

Section 701.-The agreement includes language regarding motor vehicles.

Section 702.-The agreement includes language regarding the Working Capital Fund of the Department of Agriculture.

Section 703.-The agreement includes language limiting funding provided in the bill to one year unless otherwise specified.

Section 704.-The agreement includes language regarding nonprofit institutions.

Section 705.-The agreement includes language regarding Rural Development programs.

Section 706.-The agreement includes language regarding information technology systems.

Section 707.-The agreement includes language regarding conservation programs.

Section 708.-The agreement includes language regarding Rural Utilities Service program eligibility.

Section 709.-The agreement includes language regarding funds for information technology expenses.

Section 710.-The agreement includes language prohibiting first-class airline travel.

Section 711.-The agreement includes language regarding the availability of certain funds of the Commodity Credit Corporation.

Section 712.-The agreement includes language regarding funding for advisory committees.

Section 713.-The agreement includes language regarding NIFA grants.

Section 714.-The agreement includes language regarding IT system regulations.

Section 715.-The agreement includes language regarding Section 32 activities.

Section 716.-The agreement includes language regarding user fee proposals without offsets.

Section 717.-The agreement includes language regarding the reprogramming of funds and notification requirements.

Section 718.-The agreement includes language regarding fees for the guaranteed business and industry loan program.

Section 719.-The agreement includes language regarding the appropriations hearing process.

Section 720.-The agreement includes language regarding government-sponsored news stories.

Section 721.-The agreement includes language regarding details and assignments of Department of Agriculture employees.

Section 722.-The agreement includes language regarding FDA Working Capital Fund.

Section 723.-The agreement includes language requiring spend plans.

Section 724.-The agreement includes language regarding the special supplemental nutrition program.

Section 725.-The agreement includes language regarding Rural Development programs.

Section 726.-The agreement includes language regarding USDA loan programs.

Section 727.-The agreement includes language regarding the Working Capital Fund.

Section 728.-The agreement includes language regarding SNAP variety.

Section 729.-The agreement includes language regarding industrial hemp.

Section 730.-The agreement includes language regarding the Agriculture and Food Research Initiative.

Section 731.-The agreement includes language regarding tree assistance programs.

Section 732.-The agreement includes language regarding housing loan programs.

Section 733.-The agreement includes language regarding consumer information.

Section 734.-The agreement includes language regarding tissue regulation.

Section 735.-The agreement includes language regarding animal feed.

Section 736.-The agreement includes language regarding Food for Peace.

Section 737.-The agreement includes language regarding geographically disadvantaged farmers.

Section 738.-The agreement includes language regarding FDA regulation.

Section 739.-The agreement includes language regarding loan refinancing.

Section 740.-The agreement includes language regarding nutrition research.

Section 741.-The agreement includes language regarding Rural Development programs.

Section 742.-The agreement includes language regarding agricultural trade.

Section 743.-The agreement includes language regarding conservation programs.

Section 744.-The agreement includes language regarding animal welfare.

Section 745.-The agreement includes language regarding the Water Bank Act.

Section 746.-The agreement includes language regarding domestic preference.

Section 747.-The agreement includes language regarding Rural Development programs.

Section 748.-The agreement includes language regarding Rural Development program assistance.

Section 749.-The agreement includes language regarding family housing programs.

Section 750.-The agreement includes language regarding domestic food assistance program fees.

Section 751.-The agreement includes language regarding lobbying.

Section 752.-The agreement includes language regarding the Agriculture Risk Coverage program.

Section 753.-The agreement includes language regarding the National Institute of Food and Agriculture.

Section 754.-The agreement includes language regarding housing programs.

Section 755.-The agreement includes language regarding child nutrition programs.

Section 756.-The agreement includes language regarding purchases made through child nutrition programs.

Section 757.-The agreement includes language regarding potable water supplies.

Section 758.-The agreement includes language regarding lending fees.

Section 759.-The agreement includes language regarding rural poverty.

Section 760.-The agreement includes language regarding poultry regulations.

Section 761.-The agreement includes language regarding watershed and flood prevention.

Section 762.-The agreement includes language regarding Food for Peace.

Section 763.-The agreement includes language regarding Farm to School programs.

Section 764.-The agreement includes language regarding sodium reduction.

Section 765.-The agreement includes language regarding flood assistance. ***H2053**

Section 766.-The agreement includes language regarding conservation programs.

Section 767.-The agreement includes language regarding hardwood trees.

Section 768.-The agreement includes language regarding school lunch programs.

Section 769.-The agreement includes language regarding Rural Development programs.

Section 770.-The agreement includes language regarding genetically altered salmon.

Section 771.-The agreement includes language regarding citrus greening.

Section 772.-The agreement includes language regarding farm production and conservation programs.

Section 773.-The agreement includes language regarding grape varieties.

Section 774.-The agreement includes language regarding grain inspection.

Section 775.-The agreement includes language regarding telemedicine and distance learning.

Section 776.-The agreement includes language regarding school lunch programs.

Section 777.-The agreement includes language regarding veterans programs.

Section 778.-The agreement includes language regarding opioids.

Section 779.-The agreement includes language regarding broadband programs.

Section 780.-The agreement includes language regarding water and waste programs.

Section 781.-The agreement includes language regarding grant notifications.

Section 782.-The agreement includes language regarding horse inspection activities.

Section 783.-The agreement includes language regarding a limitation of funds.

***H2084** DIVISION B-COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS ACT, 2018

Report language included in [House Report 115-231](#) (“the House report”) or [Senate Report 115-139](#) (“the Senate report”) that is not changed by this explanatory statement or this Act is approved. The explanatory statement, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein. In cases where both the House report and the Senate report address a particular issue not specifically addressed in the explanatory statement, the House report and the Senate report should be read as consistent and are to be interpreted accordingly. In cases where the House report or the Senate report directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations (“the Committees”).

Each department and agency funded in this Act shall follow the directions set forth in this Act and the accompanying explanatory statement, and shall not reallocate resources or reorganize activities except as provided herein. Reprogramming procedures shall apply to: funds provided in this Act; unobligated balances from previous appropriations Acts that are available for obligation or expenditure in fiscal year 2018; and non-appropriated resources such as fee collections that are used to meet program requirements in fiscal year 2018. These procedures are specified in section 505 of this Act.

Any reprogramming request shall include any out-year budgetary impacts and a separate accounting of program or mission impacts on estimated carryover funds. Any program, project or activity cited in this statement, or in the House report or the Senate report and not changed by this Act or statement, shall be construed as the position of the Congress and shall not be subject to reductions or reprogramming without prior approval of the Committees. Further, any department or agency funded in this Act that plans a reduction-in-force shall notify the Committees by letter no later than 30 days in advance of the date of any such planned personnel action.

When a department or agency submits a reprogramming or transfer request to the Committees and does not receive identical responses, it shall be the responsibility of the department or agency seeking the reprogramming to reconcile the differences between the two bodies before proceeding. If reconciliation is not possible, the items in disagreement in the reprogramming or transfer request shall be considered unapproved. Departments and agencies shall not submit reprogramming notifications after July 1, 2018, except in extraordinary circumstances. Any such notification shall include a description of the extraordinary circumstances.

In compliance with section 532 of this Act, each department and agency funded in this Act shall submit spending plans, signed by the respective department or agency head, for the Committees' review not later than 45 days after enactment of this Act.

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

This Act includes \$495,000,000 in total resources for the International Trade Administration. This amount is offset by \$13,000,000 in estimated fee collections, resulting in a direct appropriation of \$482,000,000. The agreement provides \$87,500,000 for Enforcement and Compliance and no less than the fiscal year 2017 amount for Global Markets. The agreement adopts the Senate report language regarding SelectUSA.

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

This Act includes \$113,500,000 for the Bureau of Industry and Security.

ECONOMIC DEVELOPMENT ADMINISTRATION

This Act includes \$301,500,000 for the programs and administrative expenses of the Economic Development Administration (EDA). Section 523 of this Act includes a rescission of \$10,000,000 in Economic Development Assistance Program balances. The funds shall be derived from recoveries and unobligated grant funds that were not appropriated with emergency or disaster relief designations.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

This Act includes \$262,500,000 for Economic Development Assistance Programs. Funds are to be distributed as follows; any deviation of funds shall be subject to the procedures set forth in section 505 of this Act:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Job Losses from Nuclear Power Plant Closures.-As noted in [Senate Report 114-239](#), recent closures of nuclear power plants throughout the United States have had a negative impact on the economic foundations of surrounding communities, and there is potential for additional plant closures in the coming years. EDA can serve an integral role in assisting communities as nuclear plant closures affect the economic landscape of surrounding areas. To that end, EDA is directed to report to the Committees within 90 days of enactment of this Act on its work to help identify and develop best practices to assist communities affected by loss of tax revenue and job loss due to nuclear power plant closures.

Broadband projects.-EDA funding provided under Public Works, Economic Adjustment Assistance, and other programs may be used to support broadband infrastructure projects. High speed broadband is critical to help communities attract new industries and strengthen and grow local economies. EDA is encouraged to prioritize unserved areas. EDA shall submit a report to the Committees within 30 days of the end of fiscal year 2018 describing the number and value of broadband projects supported with fiscal year 2018 funds.

SALARIES AND EXPENSES

This Act includes \$39,000,000 for EDA salaries and expenses.

Minority Business Development Agency

MINORITY BUSINESS DEVELOPMENT

This Act includes \$39,000,000 for the Minority Business Development Agency (MBDA). In lieu of House language regarding external funding, the agreement directs that not less than 50 percent of funds provided to MBDA shall be awarded through competitive agreements, external awards, and grants.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

This Act includes \$99,000,000 for Economic and Statistical Analysis. The agreement does not adopt the proposed reorganization of the Economics and Statistics Administration (ESA). Senate report language is adopted by reference.

BUREAU OF THE CENSUS

This Act includes \$2,814,000,000 for the Bureau of the Census.

CURRENT SURVEYS AND PROGRAMS

This Act includes \$270,000,000 for the Current Surveys and Programs account of the Bureau of the Census.

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

This Act includes \$2,544,000,000 for the Periodic Censuses and Programs account of the Bureau of the Census.

In October 2017, the Secretary of Commerce delivered a new life-cycle cost estimate for the 2020 Decennial Census totaling \$15,625,000,000. In addition to reliance on a new, independent cost estimate (ICE), the Secretary's estimate includes additional assumptions to enhance the robustness and reliability of the program. For example, the new estimate assumes the need for additional in-person follow-up visits due to fewer households initially responding to the Census. The Secretary also requested a funding contingency to address any problems not anticipated by the ICE.

Approximately 70 percent of the costs of the 2020 Census will be incurred in fiscal year 2019 and fiscal year 2020. In order to ensure Census has the necessary resources to immediately address any issues discovered during the 2018 End-To-End Test, and to provide a smoother transition between fiscal year 2018 and fiscal year 2019, this agreement provides half of the amount needed for the 2020 Census for those fiscal years and includes the 2018 contingency amount of \$50,000,000 requested by the Secretary. These resources will also allow the Bureau of the Census to move forward with the timely execution of its 2020 Decennial Census communications and partnerships program to improve response rates and enhance trust in the Census. The Census Bureau is directed to ensure that its fiscal year 2018 partnership and communications activities in support of the 2020 Census are conducted at a level of effort and staffing no less than that conducted during fiscal year 2008 in preparation for the 2010 Decennial Census. The Census Bureau is further directed to provide the Committees with notification 15 days before any spending it intends to incur in fiscal year 2018 that is above the amounts included in the October 2017 life-cycle cost estimate for fiscal year 2018.

The agreement modifies House and Senate language requiring the Census Bureau to furnish certain information to the Committees and the Government Accountability Office (GAO). The Census Bureau shall provide this information no later than 60 days after enactment of this Act. Additionally, the Census Bureau shall include information on the number of open information technology (IT) security plans of actions and milestones for all 2020 Census systems and infrastructure, categorized by whether the underlying weakness or vulnerability is considered critical, high, moderate, or low risk, including a list of those plans of actions and milestones that are not scheduled to be closed within six months.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

This Act includes \$39,500,000 for the salaries and expenses of the National Telecommunications and Information Administration (NTIA). *H2085

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Broadband.-The agreement provides \$7,500,000 to update the national broadband availability map in coordination with the Federal Communications Commission (FCC), which updated its map in February 2018 using Form 477 filing data. The funding provided does not constitute a new program to fund the primary data collection of broadband availability or subscription data, nor is it for funding specific data collection activities by States or third parties. Instead, NTIA should use this funding to acquire and display available third-party data sets to the extent it is able to negotiate its inclusion in existing efforts to augment data from the FCC, other Federal government agencies, State government, and the private sector. NTIA shall not duplicate FCC's efforts. The updated map will help identify regions with insufficient service, especially in rural areas.

First Responder Network Authority (FirstNet).-NTIA is encouraged to place equal priority on the rural deployment of the Nationwide Public Safety Broadband Network to that of urban communities.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

This Act includes language making available to the United States Patent and Trademark Office (USPTO) \$3,500,000,000, the full amount of offsetting fee collections estimated for fiscal year 2018 by the Congressional Budget Office.

Asset Disposals.-The agreement notes that the Patent and Trademark Office, like all of the Department of Commerce, is subject to the asset disposal notifications in section 103, requiring agencies to provide at least 15 days advance notice of the disposal of any capital asset not specifically provided for in this Act or other law appropriating funds for the Department of Commerce. As this Act provides for no disposals, the Patent and Trademark Office shall inform the Committees of any capital asset disposal that meets the definition established in section 103.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

This Act includes \$1,198,500,000 for the National Institute of Standards and Technology (NIST).

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(INCLUDING TRANSFER OF FUNDS)

This Act provides \$724,500,000 for NIST's Scientific and Technical Research and Services (STRS) account. The agreement rejects the proposed terminations and reductions for all STRS programs and provides not less than fiscal year 2017 funding for: Advanced Networks, Connected Systems, and Data Science; Advanced Materials Manufacturing; Biological Science and Health Measurements; Corporate Services; Environmental Measurements; the Office of Special Programs; Quantum Science; Resilience and Structural Engineering; Semiconductor and Microelectronic Measurements; Standards Coordination Office; Time and Fundamental Measurement Dissemination; and User Facilities. The Senate report language regarding cybersecurity and the National Cybersecurity Center of Excellence (NCCoE) is adopted by reference and NCCoE is provided not less than \$33,000,000. Additionally, the agreement adopts Senate report language regarding forensic sciences.

Disaster Resilient Buildings.-Senate language regarding disaster resilient buildings is not adopted. Instead, within funding provided for Disaster Resilient Buildings, NIST is directed to provide no less than \$5,000,000 for competitive external awards. NIST shall be responsive to all grant applicants, including acknowledging receipt of applications, providing feedback to any unsuccessful applicants who request further information, and giving adequate notice of the timeline for announcing awards.

Nano-structured materials.-The agreement modifies House language regarding nano-structured materials to specify that the report shall be due no later than six months after enactment of this Act.

INDUSTRIAL TECHNOLOGY SERVICES

This Act includes \$155,000,000 in total for Industrial Technology Services, including \$140,000,000 for the Hollings Manufacturing Extension Partnership and \$15,000,000 for the National Network for Manufacturing Innovation, to include funding for center establishment and up to \$5,000,000 for coordination activities.

Manufacturing USA Coordination.-The agreement provides no more than \$5,000,000 for NIST's coordination role for all Manufacturing USA institutes across the Federal government. This amount equals NIST's fiscal year 2018 request for this activity. Not later than 60 days after enactment of this Act, NIST shall provide the Committees a report detailing the funding breakout for coordination activities for Manufacturing USA for the last three fiscal years. The report shall address how coordination funding is separate from direct funding provided for Manufacturing USA institutes, or whether there is any overlap.

CONSTRUCTION OF RESEARCH FACILITIES

This Act includes \$319,000,000 for Construction of Research Facilities.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

This Act includes a total program level of \$3,697,831,000 under this account for the coastal, fisheries, marine, weather, satellite and other programs of the National Oceanic and Atmospheric Administration (NOAA). This total funding level includes \$3,536,331,000 in direct appropriations; a transfer of \$144,000,000 from balances in the "Promote and Develop Fishery Products and Research Pertaining to American Fisheries" fund; and \$17,500,000 derived from recoveries of prior year obligations.

The agreement does not include section 553 of the House bill regarding the National Ocean Policy. No funding was provided in fiscal year 2017, and none was requested by any agencies funded in this Act in fiscal year 2018, to implement the National Ocean Policy. Consequently, no funds for National Ocean Policy activities are included for any agency funded in this Act.

Weather Research and Forecasting Innovation Act of 2017.-This agreement is consistent with [Public Law 115-25](#), the Weather Research and Forecasting Innovation Act of 2017. Funding is provided for NOAA to improve weather data, modeling, computing, forecast infrastructure, and warnings to allow the agency to develop more accurate, timely, and effective warnings and forecasts of weather events that endanger life and property.

The following narrative descriptions and tables identify the specific activities and funding levels included in this Act.

National Ocean Service.-\$561,187,000 is for the National Ocean Service.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Title IX Fund.-In lieu of Regional Coastal Resilience Grants, the agreement provides \$30,000,000 for Title IX Fund grants to meet the goals of the Regional Coastal Resilience Grants, as authorized under section 906(c) of Title IX of [Public Law 114-113](#). NOAA shall administer this program in accordance with [16 U.S.C. 7505\(b\)](#) and [3701](#), for collaborative partnerships that incorporate non-Federal matching funds with a priority on supporting authorized activities not otherwise funded within this Act, and direct costs shall not exceed 5 percent. NOAA shall retain oversight and accounting of this funding.

Harmful Algal Blooms (HABs).-The agreement provides additional funding for NOAA to address HABs, and House and Senate language is adopted in full regarding concern for the impacts of harmful algal blooms and direction for NOAA to prioritize its most promising research and technological developments to forecast and mitigate HABs in both marine and freshwater habitats.

Geospatial Modeling Grants.-The agreement adopts the Senate language in full for the external award of geospatial modeling grants.

National Marine Fisheries Service (NMFS).-882,957,000 is for NMFS Operations, Research, and Facilities.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Northeast Multispecies Fishery.-The Senate language pertaining to the Northeast Multispecies Fishery is adopted. In lieu of Section 537 of the Senate bill, the agreement provides an additional \$10,300,000 within Observers and Training to fully fund the cost of At-Sea Monitors in the New England groundfish fishery, including sea and shore side infrastructure costs. NOAA's current assessment is that \$20,000,000 covers Standardized Bycatch Reporting Methodology requirements, and NOAA believes that up to \$2,500,000 is needed to fully fund the At-Sea Monitoring costs, for a total of \$22,500,000, which is provided. NOAA is directed to fully fund the At-Sea Monitoring costs. It is noted that NOAA has estimated the additional costs of fully funding these activities to be anywhere from \$850,000 to \$10,300,000. That variation in range is unacceptable. The spending plan submitted under section 505 of this Act shall include a final amount needed to fully fund At-Sea Monitoring.

Fishery Science Centers.-The agreement does not include section 548 of the House bill regarding the relocation of NOAA fishery science centers. No funding was requested, and no funding is provided in this Act to permanently relocate any such centers during fiscal year 2018.

Gulf of Mexico Red Snapper.-House and Senate language regarding red snapper assessments in the Gulf of Mexico is adopted, and up to \$10,000,000 within Fisheries Data Collections, Surveys and Assessments shall be available for carrying out such purposes.

Pacific Salmon Treaty.-The agreement adopts the Senate recommended funding level to continue negotiations and implement necessary Pacific Salmon Treaty agreements.

Fishery Management Council Fund Report.-The agreement expands the reporting requirement in the Senate report to include all Fishery Management Councils. NOAA shall work with the Committees and the Councils to establish the appropriate scope and format for this report.

Atlantic Striped Bass.-The Atlantic States Marine Fishery Commission is completing a new stock assessment of Atlantic Striped Bass in 2018. After this assessment is complete, the Secretary of Commerce is directed to use this assessment to review the Federal moratorium on Atlantic Striped Bass.

Block Island Transit Zone.-NOAA, in consultation with the Atlantic States Marine Fisheries Commission, is directed to consider lifting the ban on striped bass fishing in the Federal Block Island Transit Zone.

Illegal, Unregulated, and Unreported (IUU) Fishing.-The agreement adopts Senate language regarding IUU fishing, and provides an additional \$1,200,000 under Fisheries Management Programs and Services to implement the program described in section 539 of this Act.

Office of Oceanic and Atmospheric Research (OAR).-\$507,519,000 is for OAR Operations, Research, and Facilities.
*H2087

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Remote Sensing for Snowpack and Soil Moisture.-In lieu of Senate language, direction is provided for this activity under National Weather Service, Science and Technology Integration.

National Weather Service (NWS).-\$1,014,119,000 is for NWS Operations, Research, and Facilities.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Quarterly Briefings.-Continuous reports of management and staffing challenges across the NWS are unacceptable. NOAA and the Department of Commerce are directed to ensure that the NWS fulfills its critical mission to protect the lives and property of our nation's citizens. The agreement adopts Senate language regarding NWS vacancies and the fiscal year 2018 spend plan, but clarifies that this plan should distinguish between funded and unfunded vacancies. Additionally, NOAA shall provide quarterly briefings to the Committees on all NWS management and budget issues, to include: a list of funded vacancies, by type and location, including the length of time the positions have been vacant; the Program, Project, or Activity (PPA) from which each vacancy is funded, and the plan for addressing each vacancy; an update on the implementation of the Operations and Workforce Analysis; budget execution by PPA; major procurements; and other topics as appropriate. Additionally, in the fiscal year 2020 President's Budget submission for NWS, the Department of Commerce shall document the funded position vacancy rate and lapse assumptions built into the budget request by PPA.

Hydrology and Water Resource Programs.-In addition to Senate language regarding the National Water Center, and in lieu of Senate language under OAR, the agreement provides an additional \$6,000,000 for NWS, in coordination with OAR, to collaborate with external academic partners to improve fine and large-scale measurements of snow depth and soil moisture data that can be used to expand and improve the National Water Model and contribute directly to the mission of NOAA's National Water Center. The agreement reiterates Senate language recognizing the success of research-to-operations efforts and external partnerships.

Facilities Maintenance.-The agreement provides \$16,000,000 for the National Weather Service's highest priority facilities repair and deferred maintenance requirements at Weather Forecast Offices (WFOs). NWS has nearly completed its nationwide facilities condition assessment, and has a comprehensive analysis of conditions, itemized deferred maintenance list, and projected lifecycle costs for NOAA's network of WFOs. There is concern that current conditions and deferred maintenance items include issues that may significantly affect operational readiness, service delivery, or occupant safety. Thirty days prior to obligating any of these additional facilities repair and deferred maintenance funds, NWS shall submit a report providing the following information: (1) a prioritized list of NWS deferred facilities maintenance needs, based on the facilities condition assessment, including an explanation of how such list was prioritized; (2) an estimate of the total amount and composition of deferred facilities maintenance, including an explanation of how

such estimate was developed; and (3) an explanation of how NWS maintains information on, and manages, its deferred maintenance needs and activities.

National Environmental Satellite, Data and Information Service.-\$240,872,000 is for National Environmental Satellite, Data and Information Service Operations, Research, and Facilities. *H2088

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Mission Support.-\$265,816,000 is for Mission Support.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Recoveries.-NOAA is expected to source the funding derived from the recoveries of prior year obligations from the recoveries of prior year obligations.

Technical Transfers.-The agreement adopts the proposed technical transfers for the Western Regional Center and the David Skaggs Research Center and provides the full funding for these transfers in the appropriate line office budget lines.

Working Capital Fund.-The agreement provides the full requested amount for NOAA's payment to the Department of Commerce's Working Capital Fund, and directs the Department to submit to the Committees at the end of the fiscal year a full accounting of the services provided.

Office of Marine and Aviation Operations (OMAO).- \$225,361,000 is for OMAO Operations, Research, and Facilities.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Fleet Deferred Maintenance.-The agreement provides \$10,000,000 above the request in OMAO's Operations, Research and Facilities account, and \$11,500,000 above the request in OMAO's Procurement, Acquisition and Construction account to address deferred maintenance of NOAA's fleet. Within 60 days of enactment of this Act NOAA shall brief the Committees on its vessel maintenance requirements, OMAO's maintenance program, and NOAA's plan to develop a long range maintenance strategy for its fleet.

Feasibility of Monitoring Atmospheric Rivers.-Senate report language requiring a report regarding the feasibility and potential benefit of using airborne assets to monitor Atmospheric Rivers is retained.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

This Act includes a total program level of \$2,303,684,000 in direct obligations for NOAA Procurement, Acquisition and Construction (PAC), of which \$2,290,684,000 is appropriated from the general fund and \$13,000,000 is derived from recoveries of prior year obligations. The following narrative and table identify the specific activities and funding levels included in this Act: *H2089

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Space Weather Follow-on.-The agreement includes \$8,545,000 for Space Weather Follow-On. Direction in the House and Senate reports is retained, and NOAA is further directed to provide a full assessment of launch options for a coronagraph, and a plan to address non-coronagraph space weather requirements, within 180 days of enactment of this Act. NOAA shall coordinate with NASA and the Department of Defense to ensure that NOAA is providing cost-effective operational space weather assets and NASA is providing technology development, in accordance with the National Space Weather Action Plan.

Facilities Maintenance.-The agreement provides \$10,000,000 for NOAA's highest priority facilities repair and deferred maintenance requirements. NOAA has significant facilities repair and deferred maintenance liabilities and the Committees are concerned by reports, including the Department of Commerce Office of the Inspector General Report, "NOAA: Repair Needs Data Not Accurate, and Real Property Utilization Not Monitored Adequately," (OIG-17-032-A), that indicate NOAA is not appropriately managing its real property maintenance needs. Thirty days prior to obligating any of these additional facilities repair and deferred maintenance funds, NOAA shall submit a report providing the following information: (1) a NOAA-wide prioritized list of its deferred facilities maintenance needs, including an explanation of how such list was developed; (2) an estimate of the total amount and composition of deferred facilities maintenance, including an explanation of how such estimate was developed; (3) how NOAA maintains information on, and manages, its deferred maintenance needs and activities; and (4) an update on addressing the recommendations of OIG-17-032-A.

NOAA Marine Operation Facilities.-The agreement adopts Senate language on NOAA Marine Operation Facilities and directs NOAA to submit the associated plan within 60 days of enactment of this Act. Additionally, NOAA shall formalize the decision on the size of the project and work with the United States Navy to finalize all assessments in a timely manner.

NOAA Aircraft Recapitalization.-The agreement adopts the Senate language regarding aircraft recapitalization and provides \$133,000,000 for this purpose. Within funds provided, \$121,000,000 is included to procure a suitable replacement for the Gulfstream IV-SP (G-IV) Hurricane Hunter in order to meet the requirements of [section 413 of Public Law 115-25](#) and ensure back up capabilities.

PACIFIC COASTAL SALMON RECOVERY

This Act includes \$65,000,000 for Pacific Coastal Salmon Recovery.

FISHERMEN'S CONTINGENCY FUND

This Act includes \$349,000 for the Fishermen's Contingency Fund.

FISHERY DISASTER ASSISTANCE

This Act includes \$20,000,000 for fishery disaster assistance.

FISHERIES FINANCE PROGRAM ACCOUNT

This Act includes language under this heading limiting obligations of direct loans to \$24,000,000 for Individual Fishing Quota loans and \$100,000,000 for traditional direct loans.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

This Act includes \$63,000,000 for Departmental Management salaries and expenses and supports the proposed increase for the Investigations and Threats Management Division.

Rescissions.-The Department of Commerce shall submit to the Committees a report, at the Program, Project and Activity level, no later than September 1, 2018, specifying the amount of each rescission made pursuant to this Act.
***H2090**

RENOVATION AND MODERNIZATION

This Act includes \$45,130,000 for continuing renovation activities only at the Herbert C. Hoover Building, which is the full amount the Department of Commerce requires to complete the fifth phase of the ongoing renovation.

OFFICE OF INSPECTOR GENERAL

This Act includes a total of \$37,626,000 for the Office of Inspector General (OIG). This amount includes \$32,744,000 in direct appropriations, a \$1,000,000 transfer from USPTO, a transfer of \$2,580,000 from the Bureau of the Census, Periodic Censuses and Programs, and \$1,302,000 from NOAA PAC for audits and reviews of those programs.

Transfers.-The OIG has more than \$6,000,000 in unobligated prior year transfers from Department of Commerce components. These transfers are to ensure that the OIG is able to provide the necessary independent and objective oversight for these components. In its fiscal year 2018 spend plan, the OIG shall describe how the OIG will use these existing resources to adequately oversee the relevant components.

GENERAL PROVISIONS-DEPARTMENT OF COMMERCE (INCLUDING TRANSFER OF FUNDS)

This Act includes the following general provisions for the Department of Commerce:

Section 101 makes funds available for advanced payments only upon certification of officials, designated by the Secretary, that such payments are considered to be in the public interest.

Section 102 makes appropriations for Department salaries and expenses available for hire of passenger motor vehicles, for services, and for uniforms and allowances as authorized by law.

Section 103 provides the authority to transfer funds between Department of Commerce appropriation accounts and requires 15 days advance notification to the Committees on Appropriations for certain actions.

Section 104 provides congressional notification requirements for NOAA satellite programs and includes life cycle cost estimates for certain weather satellite programs.

Section 105 provides for reimbursement for services within Department of Commerce buildings.

Section 106 clarifies that grant recipients under the Department of Commerce may continue to deter child pornography, copyright infringement, or any other unlawful activity over their networks.

Section 107 provides the NOAA Administrator with the authority to avail NOAA of resources, with the consent of those supplying the resources, to carry out responsibilities of any statute administered by NOAA.

Section 108 prohibits the National Technical Information Service from charging for certain services.

Section 109 provides NOAA with authority to waive certain bond requirements.

Section 110 allows NOAA to be reimbursed by Federal and non-Federal entities for performing certain activities.

Section 111 provides the Economics and Statistics Administration certain authority to enter into cooperative agreements.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

This Act includes \$114,000,000 for General Administration, Salaries and Expenses.

Opioid and heroin epidemic.-The Act includes significant increases in law enforcement and grant resources for the Department of Justice (DOJ) to combat the rising threat to public health and safety from opioid, heroin and other drug trafficking and abuse. This includes a total of \$446,500,000, an increase of \$299,500,000 more than fiscal year 2017, in DOJ grant funding to help State and local communities respond to the opioid crisis.

Federal Law Enforcement and Prosecutors.-The Act includes significant increases for DOJ Federal law enforcement and prosecution agencies which will help DOJ investigate and prosecute high priority cases, including those involving opioids, heroin, and other drug trafficking amongst other law enforcement priorities that were agreed upon by the Committees in this explanatory statement. The overall increase is \$717,691,000 more than fiscal year 2017 which includes: \$101,750,000 for U.S. Attorneys; \$62,452,000 for U.S. Marshals Service operations; \$36,912,000 for the Drug Enforcement Administration (DEA) diversion control program and \$87,350,000 for DEA operations; \$25,850,000 for the Organized Crime and Drug Enforcement Task Forces; \$263,001,000 for Federal Bureau of Investigation (FBI) operations; \$35,176,000 for the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF); and \$105,200,000 for the Bureau of Prisons (BOP) operations.

Working Capital Fund and Non-appropriated Fund Budget Requests and Expenditure Plans.-DOJ shall include in its future year requests a breakout of its non-appropriated funding sources, as specified in the House report. DOJ shall also include in its fiscal year 2018 spending plans for DOJ components details on non-appropriated funds with regard to the Working Capital Fund, retained earnings and unobligated transfers, and civil debt collection proceeds, as specified in the House and Senate reports. In addition, DOJ shall continue to provide the Committees with quarterly reports on the collections, balances, and obligations of these funds.

Federal Water Usage Violations.-The agreement does not adopt language in either the House or the Senate report regarding Federal water usage violations.

JUSTICE INFORMATION SHARING TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

This Act includes \$35,000,000 for Justice Information Sharing Technology. The Department shall give the highest priority to advancing cybersecurity for DOJ operations and systems.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
(INCLUDING TRANSFER OF FUNDS)

This Act includes \$504,500,000 for the Executive Office for Immigration Review (EOIR), of which \$4,000,000 is derived by transfer from fee collections. With the funding provided in the Act, EOIR shall continue ongoing programs, and hire and deploy at least 100 additional Immigration Judge (IJ) teams, with a goal of fielding 484 IJ teams nationwide by 2019.

Immigration Adjudication Performance and Reducing Case Backlog.-The Department shall accelerate its recruitment, background investigation, and placement of IJ teams, and brief the Committees not later than 30 days after enactment of this Act on its plan to deploy or reassign IJ teams to the highest priority locations. The briefing shall cover training standards for new IJs, and continuing IJ training and education.

EOIR shall submit monthly reports detailing the status of its hiring and deployment of IJ teams in the format and level of detail provided in fiscal year 2017. The reports should include the performance and operating information at the level of detail provided in fiscal year 2017, to include median days pending for both detained and non-detained cases, and should include statistics on cases where visa overstay is a relevant factor. To the extent EOIR has adopted new performance measures related to the efficient and timely completion of cases and motions, statistics reflecting those measures should be included in the report.

OFFICE OF INSPECTOR GENERAL

This Act includes \$97,250,000 for the Office of Inspector General.

UNITED STATES PAROLE COMMISSION
SALARIES AND EXPENSES

This Act includes \$13,308,000 for the salaries and expenses of the United States Parole Commission.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

This Act includes \$897,500,000 for General Legal Activities.

Petitions for remission or mitigation.-The agreement does not include section 550 of the House bill, as the Department of Justice finally addressed these petitions after an excessively lengthy wait and ruled on all petitions for remission or mitigation that were referred to the Department before June 26, 2017. The Committees note that these petitions are imperative in returning money that is validly due to taxpayers, and the Money Laundering and Asset Recovery Section should prioritize resolving any future petitions expeditiously.

VACCINE INJURY COMPENSATION TRUST FUND

This Act includes a reimbursement of \$10,000,000 for DOJ expenses associated with litigating cases under the National Childhood Vaccine Injury Act of 1986 ([Public Law 99-660](#)).

SALARIES AND EXPENSES, ANTITRUST DIVISION

This Act includes \$164,977,000 for the Antitrust Division. This appropriation is offset by an estimated \$126,000,000 in pre-merger filing fee collections, resulting in a direct appropriation of \$38,977,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

This Act includes \$2,136,750,000 for the Executive Office for United States Attorneys and the 94 United States Attorneys' offices, of which \$25,000,000 shall remain available until expended. Within funding provided, the Act supports increases of \$4,750,000 above the fiscal year 2017 level for paralegal support; \$4,875,000 above the request level for cybercrime prosecution and training of Assistant U.S. Attorneys, including for intellectual property rights violations and child pornography; and \$2,500,000 to support criminal and civil drug diversion prosecution related to opioids. The Act includes funding at no less than the fiscal year 2017 level for Adam Walsh Act investigations and prosecutions, and sustains current funding levels for investigations and prosecutions of mortgage and financial fraud, as well as for civil rights enforcement. Remaining funds above the request level shall be allocated to districts with the highest demonstrable workload, and should include additional prosecutors for both human and opioid trafficking cases.

UNITED STATES TRUSTEE SYSTEM FUND

This Act includes \$225,908,000 for the United States Trustee Program.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

This Act includes \$2,409,000 for the Foreign Claims Settlement Commission.

FEES AND EXPENSES OF WITNESSES

This Act includes \$270,000,000 for Fees and Expenses of Witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(INCLUDING TRANSFER OF FUNDS)

This Act includes \$15,500,000 for the Community Relations Service. ***H2091**

ASSETS FORFEITURE FUND

This Act includes \$20,514,000 for the Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

This Act includes \$1,311,492,000 for the salaries and expenses of the United States Marshals Service (USMS). Within funding provided, the Act supports the USMS's request of \$12,000,000 for life and safety equipment and training. Also within this appropriation, the Act provides additional funding for deputy U.S. marshals to meet the growing workload

associated with: increasing law enforcement initiatives; enhancing enforcement of laws relating to international travel of sex offenders; and expanding the regional fugitive task force program.

CONSTRUCTION

This Act includes \$53,400,000 for construction and related expenses in space controlled, occupied or utilized by the USMS for prisoner holding and related support. The USMS is expected to apply this funding to its top ten priority projects.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

The Act includes \$1,536,000,000 for Federal Prisoner Detention.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

This Act includes \$101,031,000 for the salaries and expenses of the National Security Division.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

This Act includes \$542,850,000 for the Organized Crime and Drug Enforcement Task Forces, of which \$375,000,000 is for investigations and \$167,850,000 is for prosecutions. The increase in resources is provided to enhance investigations and prosecutions of major drug trafficking organizations with a focus on reducing the availability of opioids.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

This Act includes \$9,030,202,000 for the salaries and expenses of the Federal Bureau of Investigation (FBI), including \$1,740,000,000 for Intelligence, \$3,660,200,000 for Counterterrorism and Counterintelligence, \$3,090,000,000 for Criminal Enterprises and Federal Crimes, and \$540,000,000 for Criminal Justice Services.

Within funding provided, the FBI is expected to enhance its investigative and intelligence efforts related to terrorism, national security, and cyber threats, to include strengthening the Cyber Division. Also within the level of funding provided, the FBI shall ensure that the National Instant Criminal Background Check System (NICS) operations more adequately address background check demand and improve NICS performance, including enhancing system availability, determination rates, and E-Check services. DOJ is also directed to consult with and provide technical guidance to help other Federal departments and agencies fulfill their obligation to submit all relevant records into the NICS database.

Communication and information sharing.-The FBI is directed to review protocols associated with communication and information sharing between the Public Access Line and FBI field offices, and to report to the Committees within 60 days of enactment of this Act on potential improvements.

Law enforcement medical demonstration.-Within 60 days of enactment of this Act, the FBI shall update the Committees on efforts to formalize its existing external partnership with a civilian academic medical center, including the FBI's use of medical communications systems and Level I trauma centers to support contingency planning and improve the delivery of medical care for high risk law enforcement missions.

Canine Weapons of Mass Destruction Directorate (WMDD) research.-The agreement adopts Senate report language regarding the Hazardous Devices School, which supports the Bureau's WMDD detector canine program. The Act clarifies that funding direction for these canine activities shall be at a level above fiscal year 2017 that adequately supports the operations and ongoing development of this program.

Countering election-related threats.-Within the increased funding provided, the FBI is directed to make the counterintelligence and cyber-related investments necessary to help respond to foreign actors, including those seeking to compromise democratic institutions and processes. It is expected that the FBI will invest in initiatives that will assist in enhanced source development, deployment of additional surveillance assets, implementation of other sophisticated targeting techniques, or other investigative activities deemed necessary to thwart foreign actors. These investments will also aid the FBI in carrying out its roles and responsibilities pursuant to the January 2017 designation of election infrastructure as part of the nation's critical infrastructure, thereby facilitating enhanced information sharing between the Federal government and State and local election officials responsible for running Federal elections in this country. The FBI shall brief the Committees not later than 90 days after the date of enactment of this Act on its plans to carry out these initiatives.

Human trafficking.-Within the funds provided, the FBI is expected to increase resources devoted to human trafficking investigations.

CONSTRUCTION

This Act includes \$370,000,000 for FBI construction, which supports the Senate's language on 21st Century Facilities and provides additional funding above the requested level for the FBI to address its highest priorities outside of the immediate national capital area.

FBI Headquarters.-The Act does not include funding for the revised Headquarters consolidation plan released on February 12, 2018, because many questions regarding the new plan remain unanswered, including the revision of longstanding security requirements and changes to headquarters capacity in the national capital region. Until these concerns are addressed and the appropriate authorizing Committees approve a prospectus, the Committees are reluctant to appropriate additional funds for this activity.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

This Act includes a direct appropriation of \$2,190,326,000 for the salaries and expenses of the Drug Enforcement Administration (DEA). In addition, DEA expects to derive \$419,574,000 from fees deposited in the Diversion Control Fund to carry out the Diversion Control Program, resulting in \$2,609,900,000 in total spending authority for DEA. To meet the rising threats from heroin, fentanyl, and other opioids, additional funding is included to: expand opioid and heroin enforcement efforts, including supporting existing heroin enforcement teams and establishing new ones; invest in

the Fentanyl Signature Profiling Program and law enforcement safety; and accelerate efforts to dismantle transnational criminal organizations and cartels. Senate report language regarding Special Assistant U.S. Attorneys is adopted, and additional resources for prosecutors are included under U.S. Attorneys. DEA shall provide a briefing on heroin and opioid investigations and prosecutions not later than 90 days after the date of enactment of this Act. The agreement also provides not less than \$10,000,000 for DEA to perform methamphetamine lab cleanup.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

This Act includes \$1,293,776,000 for the salaries and expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Within the amount provided, resources are allocated to fully fund the requested program increases, as well as for an increase of not less than \$10,000,000 for activities, as specified in the House report, for the National Firearms Act Division, Federal Firearms and Explosives Licensing Centers, the Import Branch, and the eForms system.

Canine Training Center.-The agreement does not include section 539 of the House bill regarding the relocation of ATF's Canine Training Center. The agreement modifies Senate language regarding National Center for Explosives Training and Research only as it pertains to canine operations to clarify that no relocations are anticipated during fiscal year 2018.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

This Act includes \$7,114,000,000 for the salaries and expenses of the Federal Prison System. House and Senate report language on treatment programming is adopted.

BUILDINGS AND FACILITIES

This Act includes \$161,571,000 for the construction, acquisition, modernization, maintenance, and repair of prison and detention facilities housing Federal inmates. Additional funding above the request is included for the highest priority deferred maintenance and repair (M&R) projects. The Bureau of Prisons shall provide a list of planned M&R projects to be carried out, with estimated costs and completion dates, with the fiscal year 2018 spending plan provided to the Committees, as well as an updated listing of remaining unfunded M&R projects.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

This Act includes a limitation on administrative expenses of \$2,700,000 for Federal Prison Industries, Incorporated.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

In total, this Act includes \$2,934,300,000 for State and local law enforcement and crime prevention programs. This amount includes \$2,842,300,000 in discretionary budget authority, of which \$492,000,000 is derived by transfer from the Crime Victims Fund. This amount also includes \$92,000,000 scored as mandatory for Public Safety Officer Benefits.

House and Senate report language regarding management and administration expenses is adopted by reference, and it is clarified that the Department's methodology for assessing these costs should be both fair and equitable across all grant programs.

The agreement includes a limitation on obligations from the Crime Victims Fund of \$4,436,000,000 as stipulated in section 510 of this Act.

Compliance with Federal laws.-The agreement does not include section 554 of the House bill regarding funding for the State Criminal Alien Assistance Program (SCAAP). The agreement adopts Senate language directing the Department to ensure *H2092 that all applicants for Edward Byrne Memorial Justice Assistance Grants (Byrne-JAG), Community Oriented Policing Services (COPS) grants, and SCAAP funds are in compliance with all applicable Federal laws.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

This Act includes \$492,000,000 for the Office on Violence Against Women. These funds are distributed as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

This Act provides \$90,000,000 for the Research, Evaluation and Statistics account. These funds are distributed as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Campus survey.-Up to \$5,000,000 is provided for the Department to continue development and testing of its pilot campus climate survey on sexual assault. The survey should be cost-effective, standardized, methodologically rigorous, and conducted nationwide.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

This Act includes \$1,677,500,000 for State and Local Law Enforcement Assistance programs. These funds are distributed as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Comprehensive Addiction and Recovery Act (CARA) programs.-The agreement provides a total of \$330,000,000 for DOJ's CARA programs, an increase of \$227,000,000 above the fiscal year 2017 level, including \$132,000,000 above the fiscal year 2017 level for the Comprehensive Opioid Abuse Program (COAP). It is expected that the Bureau of Justice Assistance will not only be able to make additional site-based program awards under the existing COAP structure, but will be able to expand COAP offerings to include prevention and education programs for youth, community engagement by law enforcement, response teams to assist children dealing with the aftermath of opioid addiction, and family court programming relating to treatment for opioids. Senate report language on the Law Enforcement Assisted Diversion (LEAD) model is adopted.

NICS Initiative grants.-While the agreement includes a \$2,000,000 increase for the NICS Initiative grant program, the Committees remain deeply concerned over problematic applications from States for the National Criminal History Improvement Program (NCHIP) and NICS Act Record Improvement Program (NARIP) grants, which result in fewer grants being awarded than were funded by appropriations. Over the past several fiscal years, far too many proposals from States have been out-of-scope, of poor quality, or requested excessive funding to replace an entire criminal justice records system, leading DOJ to exclude them. The Office of Justice Programs (OJP) is directed to consult with State and tribal governments to provide training and technical assistance in completing a successful application for both of these grant programs, including expressly outlining what is in scope for project needs, information technology, and cost.

Victims of Trafficking grants.-The agreement provides \$77,000,000 for the Victims of Trafficking Grant program, as authorized by [Public Law 106-386](#) and amended by [Public Law 113-4](#), of which no less than \$22,000,000 is for the Enhanced Collaborative Model to Combat Human Trafficking Task Force Program. This funding level also includes \$10,000,000 for the Minor Victims of Trafficking Grant program, of which \$8,000,000 is for victim services grants for sex-trafficked minors as authorized by [Public Law 113-4](#), with the remaining \$2,000,000 for victim services grants for labor-trafficked minors. The Committees encourage DOJ to work in close coordination with the Department of Health and Human Services to facilitate collaboration and reduce duplication of efforts.

Capital Litigation Improvement and Wrongful Conviction Review Grant programs.-The Committees direct that at least 50 percent of the \$3,000,000 appropriated to the Capital Litigation Improvement and Wrongful Conviction Review grant programs be used to support entities that represent individuals with post-conviction claims of innocence and provide legal representation; case review, evaluation, and management; experts; and investigation services related to these innocence claims.

Paul Coverdell Forensic Science.-The alarming proliferation of heroin and synthetic drugs like fentanyl have had a crushing effect on State crime labs, resulting in a significant increase in the backlog. Synthetics in particular take much longer to analyze than traditional drugs and chemicals. Medical examiners and pathologists have also been overwhelmed with the volume of autopsies as a result of heroin and synthetic drug-related overdose deaths. The recommendation provides an additional \$17,000,000 for the Coverdell program to specifically target the challenges the opioid epidemic has brought to the forensics community.

JUVENILE JUSTICE PROGRAMS

This Act includes \$282,500,000 for Juvenile Justice programs. These funds are distributed as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Reaching Youth Impacted by Opioids.-The recommendation provides an additional \$22,000,000 above the fiscal year 2017 enacted level to support States, local communities, and tribal jurisdictions in their efforts to develop and implement effective programs for children, youth, and at-risk juveniles and their families who have been impacted by the opioid crisis and drug addiction. Within this amount, \$8,000,000 is provided for Title V: Delinquency Prevention grants, and \$14,000,000 is provided for youth mentoring grants.

PUBLIC SAFETY OFFICER BENEFITS

(INCLUDING TRANSFER OF FUNDS)

This Act includes \$116,800,000 for the Public Safety Officer Benefits program for fiscal year 2018. Within the funds provided, \$92,000,000 is for death benefits for survivors, an amount estimated by the Congressional Budget Office that is considered mandatory for scorekeeping purposes. In addition, \$24,800,000 is provided for disability benefits for public

safety officers permanently and totally disabled as a result of a catastrophic injury and for education benefits for the spouses and children of officers killed in the line of duty or permanently and totally disabled as a result of a catastrophic injury sustained in the line of duty.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

This Act includes \$275,500,000 for COPS programs, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

COPS Hiring.-The Department of Justice is reminded that the COPS Hiring Program may include grant award preference categories for School Resource Officers.

Peer Mentoring Pilot Programs.-With the recent passage of the Law Enforcement Mental Health and Wellness Act ([Public Law 115-113](#)), the Committees note that grant funding to establish peer mentoring mental health and wellness pilot programs within State, local, and tribal law enforcement agencies is now a covered purpose area within the COPS Office.

GENERAL PROVISIONS-DEPARTMENT OF JUSTICE

(INCLUDING TRANSFER OF FUNDS)

This Act includes the following general provisions for the Department of Justice:

Section 201 makes available additional reception and representation funding for the Attorney General from the amounts provided in this title.

Section 202 prohibits the use of funds to pay for an abortion, except in the case of rape or incest, or to preserve the life of the mother.

Section 203 prohibits the use of funds to require any person to perform or facilitate the performance of an abortion.

Section 204 establishes that the Director of the Bureau of Prisons (BOP) is obliged to provide escort services to an inmate receiving an abortion outside of a Federal facility, except where this obligation conflicts with the preceding section.

Section 205 establishes requirements and procedures for transfer proposals.

Section 206 prohibits the use of funds for transporting prisoners classified as maximum or high security, other than to a facility certified by the BOP as appropriately secure.

Section 207 prohibits the use of funds for the purchase or rental by Federal prisons of audiovisual or electronic media or equipment, services and materials used primarily for recreational purposes, except for those items and services needed for inmate training, religious, or educational purposes.

Section 208 requires review by the Deputy Attorney General and the Department Investment Review Board prior to the obligation or expenditure of funds for major information technology projects.

Section 209 requires the Department to follow reprogramming procedures prior to any deviation from the program amounts specified in this title or the reuse of specified deobligated funds provided in previous years.

Section 210 prohibits the use of funds for A-76 competitions for work performed by employees of BOP or Federal Prison Industries, Inc.

Section 211 prohibits U.S. Attorneys from holding additional responsibilities that exempt U.S. Attorneys from statutory residency requirements.

Section 212 permits up to 3 percent of grant and reimbursement program funds made available to the Office of Justice Programs to be used for training and technical assistance, and permits up to 2 percent of grant funds made available to that office to be used for criminal justice research, evaluation and statistics by the National Institute of Justice and the Bureau of Justice Statistics.

Section 213 gives the Attorney General the authority to waive matching requirements for Second Chance Act adult and juvenile reentry demonstration projects; State, Tribal, and local reentry courts; and drug treatment programs.

Section 214 waives the requirement that the Attorney General reserve certain funds from amounts provided for offender incarceration.

Section 215 prohibits funds, other than funds for the national instant criminal background check system established under the Brady Handgun Violence Prevention Act, from being used to facilitate the transfer of an operable firearm to a known or suspected agent of a drug cartel where law enforcement personnel do not continuously monitor or control such firearm.

Section 216 places limitations on the obligation of funds from certain Department of Justice accounts and funding sources.

Section 217 allows certain funding to be made available for use in Performance Partnership Pilots.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

This Act includes \$5,544,000 for the Office of Science and Technology Policy (OSTP). The agreement modifies Senate language regarding Science, Technology, Engineering, and Math (STEM) inclusion training to clarify that this activity shall include OSTP and the Office of Personnel Management and be conducted through a National Science and Technology Council subcommittee.

NATIONAL SPACE COUNCIL

This Act includes \$1,965,000 for the activities of the National Space Council.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

This Act includes \$20,736,140,000 for the National Aeronautics and Space Administration (NASA). *H2095

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

SCIENCE

This Act includes \$6,221,500,000 for Science. The agreement reiterates the importance of the decadal survey process and rejects the cancellation of scientific priorities recommended by the National Academy of Sciences decadal survey process.

Earth Science.-This Act includes \$1,921,000,000 for Earth Science. This amount includes \$147,000,000 for the Plankton, Aerosol, Cloud, and ocean Ecosystem; \$17,000,000 for the Climate Absolute Radiance and Refractivity Observatory Pathfinder; \$1,700,000 for the Deep Space Climate Observatory; \$9,700,000 to launch the Orbiting Carbon Observatory-3; \$55,400,000 for the NASA-Indian Space Research Organization Synthetic Aperture Radar Mission (NISAR); and \$175,800,000 for LandSat-9. Earlier this year, NASA terminated an Earth Science instrument scheduled to be launched on the Joint Polar Satellite System (JPSS)-2 satellite. NASA is directed to preserve the significant investment made to date when closing out the program and to retain appropriate options to utilize the instrument in the future. Further, NASA shall report to the Congress within 180 days of the enactment of this Act on plans to ensure the collection of energy budget data beyond the JPSS-1 Clouds and the Earth's Radiant Energy System (CERES) instrument.

Planetary Science.-This Act includes \$2,227,900,000 for Planetary Science. Of this amount, \$595,000,000 is for the Europa mission, including both the Clipper and Lander components. The agreement also provides \$66,000,000 for Near Earth Object Observations as directed by the Senate. The agreement provides up to \$335,800,000 for Discovery and up to \$90,000,000 for New Frontiers. Within amounts currently available in the Planetary program and from funds provided in this Act, no more than \$35,000,000 is for the Near-Earth Object Camera (NEOCam) mission to complete a system requirement review and mission design review, and associated follow-up work. Also included is \$660,000,000 for Mars with language clarifying House direction to support the Mars Sample return mission and Orbiter, as appropriate. The agreement also provides \$23,000,000 for the Mars helicopter technology demonstration activity. The agreement modifies House language regarding an Exoplanet Exploration Decadal Survey to acknowledge that this matter is being explored in a February 2018, National Academy of Sciences call for White Papers: Exoplanet Science Strategy in advance of the upcoming decadal surveys in astronomy, astrophysics, and planetary science.

Astrophysics.-This Act includes \$850,400,000 for Astrophysics. The agreement clarifies House language regarding a competitive, principal investigator-led astrophysics program to direct that this matter be addressed in the upcoming 2020 Astrophysics Decadal Survey. The agreement provides \$98,300,000 for the Hubble Space Telescope. The agreement also includes no less than an additional \$15,000,000 for exoplanet technology development, including search for life technology development and starshade technology development.

Stratospheric Observatory for Infrared Astronomy (SOFIA).-The agreement includes \$85,200,000 and House language for SOFIA. The agreement further clarifies that NASA shall not undertake any activities during fiscal year 2018 in preparation for any fiscal year 2019 senior review of this program. The agreement notes that SOFIA, which began its prime mission in 2014, has a prime mission lifetime of 20 years.

Wide-Field Infrared Survey Telescope (WFIRST).-In lieu of House and Senate language regarding WFIRST, the agreement includes \$150,000,000 for WFIRST, which is the highest priority of the 2010 Astrophysics Decadal Survey. In October 2017, NASA received the findings from the WFIRST Independent External Technical/Management/Cost Review (WIETR), which found in part that the current science management strategy is appropriate and that the Class

B risk classification for the WFIRST mission is not consistent with NASA policy for strategically important missions with comparable levels of investment and risk, most if not all of which are class A missions. Accordingly, NASA shall provide to the Committees within 60 days of enactment of this Act a preliminary life cycle cost estimate, including any additions needed to achieve Class A classification, along with a year by year breakout of development costs.

James Webb Space Telescope (JWST).-This Act includes \$533,700,000 for JWST.

Heliophysics.-This Act includes \$688,500,000 for Heliophysics.

AERONAUTICS

This Act includes \$685,000,000 for Aeronautics.

SPACE TECHNOLOGY

This Act includes \$760,000,000 for Space Technology. Within this amount, \$130,000,000 is for RESTORE; \$75,000,000 is for nuclear thermal propulsion activities; up to \$20,000,000 is for the Flight Opportunities Program; and no less than \$25,000,000 is for additive manufacturing research. *H2096

Innovative nanomaterials.-The agreement provides \$5,000,000 to address challenges associated with large-scale production of advanced nanomaterials for use in NASA missions.

EXPLORATION

Exploration.-This Act includes \$4,790,000,000 for Exploration. The agreement clarifies that funding for additive manufacturing is included within the Space Technology program. The agreement retains the Senate language regarding a habitat development program office and directs NASA to provide, as part of its operating plan submission, a financial plan that breaks out funding and activity responsibilities for the office across the agency. The bill provides an additional \$350,000,000 for launch capabilities and infrastructure associated with constructing a second mobile launch platform, as recommended by the Aerospace Safety Advisory Panel, which will enable an acceleration in the launch schedule for Exploration Mission-2. The funds also will allow flexibility for future NASA and other Federal agency missions that will require heavy-lift capabilities beyond those of current launch vehicles as well as enable a sustainable Space Launch System (SLS) launch cadence. The agreement also provides \$395,000,000 for the Human Research Program and Advanced Exploration Systems, including no less than the current operating level for these programs.

SPACE OPERATIONS

Space Operations.-This Act provides \$4,751,500,000 for Space Operations. The agreement maintains the fiscal year 2017 levels for the 21st Century Space Launch Complex program within this account as directed by the House. The agreement adopts the Senate funding recommendation for and language regarding Venture Class Launch Services.

EDUCATION

This Act includes \$100,000,000 for Education, including \$18,000,000 for the Established Program to Stimulate Competitive Research; \$40,000,000 for Space Grant; \$32,000,000 for the Minority University Research and Education Project; and \$10,000,000 for STEM Education and Accountability Projects. The agreement adopts Senate language regarding future placement of this program and direction regarding administrative costs.

SAFETY, SECURITY AND MISSION SERVICES

This Act includes \$2,826,900,000 for Safety, Security and Mission Services. The agreement modifies House language regarding submission of reports from NASA pursuant to National Academy of Public Administration, the GAO, and the NASA Inspector General reviews of NASA security compliance protocols and foreign national access management and directs that these reports be provided yearly.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

This Act includes \$562,240,000 for Construction and Environmental Compliance and Restoration. Funds provided above the request are to address maintenance and repair backlogs.

OFFICE OF INSPECTOR GENERAL

This Act includes \$39,000,000 for the Office of Inspector General.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

This Act includes the following administrative provisions for NASA: a provision that makes funds for announced prizes available without fiscal year limitation until the prize is claimed or the offer is withdrawn; a provision that establishes terms and conditions for the transfer of funds; and a provision that subjects the NASA spending plan and specified changes to that spending plan to reprogramming procedures under section 505 of this Act.

NATIONAL SCIENCE FOUNDATION

This Act includes \$7,767,356,000 for the National Science Foundation (NSF). This strong investment in basic research reflects the Congress' growing concern that China and other competitors are outpacing the United States in terms of research spending, as noted in the 2018 Science and Engineering Indicators report of the National Science Board.

RESEARCH AND RELATED ACTIVITIES

This Act includes \$6,334,476,000 for Research and Related Activities. The agreement includes \$170,690,000 for the Established Program to Stimulate Competitive Research as recommended by the House and includes Senate language regarding efficiencies. The agreement clarifies House language to provide \$1,800,000, as requested in this account, for the Antarctic Infrastructure Modernization for Science program. The agreement reiterates House and Senate language regarding support for existing NSF research infrastructure, including land and sea-based assets.

Hurricane-damaged research facilities.-[Public Law 115-119](#) provided \$16,300,000 to repair NSF facilities damaged by hurricanes in 2017. NSF shall complete all such related repairs as expeditiously as possible.

Divestment activities.-It is noted that NSF is working with a variety of academic, private sector, and other government agencies with respect to the future operation of some of its observatories. NSF shall continue to keep the Committees informed regarding the status of these activities. Any proposal by NSF to divest the Foundation of these facilities shall be proposed as part of any future NSF budget request and is subject to NSF administrative provisions included in this Act.

Marine seismic research.-The agreement reiterates the importance of ensuring that NSF-funded marine research vessels with unique seismic capabilities remain available to the academic marine geology and geophysics community to support a variety of important undersea research efforts.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

This Act includes \$182,800,000 for Major Research Equipment and Facilities Construction. Within this amount, \$105,000,000 is for continuing construction of three Regional Class Research Vessels; \$20,000,000 is for the Daniel K. Inouye Solar Telescope; and \$57,800,000 is for the Large Synoptic Survey Telescope.

EDUCATION AND HUMAN RESOURCES

This Act includes \$902,000,000 for Education and Human Resources, including \$62,500,000 for Advancing Informal STEM Learning; \$55,000,000 for CyberCorps: Scholarships for Service, including no less than \$7,500,000 for qualified community colleges as directed by the Senate; \$35,000,000 for the Historically Black Colleges and Universities Undergraduate Program; \$46,000,000 for the Louis Stokes Alliance for Minority Participation; \$64,500,000 for the Robert Noyce Teacher Scholarship Program; \$51,880,000 for Science, Technology, Engineering, and Math + Computing Partnerships (STEM+C); and \$14,000,000 for the Tribal Colleges and Universities Program.

Hispanic-Serving Institutions (HSIs).-The agreement provides \$30,000,000 for the HSI program authorized by section 7033 of the America COMPETES Act ([Public Law 110-69](#)). NSF is directed to continue to use this program to build capacity at institutions of higher education that typically do not receive high levels of NSF funding.

AGENCY OPERATIONS AND AWARD MANAGEMENT

This Act includes \$328,510,000 for Agency Operations and Award Management.

OFFICE OF THE NATIONAL SCIENCE BOARD

This Act includes \$4,370,000 for the National Science Board.

OFFICE OF INSPECTOR GENERAL

This Act includes \$15,200,000 for the Office of Inspector General.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

This Act includes a provision that describes terms and conditions for the transfer of funds and a provision requiring notification at least 30 days in advance of the acquisition or disposal of any capital asset.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

This Act includes \$9,700,000 for the Commission on Civil Rights. An additional \$500,000 is provided for the Commission to execute its mission, including activities in the field. This additional funding shall not be used for administrative costs. The Commission is reminded of direction in the Senate report instructing all agencies to reduce operating expenses.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

This Act includes \$379,500,000 for the Equal Employment Opportunity Commission (EEOC). Up to \$29,500,000 shall be for payments to State and local enforcement agencies to ensure that the EEOC provides adequate resources to its State and local partners. The agreement provides an increase of \$15,000,000 to address the increased workload associated with sexual harassment claims.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

This Act includes \$93,700,000 for the International Trade Commission.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

This Act includes \$410,000,000 for the Legal Services Corporation.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

This Act includes \$3,431,000 for the Marine Mammal Commission.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

This Act includes a total of \$72,600,000 for the Office of the U.S. Trade Representative (USTR).

SALARIES AND EXPENSES

This Act includes \$57,600,000 for the salaries and expenses of USTR.

TRADE ENFORCEMENT TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

This Act includes \$15,000,000, which is to be derived from the Trade Enforcement Trust Fund, for trade enforcement activities authorized by the Trade Facilitation and Trade Enforcement Act of 2015.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

This Act includes \$5,121,000 for the State Justice Institute. *H2097

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

This Act includes the following general provisions:

Section 501 prohibits the use of funds for publicity or propaganda purposes unless expressly authorized by law.

Section 502 prohibits any appropriation contained in this Act from remaining available for obligation beyond the current fiscal year unless expressly provided.

Section 503 provides that the expenditure of any appropriation contained in this Act for any consulting service through procurement contracts shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law or existing Executive order issued pursuant to existing law.

Section 504 provides that if any provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act and the application of other provisions shall not be affected.

Section 505 prohibits a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employee; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any function or activity presently performed by Federal employees; (7) augments funds for existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects, or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

Section 506 provides that if it is determined that any person intentionally affixes a "Made in America" label to any product that was not made in America that person shall not be eligible to receive any contract or subcontract with funds made available in this Act. The section further provides that to the extent practicable, with respect to purchases of promotional items, funds made available under this Act shall be used to purchase items manufactured, produced, or assembled in the United States or its territories or possessions.

Section 507 requires quarterly reporting to Congress on the status of balances of appropriations.

Section 508 provides that any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions in this Act, or, for the Department of Commerce, from actions taken for the care and protection of loan collateral or grant property, shall be absorbed within the budgetary resources available to the department or agency, and provides transfer authority between appropriation accounts to carry out this provision, subject to reprogramming procedures.

Section 509 prohibits funds made available in this Act from being used to promote the sale or export of tobacco or tobacco products or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services to all U.S. citizens, including the processing of applications to establish foreign trade zones.

Section 510 stipulates the obligations of certain receipts deposited into the Crime Victims Fund.

Section 511 prohibits the use of Department of Justice funds for programs that discriminate against or denigrate the religious or moral beliefs of students participating in such programs.

Section 512 prohibits the transfer of funds in this Act to any department, agency, or instrumentality of the United States Government, except for transfers made by, or pursuant to authorities provided in, this Act or any other appropriations Act.

Section 513 requires certain timetables of audits performed by Inspectors General of the Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation and the Legal Services Corporation and sets limits and restrictions on the awarding and use of grants or contracts funded by amounts appropriated by this Act.

Section 514 prohibits funds for acquisition of certain information systems unless the acquiring department or agency has reviewed and assessed certain risks. Any acquisition of such an information system is contingent upon the development of a risk mitigation strategy and a determination that the acquisition is in the national interest. Each department or agency covered under section 514 shall submit a quarterly report to the Committees on Appropriations describing reviews and assessments of risk made pursuant to this section and any associated findings or determinations.

Section 515 prohibits the use of funds in this Act to support or justify the use of torture by any official or contract employee of the United States Government.

Section 516 prohibits the use of funds in this Act to require certain export licenses.

Section 517 prohibits the use of funds in this Act to deny certain import applications regarding "curios or relics" firearms, parts, or ammunition.

Section 518 prohibits the use of funds to include certain language in trade agreements.

Section 519 prohibits the use of funds in this Act to authorize or issue a National Security Letter (NSL) in contravention of certain laws authorizing the Federal Bureau of Investigation to issue NSLs.

Section 520 requires congressional notification for any project within the Departments of Commerce or Justice, the National Science Foundation, or the National Aeronautics and Space Administration totaling more than \$75,000,000 that has cost increases of 10 percent or more.

Section 521 deems funds for intelligence or intelligence-related activities as authorized by the Congress until the enactment of the Intelligence Authorization Act for fiscal year 2018.

Section 522 prohibits contracts or grant awards in excess of \$5,000,000 unless the prospective contractor or grantee certifies that the organization has filed all Federal tax returns, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has no unpaid Federal tax assessment.

(RESCISSIONS)

Section 523 provides for rescissions of unobligated balances. Subsection (c) requires the Departments of Commerce and Justice to submit a report on the amount of each rescission. These reports shall include the distribution of such rescissions among decision units, or, in the case of rescissions from grant accounts, the distribution of such rescissions among specific grant programs, and whether such rescissions were taken from recoveries and deobligations, or from funds that were never obligated. Rescissions shall be applied to discretionary budget authority balances that were not appropriated with emergency or disaster relief designations.

Section 524 prohibits the use of funds in this Act for the purchase of first class or premium air travel in contravention of the Code of Federal Regulations.

Section 525 prohibits the use of funds to pay for the attendance of more than 50 department or agency employees, who are stationed in the United States, at any single conference outside the United States, unless the conference is a law enforcement training or operational event where the majority of Federal attendees are law enforcement personnel stationed outside the United States.

Section 526 includes language regarding detainees held at Guantanamo Bay.

Section 527 includes language regarding facilities for housing detainees held at Guantanamo Bay.

Section 528 requires any department, agency, or instrumentality of the United States Government receiving funds appropriated under this Act to track and report on undisbursed balances in expired grant accounts.

Section 529 prohibits the use of funds by the National Aeronautics and Space Administration (NASA) or the Office of Science and Technology Policy (OSTP) to engage in bilateral activities with China or a Chinese-owned company or effectuate the hosting of official Chinese visitors at certain facilities unless the activities are authorized by subsequent legislation or NASA or OSTP have made a certification pursuant to subsections (c) and (d) of this section.

Section 530 prohibits funds from being used to deny the importation of shotgun models if no application for the importation of such models, in the same configuration, had been denied prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.

Section 531 prohibits the use of funds to establish or maintain a computer network that does not block pornography, except for law enforcement and victim assistance purposes.

Section 532 requires the departments and agencies funded in this Act to submit spending plans.

Section 533 prohibits the use of funds to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

Section 534 requires quarterly reports from the Department of Commerce, the National Aeronautics and Space Administration, and the National Science Foundation of travel to China.

Section 535 requires 10 percent of the funds for certain programs be allocated for assistance in persistent poverty counties.

Section 536 prohibits funds to pay for award or incentive fees for contractors with below satisfactory performance or performance that fails to meet the basic requirements of the contract.

Section 537 prohibits the use of funds by the Department of Justice or the Drug Enforcement Administration in contravention of a certain section of the Agricultural Act of 2014.

Section 538 prohibits the Department of Justice from preventing certain States from implementing State laws regarding the use of medical marijuana.

Section 539 expands a program for monitoring seafood.

Section 540 relates to the Keep Young Athletes Safe Act of 2018, which accompanies the ***H2098** agreement. Funding of \$2,500,000 is provided within Office of Justice Programs (OJP) for fiscal year 2018 by this section. OJP shall make a competitive grant award to a non-profit organization to safeguard young athletes against abuse, including emotional, physical, and sexual abuse, in sports.

***H2116** DIVISION C-DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2018

The following is an explanation of the effects of this Act, which makes appropriations for the Department of Defense 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 115-219](#) warrants full compliance and carries the same weight as language included in this joint explanatory statement unless specifically addressed to the contrary in the bill or this joint explanatory statement. While some language is repeated for emphasis, this explanatory statement does not intend to negate the language referred to above unless expressly provided herein.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 ([Public Law 99-177](#)), as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 ([Public Law 100-119](#)), and by the Budget Enforcement Act of 1990 ([Public Law 101-508](#)), the terms " program, project, and activity" for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 2018, the related classified annexes and explanatory statements, and the P-1 and R-1 budget justification documents as subsequently modified by congressional action.

The following exception to the above definition shall apply: the military personnel and the operation and maintenance accounts, for which the term " program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act.

At the time the President submits the budget request for fiscal year 2019, the Secretary of Defense is directed to transmit to the congressional defense committees budget justification documents to be known as the "M-1" and the

”O-1” which shall identify, at the budget activity, activity group, and sub-activity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel and operation and maintenance in any budget request, or amended budget request, for fiscal year 2019.

REPROGRAMMING GUIDANCE

The Secretary of Defense is directed to continue to follow the reprogramming guidance for acquisition accounts as specified in the report accompanying the House version of the Department of Defense Appropriations bill for Fiscal Year 2008 ([House Report 110-279](#)). The dollar threshold for reprogramming funds shall be \$10,000,000 for military personnel; \$20,000,000 for operation and maintenance; \$20,000,000 for procurement; and \$10,000,000 for research, development, test and evaluation.

Also, the Under Secretary of Defense (Comptroller) is directed to continue to provide the congressional defense committees annual DD Form 1416 reports for titles I and II and quarterly, spreadsheet-based DD Form 1416 reports for Service and defense-wide accounts in titles III and IV of this Act. Reports for titles III and IV shall comply with guidance specified in the explanatory statement accompanying the Department of Defense Appropriations Act, 2006. The Department shall continue to follow the limitation that prior approval reprogrammings are set at either the specified dollar threshold or 20 percent of the procurement or research, development, test and evaluation line, whichever is less. These thresholds are cumulative from the base for reprogramming value as modified by any adjustments. Therefore, if the combined value of transfers into or out of a military personnel (M-1), an operation and maintenance (O-1), a procurement (P-1), or a research, development, test and evaluation (R-1) line exceeds the identified threshold, the Secretary of Defense must submit a prior approval reprogramming to the congressional defense committees. In addition, guidelines on the application of prior approval reprogramming procedures for congressional special interest items are established elsewhere in this statement.

FUNDING INCREASES

The funding increases outlined in the tables for each appropriation account shall be provided only for the specific purposes indicated in the tables.

CONGRESSIONAL SPECIAL INTEREST ITEMS

Items for which additional funds have been provided or items for which funding is specifically reduced as shown in the project level tables or in paragraphs using the phrase ”only for” or ”only to” are congressional special interest items for the purpose of the Base for Reprogramming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount, as specifically addressed in the explanatory statement.

CLASSIFIED ANNEX

Adjustments to classified programs are addressed in the accompanying classified annex.

SERVICE UNFUNDED REQUIREMENTS LISTS

The House and Senate Defense Appropriations Subcommittees recognize that each military Service submits an annual unfunded requirements list to the congressional defense committees that provides insight into requirements that may have been excluded from the budget request due to budgetary constraints. However, the lists are often divided into various categories of items, thereby obscuring the true prioritization of the requests. The Chiefs of Staff of the Army and

the Air Force, the Chief of Naval Operations, and the Commandant of the Marine Corps are directed to provide their individual Service unfunded requirements in consolidated priority lists for future budget submissions.

RAPID ACQUISITION AUTHORITY

The Secretary of Defense or his designee, in conjunction with the Under Secretary of Defense (Comptroller), is directed to provide to the congressional defense committees, not later than 5 days following notification of the Secretary's intent to execute or previous application of Rapid Acquisition Authority (RAA), the following: the documented requirement intended to be addressed by use of RAA; the Service or defense agency charged with implementing the material solution identified; the identification of funds affected by the use of RAA by appropriations account, line, and/or program element, to include outyear funding requirements by fiscal year; an explanation as to why source funds are available to fund this higher priority item; and details of, and justification for, the contract type or other transaction authority being utilized.

In addition, the Under Secretary of Defense (Comptroller) is directed to provide to the congressional defense committees a complete accounting of the use of RAA by fiscal year not later than 30 days after the end of each fiscal year. The Under Secretary of Defense (Comptroller) is further directed to provide guidance to the Services and defense agencies to appropriately identify previously received RAA funds and items funded in budget exhibits and briefings provided to the congressional defense committees in support of Department of Defense budget requests and, where appropriate, to update the Financial Management Regulation to that effect. Finally, it is noted that funds for RAA initiatives often are executed in place within the program identified as the funding source regardless of the original purpose for which funds were appropriated or the urgent requirement being addressed, and without any apportionment documents being generated. The Under Secretary of Defense (Comptroller) is directed to provide a briefing on the impact of RAA funding mechanisms on Financial Improvement and Audit Readiness efforts to the congressional defense committees not later than 60 days after the enactment of this Act.

BUDGETING FOR THE JOINT IMPROVISED-THREAT DEFEAT ORGANIZATION

The fiscal year 2018 budget request includes \$14,442,000 in base appropriations and \$483,058,000 in overseas contingency operations appropriations for the Joint Improvised-Threat Defeat Organization (JIDO) in the Joint Improvised-Threat Defeat Fund (JITDF). In addition, the fiscal year 2018 budget request includes \$97,788,000 in the Operation and Maintenance, Defense-Wide base appropriation for the JIDO, reflecting the transition of the activities, functions, and resources of the Joint Improvised-Threat Defeat Agency (JIDA) to the JIDO under the authority, direction, and control of the Defense Threat Reduction Agency, as directed by Congress and implemented as of September 30, 2016.

The agreement includes no funds in base or overseas contingency operations appropriations in the JITDF. Instead, funding for the JIDO is recommended in the Operation and Maintenance, Defense-Wide; Procurement, Defense-Wide; and Research, Development, Test and Evaluation, Defense-Wide overseas contingency operations appropriations accounts only for the purpose of allowing the Director of JIDO to investigate, develop, and provide equipment, supplies, services, training, facilities, personnel, and funds to assist United States forces in the defeat of improvised explosive devices in accordance with JIDO's fiscal year 2018 budget execution plans, as subsequently adjusted.

The Director, Office of Management and Budget, Under Secretary of Defense (Comptroller), and Director, Cost Assessment and Program Evaluation are directed to assist the Director, Defense Threat Reduction Agency and Director, JIDO to ensure a seamless transition of funding for JIDO from the JITDF to regular appropriation accounts in fiscal year 2018 without negatively impacting the mission of JIDO. Funds still available in the JITDF and its predecessor account, the Joint Improvised Explosive Device Defeat Fund (JIEDDF) remain available for execution consistent with

prior year guidance. It is expected that the JITDF and JIEDDF will be terminated once those balances liquidate or expire, whichever comes first.

CYBERSPACE ACTIVITIES

The Under Secretary of Defense (Comptroller), the Department of Defense Chief Information Officer, and the Service Secretaries are directed, with the fiscal year 2020 budget submission, to initiate the establishment of individual cyberspace activity projects for research, development, test and evaluation accounts; individual cyberspace activity sub-activity groups for operation and maintenance accounts; and individual budget line items for procurement accounts. Funds that cross capability lines and are more appropriately documented within non-cyberspace activity projects, sub-activity groups, and line items may continue to be reported as such, but should include specific ***H2117** cyber language and resource amounts within the appropriate non-cyberspace operation and maintenance; procurement; and research, development, test and evaluation budget justification material and shall be referenced in any cyberspace justification materials. Such inclusion of cyber activities in non-cyber projects, sub-activity groups, and line items shall be carried out in the most limited manner as possible to meet congressional intent.

Funding appropriated for cyberspace activities as defined by the classified cyberspace activities information technology investment budget request for fiscal year 2018 may only be used for such activities. The Secretary of Defense is directed to use normal prior approval reprogramming procedures to obligate funding appropriated to the operation and maintenance; procurement; or research, development, test and evaluation accounts for cyberspace activities for any other purpose. The Chief Information Officer is directed to submit to the House and Senate Defense Appropriations Subcommittees two reports not later than May 30, 2018, and November 30, 2018, that provide the mid-year and end of fiscal year financial obligation and execution data for cyberspace activities for the previous and current fiscal years.

TITLE I-MILITARY PERSONNEL

The agreement provides \$133,367,397,000 in Title I, Military Personnel, as follows:

***H2118 *H2119**

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

MILITARY PERSONNEL OVERVIEW

The agreement provides the resources required for an additional 8,500 active forces and 1,000 selected reserve forces, as authorized by current law and above the requested end strength levels, in order to meet operational needs for fiscal year 2018. The agreement also provides the funding necessary to support a 2.4 percent pay raise for all military personnel, as authorized, effective January 1, 2018.

REPROGRAMMING GUIDANCE FOR MILITARY PERSONNEL ACCOUNTS

The Secretary of Defense is directed to submit the Base for Reprogramming (DD Form 1414) for each of the fiscal year 2018 appropriations accounts not later than 60 days after the enactment of this Act.- The Secretary of Defense is prohibited from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the House and Senate Defense Appropriations Subcommittees.

The Secretary of Defense is directed to use the normal prior approval reprogramming procedures to transfer funds in the Services' military personnel accounts between budget activities in excess of \$10,000,000.

MILITARY PERSONNEL SPECIAL INTEREST ITEMS

Items for which additional funds have been provided or have been specifically reduced as shown in the project level tables or in paragraphs using the phrase "only for" or "only to" in the explanatory statement are congressional special interest items for the purpose of the Base for Reprogramming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount as specifically addressed in the explanatory statement. Below Threshold Reprogrammings may not be used to either restore or reduce funding from congressional special interest items as identified on the DD Form 1414.

MILITARY PERSONNEL, ARMY

The agreement provides \$41,628,855,000 for Military Personnel, Army, as follows:

***H2123 *H2124**

MILITARY PERSONNEL, NAVY

The agreement provides \$28,772,118,000 for Military Personnel, Navy, as follows:

***H2128 *H2129**

MILITARY PERSONNEL, MARINE CORPS

The agreement provides \$13,231,114,000 for Military Personnel, Marine Corps, as follows:

***H2132 *H2133**

MILITARY PERSONNEL, AIR FORCE

The agreement provides \$28,790,440,000 for Military Personnel, Air Force, as follows:

***H2136 *H2137**

RESERVE PERSONNEL, ARMY

The agreement provides \$4,715,608,000 for Reserve Personnel, Army, as follows:

***H2139 *H2140**

RESERVE PERSONNEL, NAVY

The agreement provides \$1,988,362,000 for Reserve Personnel, Navy, as follows:

***H2142 *H2143**

RESERVE PERSONNEL, MARINE CORPS

The agreement provides \$764,903,000 for Reserve Personnel, Marine Corps, as follows:

***H2145 *H2146**

RESERVE PERSONNEL, AIR FORCE

The agreement provides \$1,802,554,000 for Reserve Personnel, Air Force, as follows:

***H2149 NATIONAL GUARD PERSONNEL, ARMY**

The agreement provides \$8,264,626,000 for National Guard Personnel, Army, as follows:

***H2151 *H2152**

NATIONAL GUARD PERSONNEL, AIR FORCE

The agreement provides \$3,408,817,000 for National Guard Personnel, Air Force, as follows:

***H2154 *H2155**

TITLE II-OPERATION AND MAINTENANCE

The agreement provides \$188,245,583,000 in Title II, Operation and Maintenance, as follows:

***H2157 REPROGRAMMING GUIDANCE FOR OPERATION AND MAINTENANCE ACCOUNTS**

The Secretary of Defense is directed to submit the Base for Reprogramming (DD Form 1414) for each of the fiscal year 2018 appropriation accounts not later than 60 days after the enactment of this Act. The Secretary of Defense is prohibited from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the House and Senate Defense Appropriations Subcommittees.

The Secretary of Defense is directed to use the normal prior approval reprogramming procedures to transfer funds in the Services' operation and maintenance accounts between O-1 budget activities, or between sub-activity groups in the case of Operation and Maintenance, Defense-Wide, in excess of \$20,000,000.

The agreement establishes new reprogramming rules for transferring funding out of readiness sub-activity groups, which are defined as follows:

Army:

Maneuver units

Modular support brigades

Aviation assets

Land forces operations support

Force readiness operations support

Land forces depot maintenance

Base operations support

Facilities sustainment, restoration, and modernization

Specialized skill training

Navy:

Mission and other flight operations

Fleet air training

Aircraft depot maintenance

Mission and other ship operations

Ship depot maintenance

Facilities sustainment, restoration, and modernization

Marine Corps:

Operational forces

Field logistics

Depot maintenance

Facilities sustainment, restoration, and modernization

Air Force:

Primary combat forces

Combat enhancement forces

Depot maintenance

Facilities sustainment, restoration, and modernization

Contractor logistics support and system support

Flying hour program

Air Force Reserve:

Depot maintenance

Air National Guard:

Depot maintenance

During fiscal year 2018, the Service Secretaries are directed to submit written notification to the congressional defense committees not later than 30 days prior to implementing transfers in excess of \$20,000,000 out of any readiness sub-activity if the funds will be transferred into another readiness sub-activity. However, if funding is transferred out of any readiness sub-activity into a non-readiness sub-activity, the Secretary of Defense is directed to use normal prior approval reprogramming procedures.

The Service Secretaries are further directed to include an enclosure with each written notification that includes increases and decreases by sub-activity group, a detailed justification explaining why the sources of funding are available and why the increases are necessary, and an explanation of the impact on resources included in the fiscal year 2019 budget request for each increase and decrease. All transfers may be implemented 30 days after congressional notification unless an objection is received from one of the congressional defense committees.

Additionally, the Secretary of Defense is directed to use normal prior approval reprogramming procedures when implementing transfers in excess of \$20,000,000 into the following budget sub-activities:

Operation and Maintenance, Army:

Other personnel support/recruiting and advertising

Operation and Maintenance, Army National Guard:

Other personnel support/recruiting and advertising

This language replaces the language included under the heading "Reprogramming Guidance for Operation and Maintenance Accounts" in [House Report 115-219](#).

OPERATION AND MAINTENANCE SPECIAL INTEREST ITEMS

Items for which additional funds have been provided or have been specifically reduced as shown in the project level tables or in paragraphs using the phrase "only for" or "only to" in the explanatory statement are congressional special interest items for the purpose of the Base for Reprogramming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount as specifically addressed in the explanatory statement. Below Threshold Reprogrammings may not be used to either restore or reduce funding from congressional special interest items as identified on the DD Form 1414.

RESTORING READINESS

The agreement provides additional readiness funds for the Services within the operation and maintenance accounts. This funding shall be used only to improve military readiness, including increased training, depot maintenance, and base operations support. None of the funding provided may be used for recruiting, marketing, or advertising programs. The readiness funding provided is a congressional special interest item. The Secretary of Defense and the Service Secretaries are directed to submit a detailed spend plan by sub-activity group to the House and Senate Defense Appropriations Subcommittees not less than 30 days prior to the obligation of these funds. These transfers may be implemented 30 days after congressional notification unless an objection is received from either the House or Senate Defense Appropriations Subcommittees.

OPERATION AND MAINTENANCE FLEXIBILITY

The agreement includes two adjustments for fiscal year 2018 to provide more flexibility of funding within the operation and maintenance accounts of this bill. The changes apply to fiscal year 2018 only and address the concerns expressed by senior leadership of the Department of Defense to be able to expend readiness funding within the confines of existing controls, while still ensuring accountability of the disbursement of taxpayer funds. These adjustments are necessary due to the delay of the final passage of this year's appropriation bill, combined with the large funding increase made possible by the Bipartisan Budget Act of 2018, which provides a stable top-line level of funding for fiscal years 2018 and 2019.

The first adjustment for flexibility is to Section 8004, which restricts obligations in the last two months of the fiscal year to 20 percent. This restriction is also known as the "80/20 rule." The agreement allows for the alleviation of the limitation by increasing the amount from 20 percent to 25 percent. This will allow the Services and the Department more flexibility to obligate annual funds within fiscal year 2018.

The second adjustment is to reprogramming guidelines for readiness funding. The readiness accounts identified in this agreement under "Reprogramming Guidance for Operation and Maintenance Accounts" will not require prior approval, only notification, for realignments between identified readiness budget lines. It is understood that realignments are required for unforeseen operational requirements or changes due to program cost increases or schedule delays. Commensurate with the lifting of the realignment restrictions, for fiscal year 2018, the funding amount for the below threshold limitation has been increased from \$15,000,000 to \$20,000,000.

ADDITIONAL READINESS FUNDING FOR OPERATIONS IN THE PACIFIC

The agreement includes funding for the Army and the Air Force to begin the replenishment process in order to accelerate readiness in the Pacific region. The increased funding will yield greater operational readiness to forces serving in the Pacific area of responsibility, specifically in the Republic of Korea, by investing in additional training, equipment, and supplies. This funding is a congressional special interest item. The Secretary of the Army and the Secretary of the Air Force are directed to submit a detailed spend plan by sub-activity group to the House and Senate Defense Appropriations Subcommittees not less than 30 days prior to the obligation of these funds.

MAINTENANCE OF REAL PROPERTY

The Under Secretary of Defense (Acquisition and Sustainment), in conjunction with the Service Secretaries, is directed to submit a report to the congressional defense committees not later than 180 days after the enactment of this Act that outlines the total real property with a zero percent utilization rate of five years or more currently accounted for in the Department of Defense real property inventory database and assesses the feasibility of conveying or selling this property.

DRINKING WATER CONTAMINATION

The Secretary of Defense is directed to provide quarterly reports to the congressional defense committees on the extent of the perand polyfluoroalkyl substances contamination in drinking water problem, plans for community notification, and procedures for timely remediation.

BOARDS FOR CORRECTION OF MILITARY RECORDS

The Secretary of Defense, in consultation with the Service Secretaries, is directed to submit a complete needs assessment of each Board for Correction of Military Records to the congressional defense committees not later than 180 days after the enactment of this Act.

REPORT ON EDUCATIONAL OPPORTUNITIES IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS

The Secretary of Defense is directed to submit a report to the congressional defense committees, not later than two years after the enactment of this Act, that describes and assesses current Department of Defense programs to improve opportunities for Science, Technology, Engineering, and Mathematics (STEM) education for military children and efforts to increase opportunities and achievement in STEM education for military children.

ARMS SALES IMPACT ON INTERNATIONAL HUMANITARIAN LAW

The Secretary of Defense, in coordination with the Secretary of State, is directed to conduct an assessment on whether United States-supplied defense articles and services have contributed to violations of human rights by recipient countries in the past three years. A report detailing the assessment shall be provided to the congressional defense committees not later than 180 days after the enactment of this Act. ***H2158**

OPERATION AND MAINTENANCE, ARMY

The agreement provides \$38,816,957,000 for Operation and Maintenance, Army, as follows:

***H2163 *H2164**

OPERATION AND MAINTENANCE, NAVY

The agreement provides \$45,384,353,000 for Operation and Maintenance, Navy, as follows:

***H2170 *H2171**

NAVAL SHIPYARD APPRENTICE PROGRAM

The Secretary of the Navy is directed to induct classes of not fewer than 100 apprentices at each of the respective naval shipyards.

OPERATION AND MAINTENANCE, MARINE CORPS

The agreement provides \$6,605,546,000 for Operation and Maintenance, Marine Corps, as follows:

***H2174 *H2175**

OPERATION AND MAINTENANCE, AIR FORCE

The agreement provides \$39,544,193,000 for Operation and Maintenance, Air Force, as follows:

***H2181 INVESTING IN SQUADRON INNOVATION**

Fostering a culture of innovation at the squadron command level to outpace the efforts of competitors in a more complex and dangerous international security environment is a top priority of the Chief of Staff of the Air Force. The vision is to designate specific resources to spur original, creative thinking by airmen to solve unit, wing, and day-to-day issues and readiness challenges. In support of these efforts, the Secretary of the Air Force may spend up to \$64,100,000 of fiscal year 2018 operation and maintenance funding to encourage this type of innovation across the active, guard, and reserve components. In order to assess this investment, the Secretary of the Air Force is directed to provide a briefing to the House and Senate Defense Appropriations Subcommittees not later than September 30, 2018, that shall include, but not be limited to, squadron innovation funding execution details; examples of successful innovative ideas; lessons learned; and a determination of whether or not funding beyond fiscal year 2018 will be pursued.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

The agreement provides \$34,059,257,000 for Operation and Maintenance, Defense-Wide, as follows:

***H2186 *H2187**

SPECIAL OPERATIONS COMMAND BUDGET EXECUTION

The consistent realignment of the Special Operations Command's operation and maintenance funding during the year of execution is concerning. The agreement directs the Secretary of Defense to submit a baseline report that shows the Special Operations Command's operation and maintenance funding by sub-activity group for the fiscal year 2018 appropriation not later than 60 days after the enactment of this Act. The Secretary of Defense is further directed to submit quarterly execution reports to the congressional defense committees not later than 45 days after the end of each fiscal quarter that addresses the rationale for the realignment of any funds within and between budget sub-activities and the movement of any base funds used to support Overseas Contingency Operations. Finally, the Secretary of Defense is directed to notify the congressional defense committees 30 days prior to the realignment of funds in excess of \$20,000,000 between sub-activity groups. This language replaces the language included under the heading "Special Operations Command Budget Execution" in [House Report 115-219](#).

SPECIAL OPERATIONS COMMAND OPERATION AND MAINTENANCE BUDGET JUSTIFICATION

The agreement directs the Commander of the Special Operations Command (SOCOM), in coordination with the Under Secretary of Defense (Comptroller) and the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict), to submit a report that provides a detailed proposal on how to restructure and formalize the budget formulation and execution of the SOCOM budget by sub-activity group. This report shall also address how the proposed restructure will improve visibility of the SOCOM budget and execution and shall be submitted to the House and Senate Defense Appropriations Subcommittees not later than 90 days after the enactment of this Act.

WOMEN'S MILITARY SERVICE MEMORIALS AND MUSEUMS

The agreement fully funds Women's Military Service Memorials and Museums at \$5,000,000, as requested in fiscal year 2018.

PROHIBITED INGREDIENTS

The Department's focus on ensuring that servicemembers are provided healthy, nutritious food is an important part of military readiness. The Defense Logistics Agency's (DLA) recent notice regarding certain prohibited ingredients lacked stakeholder input and was rightfully rescinded. Efforts by DLA to work with industry to assess the impact of reducing or eliminating certain ingredients is an important first step. However, concerns remain about the lack of transparency and scientific justification for restricting certain ingredients. Prior to obligating funding to enact guidance on prohibited ingredients, the Director of DLA is directed to publish scientific justification for DLA's August 2017 notice titled "Request for Disclosure Regarding Prohibited Ingredients"; establish a plan to provide transparent scientific justification; and seek input from a broad group of stakeholders including the Department of Agriculture and the Department of Health and Human Services in accordance with the National Nutrition Monitoring and Related Research Act of 1990 ([PL 101-445](#); [7 U.S.C. 5301 et seq.](#)) on all future nutrition, food or ingredient changes. The Director of DLA is also directed to provide notification to the congressional defense subcommittees of the agency's plans to implement the above requirements.

OPERATION AND MAINTENANCE, ARMY RESERVE

The agreement provides \$2,877,104,000 for Operation and Maintenance, Army Reserve, as follows:

***H2189 *H2190**

OPERATION AND MAINTENANCE, NAVY RESERVE

The agreement provides \$1,069,707,000 for Operation and Maintenance, Navy Reserve, as follows:

***H2193 OPERATION AND MAINTENANCE, MARINE CORPS RESERVE**

The agreement provides \$284,837,000 for Operation and Maintenance, Marine Corps Reserve, as follows:

***H2195 *H2196**

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

The agreement provides \$3,202,307,000 for Operation and Maintenance, Air Force Reserve, as follows:

***H2198 *H2199**

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

The agreement provides \$7,284,170,000 for Operation and Maintenance, Army National Guard, as follows:

***H2201 *H2202**

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

The agreement provides \$6,900,798,000 for Operation and Maintenance, Air National Guard, as follows:

***H2204 *H2205**

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

The agreement provides \$14,538,000 for the United States Court of Appeals for the Armed Forces.

ENVIRONMENTAL RESTORATION, ARMY

The agreement provides \$235,809,000, an increase of \$20,000,000 above the budget request, for Environmental Restoration, Army.

ENVIRONMENTAL RESTORATION, NAVY

The agreement provides \$365,883,000, an increase of \$84,468,000 above the budget request, for Environmental Restoration, Navy. Specifically, \$42,234,000 is provided as a general program increase and \$42,234,000 is provided to address costs associated with remediating contamination caused by perfluorinated chemicals.

VIEQUES AND CULEBRA ENVIRONMENTAL RESTORATION

The agreement retains the language included under the heading "Vieques and Culebra Environmental Restoration" in [House Report 115-219](#); however, the Secretary of the Navy is directed to provide the report on Vieques and the Secretary of the Army is directed to provide the report on Culebra.

ENVIRONMENTAL RESTORATION, AIR FORCE

The agreement provides \$352,549,000, an increase of \$58,800,000 above the budget request, for Environmental Restoration, Air Force. Specifically, \$15,000,000 is provided as a general program increase and \$43,800,000 is provided to address costs associated with remediating contamination caused by perfluorinated chemicals.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

The agreement provides \$19,002,000, an increase of \$10,000,000 above the budget request, for Environmental Restoration, Defense-Wide. The increase is provided to address health screenings related to contaminated water.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

The agreement provides \$248,673,000, an increase of \$40,000,000 above the budget request, for Environmental Restoration, Formerly Used Defense Sites.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

The agreement provides \$129,900,000, an increase of \$25,000,000 above the budget request, for Overseas Humanitarian, Disaster, and Civic Aid. Specifically, \$10,000,000 is provided as a program increase for the Humanitarian Mine Action Program, of which \$7,000,000 is for activities in Southeast Asia, and \$15,000,000 is provided as a program increase for Humanitarian Assistance, South China Sea regional engagement.

COOPERATIVE THREAT REDUCTION ACCOUNT

The agreement provides \$350,000,000 for the Cooperative Threat Reduction Account, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

The agreement provides \$500,000,000 for the Department of Defense Acquisition Workforce Development Fund, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

BUDGETING FOR THE DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

To restore program and funding stability for the Department of Defense acquisition workforce, while retaining its unique authorities to ensure the Department of Defense has the capacity in both personnel and skills needed to perform its acquisition mission, the agreement provides a direct appropriation of \$500,000,000 for the Department of Defense Acquisition Workforce Development Fund (DAWDF). As with the President's budget request for fiscal year 2019, the Under Secretary of Defense (Comptroller) is expected to follow this budgeting approach in future budget submissions.

The Under Secretary of Defense (Acquisition and Sustainment) is directed to submit a report to the congressional defense committees not later than 90 days after the enactment of this Act that identifies all budgeted costs for the Department of Defense acquisition workforce by fiscal year and funding category across the future years defense program in the DAWDF, as well as in regular operation and maintenance and research, development, test and evaluation accounts. In addition, the Under Secretary of Defense (Acquisition and Sustainment) is directed to identify to the congressional defense committees the costs budgeted to pay the salaries of personnel to manage the DAWDF, per Section 843 of the National Defense Authorization Act for Fiscal Year 2018; to provide a cost estimate for the proposed Program Manager Development Program, per Section 841 of the National Defense Authorization Act for Fiscal Year 2018; and to identify any unfunded fiscal year 2019 requirements for the Department of Defense acquisition workforce.

REPORTING REQUIREMENTS RELATING TO THE ACQUISITION WORKFORCE

The Secretary of Defense is directed to provide the comprehensive plan required in accordance with Section 841 of the National Defense Authorization Act for Fiscal Year 2018 to the House and Senate Defense Appropriations Subcommittees as well as the Committees on Armed Services of the Senate and the House of Representatives. In addition, the report to be submitted by the Under Secretary of Defense (Acquisition and Sustainment) to the Committees on Armed Services of the Senate and the House of Representatives in accordance with Section 843(c) of the National Defense Authorization Act for Fiscal Year 2018 shall also be provided to the House and Senate Defense Appropriations Subcommittees.

TITLE III-PROCUREMENT

The agreement provides \$133,868,632,000 in Title III, Procurement, as follows:

***H2207 REPROGRAMMING GUIDANCE FOR ACQUISITION ACCOUNTS**

The Secretary of Defense is directed to continue to follow the reprogramming guidance as specified in the report accompanying the House version of the Department of Defense Appropriations bill for Fiscal Year 2008 ([House Report 110-279](#)). Specifically, the dollar threshold for reprogramming funds shall remain at \$20,000,000 for procurement and \$10,000,000 for research, development, test and evaluation.

Also, the Under Secretary of Defense (Comptroller) is directed to continue to provide the congressional defense committees quarterly, spreadsheet-based DD Form 1416 reports for Service and defense-wide accounts in titles III and IV of this Act. Reports for titles III and IV shall comply with the guidance specified in the explanatory statement accompanying the Department of Defense Appropriations Act, 2006. The Department shall continue to follow the limitation that prior approval reprogrammings are set at either the specified dollar threshold or 20 percent of the procurement or research, development, test and evaluation line, whichever is less. These thresholds are cumulative from the base for reprogramming value as modified by any adjustments. Therefore, if the combined value of transfers into or out of a procurement (P-1) or research, development, test and evaluation (R-1) line exceeds the identified threshold, the Secretary of Defense must submit a prior approval reprogramming to the congressional defense committees. In addition, guidelines on the application of prior approval reprogramming procedures for congressional special interest items are established elsewhere in this statement.

FUNDING INCREASES

The funding increases outlined in these tables shall be provided only for the specific purposes indicated in the tables.

PROCUREMENT SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase "only for" or "only to" in the explanatory statement are congressional special interest items for the purpose of the Base for Reprogramming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount as specifically addressed in the explanatory statement.

ARSENAL SUSTAINMENT INITIATIVE

The agreement supports ongoing efforts of the Department of the Army to develop the Army Organic Industrial Base Strategy. This process is identifying manufacturing capabilities at each organic industrial facility that are critical for the country to sustain in wartime and peacetime if the military is called to action. However, there are concerns that while the Army Organic Industrial Base Strategy is identifying capabilities, they have not been prioritized in annual budget requests to Congress. In particular, the Nation's arsenals are at risk of not having the capacity to respond rapidly to meet the Department's needs. Addressing this concern, in comments the Army provided to the Government Accountability Office (GAO) in advance of its December 2015 report, "Actions Needed to Identify and Sustain Critical Capabilities," the Army concurred with the GAO's recommendation that it must issue "clear and detailed implementation guidance, such as an instruction or guidebook, on the process for conducting make-or-buy analysis in a consistent manner." The Secretary of the Army is directed to issue such guidance as soon as possible. Further, the Secretary of the Army is directed to assign the arsenals sufficient workload to maintain the critical capabilities identified in the Army Organic

Industrial Base Strategy Report and ensure cost efficiency and technical competence in peacetime, while preserving the ability to provide an effective and timely response to mobilizations, national defense contingency situations, and other emergency requirements. Additionally, it is noted that the congressional defense committees have not received detailed recommendations from the Secretary of Defense on how the Air Force, Navy, and Marine Corps can better use the arsenals for their manufacturing needs, or what opportunities may exist for the arsenals to assist the Services and the Defense Logistics Agency to procure spare parts, as required by [Senate Report 114-63](#).

ARMY ORGANIC INDUSTRIAL BASE

The Secretary of the Army is directed to provide written notification to the congressional defense committees not fewer than 45 days prior to the Secretary approving civilian reductions in force that will result in an employment loss of 50 or more full-time employees at any Army organic industrial base facility.

AIRCRAFT PROCUREMENT, ARMY

The agreement provides \$5,535,794,000 for Aircraft Procurement, Army, as follows:

***H2212 UH-60 BLACK HAWK**

The agreement includes funding for 56 UH-60 Black Hawk M models, an increase of eight aircraft above the budget request. Of the 48 aircraft funded within the budget request, 12 are designated only for the Army National Guard. In addition, the eight aircraft included above the budget request are designated only for the Army National Guard.

MISSILE PROCUREMENT, ARMY

The agreement provides \$3,196,910,000 for Missile Procurement, Army, as follows:

***H2215 *H2216**

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

The agreement provides \$4,391,573,000 for Procurement of Weapons and Tracked Combat Vehicles, Army, as follows:

***H2220 *H2221**

PROCUREMENT OF AMMUNITION, ARMY

The agreement provides \$2,548,740,000 for Procurement of Ammunition, Army, as follows:

***H2225 *H2226**

OTHER PROCUREMENT, ARMY

The agreement provides \$8,298,418,000 for Other Procurement, Army, as follows:

***H2238 GROUND MOBILITY VEHICLE**

The Army plan to procure a limited quantity of ground mobility vehicles (GMV) for use by airborne brigades raises concerns due to the high unit cost of the existing vehicles. However, due to the urgent requirement and the advanced stage of the Special Operations Command GMV program, the agreement includes full funding for this program and supports the interim acquisition strategy for 295 A-GMV 1.1 vehicles for fielding to conventional Army airborne brigades and 317 GMV 1.1 vehicles for fielding to the United States Army Special Operations Command. However, it is noted that a comparison of GMV unit cost targets proposed by the Army against actual unit costs contained in other Department of Defense contracts indicates that a developmental vehicle may cost more per unit than available non-development vehicles.- Therefore, the Secretary of the Army is directed to conduct a full and open competition for procurement of the remaining vehicles that satisfy the airborne brigade requirement.

HIGH MOBILITY MULTIPURPOSE WHEELED VEHICLE MODERNIZATION

Important safety technologies like Antilock Brake Systems (ABS) and Electronic Stability Control (ESC) play a critical role on the High Mobility Multipurpose Wheeled Vehicle (HMMWV) fleet. The agreement supports the incorporation of ABS/ESC into the HMMWV new production process and the HMMWV modernization process for active, reserve, and National Guard components. To ensure proper quality control during the ABS/ESC installation process for new and enduring active, reserve, and National Guard HMMWVs, the Secretary of the Army is directed to ensure that installation of ABS on all HMMWVs shall be performed during the HMMWV new production process or the HMMWV modernization process, when the HMMWV produced is new, or returned to a zero-hour, zero-mile, like-new condition.

AIRCRAFT PROCUREMENT, NAVY

The agreement provides \$19,957,380,000 for Aircraft Procurement, Navy, as follows:

***H2244 *H2245**

NAVY STRIKE FIGHTER INVENTORY SHORTFALL

The Secretary of the Navy is directed to provide a report to the congressional defense committees not later than 90 days after the enactment of this Act on the status of the Navy's strike fighter inventory shortfall. The report should address all investment, modernization, and sustainment efforts that impact the strike fighter inventory shortfall, including the Legacy Hornet modernization effort, the plan to modernize the Super Hornet fleet to a Block III configuration, trends in the utilization and demand of the current F-18 fleet, and the long-term plans to procure F-35C and MQ-25 aircraft.

WEAPONS PROCUREMENT, NAVY

The agreement provides \$3,510,590,000 for Weapons Procurement, Navy, as follows:

***H2249 *H2250**

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

The agreement provides \$804,335,000 for Procurement of Ammunition, Navy and Marine Corps, as follows:

***H2253 *H2254**

SHIPBUILDING AND CONVERSION, NAVY

The agreement provides \$23,824,738,000 for Shipbuilding and Conversion, Navy, as follows:

***H2257 *H2258**

DDG-51 DESTROYER

The agreement provides \$3,357,079,000 for the procurement of two DDG-51 Arleigh Burke class Flight III guided missile destroyers. The Director of Cost Assessment and Program Evaluation is directed to provide an updated independent cost estimate for the DDG-51 multi-year procurement program to the congressional defense committees not later than 90 days after the enactment of this Act.

OTHER PROCUREMENT, NAVY

The agreement provides \$7,941,018,000 for Other Procurement, Navy, as follows:

***H2270 *H2271**

PROCUREMENT, MARINE CORPS

The agreement provides \$1,942,737,000 for Procurement, Marine Corps, as follows:

***H2276 *H2277**

AIRCRAFT PROCUREMENT, AIR FORCE

The agreement provides \$18,504,556,000 for Aircraft Procurement, Air Force, as follows:

***H2285 F-15 INFRARED SEARCH AND TRACK**

The Secretary of the Air Force is directed not to obligate funds provided for F-15 infrared search and track pods until 15 days after the Secretary of the Air Force submits to the congressional defense committees a report certifying that the pods to be procured will meet or exceed the threshold parameters identified in the report submitted pursuant to Section 219 of the National Defense Authorization Act for Fiscal Year 2016. This report may be submitted in classified form.

B-2 ANTISKID CONTROL UNIT AND BRAKING SYSTEM

The Secretary of the Air Force is directed to provide a report to the congressional defense committees not later than 90 days after the enactment of this Act on the condition of B-2 brake systems and a timeline to either replace the entire brake system or replace parts that are no longer available, in short supply, or obsolete.

MISSILE PROCUREMENT, AIR FORCE

The agreement provides \$2,207,747,000 for Missile Procurement, Air Force, as follows:

***H2287 *H2288**

SPACE PROCUREMENT, AIR FORCE

The agreement provides \$3,552,175,000 for Space Procurement, Air Force, as follows:

***H2290 *H2291**

SPACE ACQUISITION STRATEGY

In early 2017, the Office of Cost Assessment and Program Evaluation (CAPE) provided an analysis of national security space acquisition that found a troubling pattern of near-simultaneous recapitalization of almost every Department of Defense satellite system. The analysis showed a dramatic decrease in spending on space research and development following recapitalization that resulted in a reduction of scientists and engineers at major satellite contractors in the following decade. This industrial base decline, in turn, resulted in even higher costs during the next recapitalization phase as contractors and the government had to rebuild a skilled workforce for several satellite architectures concurrently.

There is a concern that the Air Force is about to embark on another near-simultaneous recapitalization of its space architecture as it plans for new development in space situation awareness; positioning, navigation, and timing; weather; missile warning; wideband communications; and protected communications. In light of the CAPE analysis and future budget constraints, the Secretary of the Air Force is directed to provide a report to the congressional defense committees not later than 60 days after the enactment of this Act, that examines the recapitalization plans for the major systems noted above, certifies that decisions to recapitalize versus continue production of current designs pose acceptable risks to constellation sustainment and the acquisition workforce, and considers budgetary constraints.

SPACE BASED INFRARED SYSTEM

Following submission of the fiscal year 2018 budget request, the Air Force changed its acquisition strategy for overhead persistent infrared (OPIR) missile warning systems. The fiscal year 2018 budget request included \$132,400,000 for advance procurement for the next block of Space Based Infrared System (SBIRS) satellites. The agreement reduces this amount by \$50,000,000 and transfers the remaining \$82,400,000 to a new program, Next Generation OPIR, in Research, Development, Test and Evaluation, Air Force, so that the Air Force can begin development of a new system that will provide resiliency upgrades, payload modernization, and other enhancements.

The agreement also transfers \$173,584,000 from SBIRS High and \$71,018,000 from Evolved SBIRS, both in Research, Development, Test and Evaluation, Air Force, to fund the Next Generation OPIR program. However, there is a concern that the OPIR acquisition strategy was still undefined well into fiscal year 2018 and that the new acquisition strategy, including a spend plan, has yet to be formally briefed to the congressional defense committees. Therefore, OPIR is designated as a congressional special interest item and the Secretary of the Air Force is directed to submit an acquisition plan, to include cost and schedule estimates, to the congressional defense committees not later than 30 days after the enactment of this Act. The Secretary of the Air Force is also directed to provide quarterly briefings to the congressional defense committees detailing progress against cost and schedule milestones.

PROCUREMENT OF AMMUNITION, AIR FORCE

The agreement provides \$1,651,977,000 for Procurement of Ammunition, Air Force, as follows:

***H2293 *H2294**

OTHER PROCUREMENT, AIR FORCE

The agreement provides \$20,503,273,000 for Other Procurement, Air Force, as follows:

***H2299 *H2300**

PROCUREMENT, DEFENSE-WIDE

The agreement provides \$5,429,270,000 for Procurement, Defense-Wide, as follows:

***H2305 *H2306**

DEFENSE PRODUCTION ACT PURCHASES

The agreement provides \$67,401,000 for Defense Production Act Purchases, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

TITLE IV-RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The agreement provides \$88,308,133,000 in Title IV, Research, Development, Test and Evaluation, as follows:

***H2307 *H2308**

REPROGRAMMING GUIDANCE FOR ACQUISITION ACCOUNTS

The Secretary of Defense is directed to continue to follow the reprogramming guidance as specified in the report accompanying the House version of the Department of Defense Appropriations bill for Fiscal Year 2008 ([House Report 110-279](#)). Specifically, the dollar threshold for reprogramming funds shall remain at \$20,000,000 for procurement and \$10,000,000 for research, development, test and evaluation.

Also, the Under Secretary of Defense (Comptroller) is directed to continue to provide the congressional defense committees quarterly, spreadsheet-based DD Form 1416 reports for Service and defense-wide accounts in titles III and IV of this Act. Reports for titles III and IV shall comply with the guidance specified in the explanatory statement accompanying the Department of Defense Appropriations Act, 2006. The Department shall continue to follow the limitation that prior approval reprogrammings are set at either the specified dollar threshold or 20 percent of the procurement or research, development, test and evaluation line, whichever is less. These thresholds are cumulative from the base for reprogramming value as modified by any adjustments. Therefore, if the combined value of transfers into or out of a procurement (P-1) or research, development, test and evaluation (R-1) line exceeds the identified threshold, the Secretary of Defense must submit a prior approval reprogramming to the congressional defense committees. In addition, guidelines on the application of prior approval reprogramming procedures for congressional special interest items are established elsewhere in this statement.

FUNDING INCREASES

The funding increases outlined in these tables shall be provided only for the specific purposes indicated in the tables.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase "only for" or "only to" in the explanatory statement are congressional special interest items for the purpose of the Base for Reprogramming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount as specifically addressed in the explanatory statement.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

The agreement provides \$10,647,426,000 for Research, Development, Test and Evaluation, Army, as follows:

***H2325 *H2326**

ARMORED MULTI-PURPOSE VEHICLE

To ensure that Armored Multi-Purpose Vehicles are operationally effective before deploying to theater, the Secretary of the Army is encouraged to accelerate testing. The Secretary of the Army is directed to provide a report to the congressional defense committees not later than 90 days after the enactment of this Act on the results of vehicle testing to date and an explanation of why vehicles are being procured in significant quantities prior to initial operational test and evaluation, currently scheduled for the second quarter of fiscal year 2021.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

The agreement provides \$18,010,754,000 for Research, Development, Test and Evaluation, Navy, as follows:

***H2344 RAPID PROTOTYPING, EXPERIMENTATION AND DEMONSTRATION**

The fiscal year 2018 President's budget request contains \$162,000,000 in Research, Development, Test and Evaluation, Navy lines 29, 36, and 78 for several Rapid Prototyping, Experimentation and Demonstration (RPED) projects designated as "Accelerated Acquisitions for the Rapid Development, Demonstration and Fielding of Capability" by the Chief of Naval Operations and the Assistant Secretary of the Navy (Research, Development and Acquisition). Subsequent to the budget submission, the Navy identified additional funding requirements of \$121,000,000 for these projects that have been addressed via below threshold reprogramming authority, above threshold reprogramming authority, and additional funds recommended in this Act.

The Secretary of the Navy and the Chief of Naval Operations are directed to provide timely and complete communication to the House and Senate Defense Appropriations Subcommittees regarding RPED projects, to include cost, schedule, progress against previously identified objectives, and transition plans. Several factors will be considered when reviewing each project: requirements, technology and manufacturing readiness, cost, schedule, performance, test results, and transition plans. Funding recommendations will then be adjusted accordingly. Further, there are concerns that projects are being selected without a full understanding of the technological complexity to achieve desired capabilities. Therefore, the Chief of Naval Operations and the Assistant Secretary of the Navy (Research, Development

and Acquisition) are directed to consult with the Director, Operational Test and Evaluation regarding accelerated modeling, simulation, and testing required to achieve and demonstrate defined capabilities prior to the selection of an RPED project, to establish an agreed-upon test plan and to identify full funding requirements.

COSTS OF ENGINEERING CHANGE PROPOSALS FOR MISSILE PROGRAMS

The fiscal year 2018 President's budget request includes no less than \$101,000,000 for five development efforts the Navy plans to incorporate into Tomahawk missiles through a series of engineering change proposals during the missiles' recertification process. The development of these modernization initiatives is budgeted at close to \$900,000,000 over the next five years, and incorporating these efforts into production will significantly increase the unit cost of the Tomahawk missile.

While recognizing the need to modernize weapons systems through incremental upgrades, there is concern that the Navy historically has failed to recognize and budget for the full cost of developing and procuring missile upgrades through engineering change proposals upfront. As a result, when previously funded engineering change proposals transitioned from development to production, the Navy has had to reduce planned procurement quantities due to higher than budgeted cost. This has resulted in reduced capacity in at least two other families of missiles. The Assistant Secretary of the Navy (Research, Development and Acquisition) is directed to provide a report to the congressional defense committees not later than 60 days after the enactment of this Act after conducting a review of the Navy's acquisition practices for engineering change proposals in all its missile programs, to include cost estimating, and to explore measures on how to inject competition into modernization efforts in sole source acquisitions.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

The agreement provides \$37,428,078,000 for Research, Development, Test and Evaluation, Air Force, as follows:

***H2359 *H2360**

CIVILIAN PERSONNEL

The agreement supports the Air Force proposal to transfer civilian personnel costs of the acquisition workforce from the Operation and Maintenance, Air Force account to the Research, Development, Test and Evaluation, Air Force account. To ensure visibility and appropriate execution, the Secretary of the Air Force is directed to submit an annual report on all civilian personnel (not limited to the acquisition workforce) related funding in the Research, Development, Test and Evaluation, Air Force account by program element. The report shall include the budgeted number of civilian full time equivalents (FTEs) and the related funding programmed in the current fiscal year and annually for the next five fiscal years; the number of actual civilian FTEs and the related funding executed in current and previous fiscal years; an explanation of all below and above threshold reprogrammings involving civilian personnel funding; and the impact on staffing and effectiveness of the acquisition programs. The report shall be submitted to the congressional defense committees not later than 90 days after the end of each fiscal year.

DISTRIBUTED COMMON GROUND SYSTEMS

Several deficiencies exist within the Air Force's globally networked intelligence, surveillance, and reconnaissance enterprise, referred to as Distributed Common Ground Systems (DCGS). First, the enterprise is excessively stove-piped which makes it difficult for the warfighter to provide integrated products that incorporate different types of intelligence from weapon systems across different levels of classification. Second, the enterprise is not survivable against cyber

threats. Third, the enterprise comprises eight separate acquisition programs, all of which are in the sustainment phase despite new capabilities being regularly tested and fielded. The Secretary of the Air Force is directed to submit a report to the congressional defense committees not later than 90 days after the enactment of this Act on a DCGS modernization roadmap, to include a plan to accelerate the transition of the eight acquisition programs and all planned capabilities to an open architecture; a plan to achieve cyber security for the DCGS enterprise; a summary by appropriation of funding to sustain, develop, test, and field capabilities; and opportunities to use agile software development practices.

JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM RECAPITALIZATION

In February 2018, the Air Force detailed its new position to Congress to terminate the Joint Surveillance Target Attack Radar System (JSTARS) recapitalization program and pursue alternatives. Despite years of affirmations to Congress on the need to pursue JSTARS recapitalization and an ongoing source selection process, the Air Force asserts that the program will not be viable in future contested environments and lacks compelling improvements over legacy capabilities.

The proposal to cancel JSTARS recapitalization, pursue alternatives, and ensure no duplication between efforts requires careful consideration by Congress through the fiscal year 2019 budget process. Therefore, the agreement provides \$405,451,000 for JSTARS recapitalization and designates this funding as a congressional special interest item. The Secretary of the Air Force is directed to neither transfer the funding from JSTARS recapitalization, nor utilize these funds for any purpose other than the JSTARS recapitalization program of record as presented with the fiscal year 2018 budget request, unless the congressional defense committees receive and approve a prior approval reprogramming request.

The Secretary of Defense is directed to submit a report to the congressional defense committees not later than 90 days after the enactment of this Act that addresses the following: the plan for divestment of the current E-8C JSTARS fleet and options for sustaining the fleet at a level above that plan; whether it is technically feasible to address concerns regarding the survivability of the JSTARS recapitalization platform by changing system attributes or performance parameters (such as radar range and size, weight, power and cooling margin); the cost and schedule of alternatives to JSTARS recapitalization that are funded in the fiscal year 2019 budget submission and accompanying future years defense plan; and the cost and schedule to procure additional weapon systems (including Army and Navy systems) that can fulfill mission requirements similar to those performed by JSTARS in order to prevent loss of capacity to support the combatant commanders.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

The agreement provides \$22,010,975,000 for Research, Development, Test and Evaluation, Defense-Wide, as follows:

***H2374 *H2375**

MISSILE DEFENSE AGENCY-SEA-BASED X-BAND RADAR

Pursuant to section 1684 of the National Defense Authorization Act for Fiscal Year 2016, the Director, Missile Defense Agency (MDA), is reviewing possible basing locations for a Sea-Based X-Band Radar (SBX) in the Atlantic.-The Director, MDA is encouraged to consult with the Secretary of the Navy to avoid homeport sites that negatively impact national defense infrastructure and priorities, including United States naval operations such as ship and submarine maintenance activities at public shipyards. Further, the Director, MDA and the Secretary of the Navy are directed to include in the forthcoming report an evaluation of potential impacts to public shipyards, as well as mitigation strategies and associated joint costs, for each Atlantic SBX radar location under consideration.

TRUSTED MICROELECTRONICS

The Under Secretary of Defense (Research and Engineering) and the Under Secretary of Defense (Acquisition and Sustainment) are directed to provide a joint report to the congressional defense committees not later than 90 days after the enactment of this Act which defines the scope of the microelectronics challenges the Department of Defense faces; confirms that the United States has adequate infrastructure to provide legacy and future chip needs for weapons systems and what resources are required to provide for that infrastructure; and lists the testing protocols that the Department is utilizing to ensure current microelectronics have achieved security assurance.- The report shall also identify policy concerns to ensure the Department of Defense complies sufficiently in conducting the national security mission.

STRATEGIC CAPABILITIES OFFICE

The agreement provides \$1,183,506,000 for the Strategic Capabilities Office (SCO). The Under Secretary of Defense (Research and Engineering) is directed to provide a report to the congressional defense committees not later than 90 days after the enactment of this Act on the Department's plan to preserve the ability of SCO to respond to combatant commanders' critical needs and to augment efforts across the Department with respect to strategic capabilities development with new layers of oversight between the Director of SCO and the Secretary of Defense.

PROJECT MAVEN

The agreement provides \$100,000,000 to enhance the efforts of the Algorithmic Warfare Cross-Functional Team on Project Maven and designates Project Maven and its activities to date as a congressional special interest item. The Under Secretary of Defense (Intelligence) is directed to provide a spend plan for Project Maven not later than 30 days after the enactment of this Act to the congressional defense committees. Further, the Under Secretary of Defense (Intelligence), the Under Secretary of Defense (Research and Engineering), and the Department of Defense Chief Information Officer are directed to provide an artificial intelligence and machine learning framework for the Department of Defense, and specifically cite the activities of the Services, the Defense Advanced Research Projects Agency, combat support agencies, and laboratories funded in this Act, to the congressional defense committees not later than 90 days after the enactment of this Act. The framework should include an overview of all formal artificial intelligence, machine learning, and big data activities; the amounts enacted in the fiscal year 2018 budget; the amounts included in the fiscal year 2019 budget request; and the costs to complete the initial phases of these activities. The framework should prioritize these efforts based on cost and impact to the enterprise and clearly identify how each works together to advance the Department's ability to leverage artificial intelligence and machine learning technologies. Finally, the framework should delineate which activities align with one or more of the following focus areas at a minimum: vision, text, speech, cybersecurity, situational awareness including social media, and enterprise.

CLOUD COMPUTING

The Department of Defense seeks to accelerate and streamline the acquisition of cloud computing services at multiple security levels across the Department in an effort to provide the benefits of cloud computing while reducing management and administrative burdens. The Department, under the direction of the Deputy Secretary of Defense, created the Cloud Executive Steering Group to oversee this effort, referred to as the Joint Enterprise Defense Infrastructure (JEDI). This effort would be a tailored acquisition for commercial cloud services that could be a single award indefinite delivery/indefinite quantity contract for a period of up to ten years. There are concerns about the proposed duration of a single contract, questions about the best value for the taxpayer, and how to ensure the highest security is maintained.

Therefore, the Secretary of Defense is directed to provide a report to the congressional defense committees not later than 60 days after the enactment of this Act detailing a framework for all Department entities, to include combat support agencies, to acquire cloud computing services including standards, best practices, contract types, and exit strategies to ensure government flexibility as requirements evolve. The report should also include justification, to include cost considerations, for executing a single award contract rather than creating an infrastructure capable of storing and sharing data across multiple cloud computing service providers concurrently, to include data migration and middleware costs.

In addition, not later than 45 days after the enactment of this Act, the Deputy Secretary of Defense is directed to provide a report on the JEDI cloud computing services contract request for proposals (RFP) to the congressional defense committees. The report shall include the following: the amounts requested in the fiscal year 2018 and 2019 budget for this and all other cloud computing services acquisitions by appropriation; the fiscal year 2019 future years defense program levels for cloud computing services; identification and justification for acquisitions where "other transactional authorities" will be utilized; certification from the Department of Defense Chief Information Officer that each of the military Services, the combatant commands, Defense Information Systems Agency, and the Chief Information Officers of each of the Services have been consulted during the drafting of the RFP; provisions within the contract to ensure security is maintained over the period of the contract; and provisions for mitigation actions if the commercial entity were to provide services to or be acquired by a foreign entity or government.

OPERATIONAL TEST AND EVALUATION, DEFENSE

The agreement provides \$210,900,000 for Operational Test and Evaluation, Defense, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

TITLE V-REVOLVING AND MANAGEMENT FUNDS

The agreement provides \$1,685,596,000 in Title V, Revolving and Management Funds, as follows:

***H2376 *H2377**

DEFENSE WORKING CAPITAL FUNDS

The agreement provides \$1,685,596,000 for Defense Working Capital Funds, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

NATIONAL DEFENSE SEALIFT FUND

The agreement does not recommend funding for the National Defense Sealift Fund. Requested funding has been transferred, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

TITLE VI-OTHER DEPARTMENT OF DEFENSE PROGRAMS

The agreement provides \$36,646,600,000 in Title VI, Other Department of Defense Programs, as follows:

***H2379 DEFENSE HEALTH PROGRAM**

The agreement provides \$34,428,167,000 for the Defense Health Program, as follows:

***H2383 REPROGRAMMING GUIDANCE FOR THE DEFENSE HEALTH PROGRAM**

Concerns remain regarding the transfer of funds from the In-House Care budget sub-activity to pay for contractor-provided medical care. To limit such transfers and improve oversight within the Defense Health Program operation and maintenance account, the agreement includes a provision which caps the funds available for Private Sector Care under the TRICARE program subject to prior approval reprogramming procedures. The provision and accompanying explanatory statement language should not be interpreted as limiting the amount of funds that may be transferred to the In-House Care budget sub-activity from other budget sub-activities within the Defense Health Program. In addition, funding for the In-House Care and Private Sector Care budget sub-activities are designated as congressional special interest items. Any transfer of funds in excess of \$15,000,000 into or out of these sub-activities requires the Secretary of Defense to follow prior approval reprogramming procedures.

The Secretary of Defense is directed to provide a report to the congressional defense committees not later than 30 days after the enactment of this Act that delineates transfers of funds in excess of \$10,000,000, and the dates any transfers occurred, from the Private Sector Care budget sub-activity to any other budget sub-activity groups for fiscal year 2017.

The Assistant Secretary of Defense (Health Affairs) is directed to provide quarterly reports to the congressional defense committees on budget execution data for all of the Defense Health Program budget activities and to adequately reflect changes to the budget activities requested by the Services in future budget submissions.

CARRYOVER

For fiscal year 2018, one percent carryover authority for the operation and maintenance account of the Defense Health Program is recommended. The Assistant Secretary of Defense (Health Affairs) is directed to submit a detailed spending plan for any fiscal year 2017 designated carryover funds to the congressional defense committees not less than 30 days prior to executing the carryover funds.

The Assistant Secretary of Defense (Health Affairs) is further directed to prioritize the payment of arrears to state vaccine programs, as authorized by section 719 of the National Defense Authorization Act for Fiscal Year 2017, in expenditure of these carryover funds.

PEER-REVIEWED CANCER RESEARCH PROGRAM

The agreement provides \$80,000,000 for the peer-reviewed cancer research program to research cancers not addressed in the breast, prostate, ovarian, kidney, and lung cancer research programs.

The funds provided in the peer-reviewed cancer research program are directed to be used to conduct research in the following areas: adrenal cancer, bladder cancer, blood cancers, brain cancer, colorectal cancer, immunotherapy, listeria-based regimens for cancer, liver cancer, lymphoma, melanoma and other skin cancers, mesothelioma, myeloma, neuroblastoma, pancreatic cancer, pediatric brain tumors, stomach cancer, and cancer in children, adolescents, and young adults.

The reports directed under this heading in [House Report 115-219](#) and the Senate Chairman's Explanatory Statement of November 21, 2017 are still required.

PEER-REVIEWED MEDICAL RESEARCH PROGRAM

The agreement provides \$330,000,000 for a peer-reviewed medical research program. The Secretary of Defense, in conjunction with the Service Surgeons General, is directed to select medical research projects of clear scientific merit and direct relevance to military health. Research areas considered under this funding are restricted to the following areas: acute lung injury, antimicrobial resistance, arthritis, burn pit exposure, cardiomyopathy, cerebellar ataxia, chronic migraine and post-traumatic headache, chronic pain management, congenital heart disease, constrictive bronchiolitis, diabetes, dystonia, eating disorders, emerging infectious diseases, endometriosis, epidermolysis bullosa, focal segmental glomerulosclerosis, Fragile X, frontotemporal degeneration, Guillain-Barre syndrome, hepatitis B and C, hereditary angioedema, hydrocephalus, immunomonitoring of intestinal transplants, inflammatory bowel diseases, interstitial cystitis, lung injury, malaria, metals toxicology, mitochondrial disease, musculoskeletal disorders, myotonic dystrophy, non-opioid pain management, nutrition optimization, pancreatitis, pathogen-inactivated blood products, post-traumatic osteoarthritis, pressure ulcers, pulmonary fibrosis, respiratory health, Rett syndrome, rheumatoid arthritis, scleroderma, sleep disorders, spinal muscular atrophy, sustained-release drug delivery, tinnitus, tissue regeneration, tuberculosis, vaccine development for infectious diseases, vascular malformations, and women's heart disease. The additional funding provided under the peer-reviewed medical research program shall be devoted only to the purposes listed above.

ELECTRONIC HEALTH RECORD

The Program Executive Officer (PEO) for Defense Healthcare Management Systems (DHMS), in conjunction with the Director of the Interagency Program Office (IPO), is directed to provide quarterly reports to the congressional defense committees on the cost and schedule of the electronic health record program, to include milestones, knowledge points, and acquisition timelines, as well as quarterly obligation reports. These reports should also include any changes to the deployment timeline, including benchmarks, for full operating capability; any refinements to the cost estimate for full operating capability and the total lifecycle cost of the project; and the progress toward developing, implementing, and fielding the interoperable electronic health record throughout the medical facilities of the Department of Defense and the Department of Veterans Affairs. The PEO DHMS is further directed to continue briefing the House and Senate Defense Appropriations Subcommittees on a quarterly basis, coinciding with the report submission.

Finally, the Director of the IPO is directed to continue to provide quarterly reports to the House and Senate Appropriations Committees, Subcommittees on Defense and Military Construction, Veterans Affairs, and Related Agencies on the progress of interoperability between the two Departments.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

The agreement provides \$961,732,000 for Chemical Agents and Munitions Destruction, Defense, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The agreement provides \$934,814,000 for Drug Interdiction and Counter-Drug Activities, Defense, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

*H2384 JOINT URGENT OPERATIONAL NEEDS FUND

The agreement does not recommend funding for the Joint Urgent Operational Needs Fund.

OFFICE OF THE INSPECTOR GENERAL

The agreement provides \$321,887,000 for the Office of the Inspector General, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

QUARTERLY END STRENGTH AND EXECUTION REPORTS

The Department of Defense Inspector General is directed to provide quarterly reports to the congressional defense committees on civilian personnel end strength, full-time equivalents, and budget execution not later than 15 days after the end of each fiscal quarter. The reports should contain quarterly civilian personnel end strength and full-time equivalents as well as an estimate of fiscal year end strength and fiscal year full-time equivalents. The reports should also include quarterly budget execution data along with revised fiscal year estimated execution data. The Inspector General is directed to provide realistic end of fiscal year estimates based on personnel trends to date.

TITLE VII-RELATED AGENCIES

The agreement provides \$1,051,600,000 in Title VII, Related Agencies, as follows:

***H2385 *H2386**

CLASSIFIED ANNEX

Adjustments to classified programs are addressed in a separate, detailed, and comprehensive classified annex. The Intelligence Community, the Department of Defense, and other organizations are expected to fully comply with the recommendations and directions in the classified annex accompanying the Department of Defense Appropriations Act, 2018.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

The agreement provides \$514,000,000 for the Central Intelligence Agency Retirement and Disability Fund.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

The agreement provides \$537,600,000, an increase of \$5,600,000 above the budget request, for the Intelligence Community Management Account.

TITLE VIII-GENERAL PROVISIONS

The agreement incorporates general provisions which were not amended. Those general provisions that were addressed in the agreement are as follows:

The agreement modifies a provision proposed by the House which requires that no more than 25 percent of the funding made available in this Act be obligated in the last two months of the fiscal year.

(TRANSFER OF FUNDS)

The agreement modifies a provision proposed by the House which provides general transfer authority not to exceed \$4,250,000,000.

The agreement retains a provision proposed by the House which identifies tables as Explanation of Project Level Adjustments.

The agreement retains a provision proposed by the House which provides for the establishment of a baseline for the application of reprogramming and transfer authorities for the current fiscal year.

The agreement modifies a provision proposed by the House which places restrictions on multiyear procurement contracts.

The agreement retains a provision proposed by the House regarding management of civilian personnel of the Department of Defense.

The agreement retains a provision proposed by the House regarding limitations on the use of funds to purchase anchor and mooring chains.

The agreement includes a provision which restricts the use of funds to support any nonappropriated funds activity that procures malt beverages and wine. The House bill contained no similar provision.

The agreement retains a provision proposed by the House regarding incentive payments authorized by the Indian Financing Act of 1974.

The agreement modifies a provision proposed by the House which prohibits funding from being used to establish new Department of Defense Federally Funded Research and Development Centers with certain limitations.

The agreement includes a provision which provides for the revocation of blanket waivers of the Buy American Act. The House bill contained a similar provision.

The agreement includes a provision which provides for the conveyance, without consideration, of relocatable housing units that are excess to the needs of the Air Force. The House bill contained a similar provision.

The agreement does not retain a provision proposed by the House which was made permanent in the fiscal year 2017 Act that provided the authority for the Defense Intelligence Agency to use funds provided in this Act for the provisioning of information systems.

The agreement includes a provision which provides funds for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities. The House bill contained no similar provision.

The agreement retains a provision proposed by the House regarding mitigation of environmental impacts on Indian lands resulting from Department of Defense activities.

The agreement includes a provision which requires the Department of Defense to comply with the Buy American Act, chapter 83 of title 41, United States Code. The House bill contained a similar provision.

(RESCISSIONS)

The agreement modifies a provision proposed by the House recommending rescissions and provides for the rescission of \$942,242,000. The rescissions agreed to are:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

The agreement retains a provision proposed by the House which restricts procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin.

The agreement includes a provision which makes funds available to maintain competitive rates at the arsenals. The House bill contained no similar provision.

The agreement retains a provision proposed by the House which provides funding to the United Service Organizations and the Red Cross.

(TRANSFER OF FUNDS)

The agreement retains a provision proposed by the House which provides funding for the Sexual Assault Victims Special Counsel Program.

The agreement modifies a provision proposed by the House regarding the use of funding appropriated in title IV of this Act to procure end-items.

The agreement retains a provision proposed by the House which restricts funding for repairs and maintenance of military housing units. ***H2387**

(TRANSFER OF FUNDS)

The agreement includes a provision which directs that Operation and Maintenance, Navy funds shall be available for transfer to the John C. Stennis Center for Public Service Development Trust Fund. The House bill contained no similar provision.

The agreement retains a provision proposed by the House which provides a grant to the Fisher House Foundation, Inc.

The agreement includes a provision which requires notification upon the use of rapid acquisition authorities. The House bill contained no similar provision.

(TRANSFER OF FUNDS)

The agreement modifies a provision proposed by the House related to funding for the Israeli Cooperative Defense programs.

(TRANSFER OF FUNDS)

The agreement modifies a provision proposed by the House which provides for the funding of prior year shipbuilding cost increases.

The agreement includes a provision which provides that the budget of the President for the subsequent fiscal year shall include separate budget justification documents for costs of the United States Armed Forces' participation in contingency operations. The House bill contained a similar provision.

The agreement modifies a provision proposed by the House which reduces funding due to favorable foreign exchange rates.

The agreement includes a provision which makes funds available for rapid acquisition and deployment of supplies. The House bill contained no similar provision.

The agreement retains a provision proposed by the House which prohibits changes to the Army Contracting Command-New Jersey without prior notification.

The agreement includes a provision which places restrictions on the use of funds to support friendly foreign countries. The House bill contained no similar provision.

The agreement does not retain a provision proposed by the House recommending a rescission from the Department of Defense Acquisition Workforce Development Fund.

The agreement includes a provision which applies reprogramming procedures on the Department of Defense Acquisition Workforce Development Fund. The House bill contained no similar provision.

The agreement includes a provision that prohibits the transfer of funds into the Department of Defense Acquisition Workforce Development Fund. The House bill contained a similar provision.

The agreement retains a provision proposed by the House related to agreements with the Russian Federation pertaining to United States ballistic missile defense systems.

(TRANSFER OF FUNDS)

The agreement includes a provision which provides the Director of National Intelligence with general transfer authority with certain limitations. The House bill contained a similar provision.

The agreement retains a provision proposed by the House which prohibits funds from being used for the purchase or manufacture of a United States flag unless such flags are treated as covered items under [section 2533a\(b\) of title 10, U.S.C.](#)

The agreement includes a provision which requires reporting on the National Instant Criminal Background Check System. The House bill contained no similar provision.

The agreement retains a provision proposed by the House that requires the Secretary of Defense to post grant awards on a public website in a searchable format.

The agreement includes a provision which provides guidance on cost overrun reductions and the Rapid Prototyping Fund. The House bill contained no similar provision.

The agreement retains a provision proposed by the House regarding funding for flight demonstration teams at locations outside the United States.

The agreement retains a provision proposed by the House which prohibits the use of funds to implement the Arms Trade Treaty until the treaty is ratified by the Senate.

The agreement includes a provision which prohibits the transfer of funds to any organization not funded in this Act with certain exceptions. The House bill contained a similar provision.

The agreement retains a provision proposed by the House which prohibits introducing armed forces into Iraq in contravention of the War Powers Act.

The agreement modifies a provision proposed by the House which limits the use of funds for the T-AO program.

The agreement does not retain a provision proposed by the House which reduces Working Capital Funds to reflect excess cash balances.

The agreement modifies a provision proposed by the House which reduces the total amount appropriated to reflect lower than anticipated fuel costs.

The agreement retains a provision proposed by the House which prohibits the use of funds for gaming or entertainment that involves nude entertainers.

The agreement retains a provision proposed by the House which prohibits the use of funds for Base Realignment and Closure.

(TRANSFER OF FUNDS)

The agreement includes a provision which grants the Secretary of Defense the authority to use funds for Office of Personnel and Management background investigations. The House bill contained no similar provision.

The agreement does not retain a provision proposed by the House which restricts the use of funds for the Joint Surveillance Target Attack Radar System recapitalization program for pre-milestone B activities.

The agreement does not retain a provision proposed by the House which provides authority to use readiness funds for Zika related activities.

The agreement includes a provision which provides reprogramming authority for the Global Engagement Center. The House bill contained a similar provision.

The agreement does not retain a provision proposed by the House which provides funds for the military personnel accounts for purposes of a military pay raise.

The agreement retains a provision proposed by the House which makes funds available through the Office of Economic Adjustment for transfer to the Secretary of Education, to make grants to construct, renovate, repair, or expand elementary and secondary public schools on military installations.

The agreement does not retain a provision proposed by the House which limits the availability of funds to carry out changes to the Joint Travel Regulations of the Department of Defense.

The agreement retains a provision proposed by the House which provides guidance on the implementation of the Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured Active Duty Service Members.

The agreement retains a provision proposed by the House which prohibits the use of funds to provide arms, training, or other assistance to the Azov Battalion.

The agreement retains a provision proposed by the House which prohibits the use of funds to purchase heavy water from Iran.

The agreement adds a provision which amends Section 316(a)(2) of the National Defense Authorization Act for Fiscal Year 2018 ([Public Law 115-91](#)) by striking "the study under this subsection" and inserting "the study and assessment under this section".

The agreement does not retain a provision proposed by the House which provides guidance on references to this Act.

The agreement does not retain a provision proposed by the House which provides guidelines on the interpretation of [House Report 115-219](#).

The agreement does not retain a provision proposed by the House which provides spending reduction account guidance.

The agreement does not retain a provision proposed by the House which prohibits the use of funds in the Afghanistan Security Forces Fund to procure uniforms for the Afghan National Army.

The agreement does not retain a provision proposed by the House which prohibits the use of funds to close biosafety level 4 laboratories.

The agreement does not retain a provision proposed by the House which prohibits the use of funds for public-private partnerships under Office of Management and Budget circular A-76.

The agreement adds a provision which makes funds available for the Secretary of Defense for use in a designated country.

TITLE IX-OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM

The agreement provides \$65,166,000,000 in Title IX, Overseas Contingency Operations/Global War on Terrorism.

REPORTING REQUIREMENTS

The agreement includes a number of reporting requirements related to contingency operations and building capacity efforts. The Secretary of Defense is directed to continue to report incremental costs for all named operations in the Central Command Area of Responsibility on a quarterly basis and to submit, also on a quarterly basis, commitment, obligation, and expenditure data for the Afghanistan Security Forces Fund, the Counter-Islamic State of Iraq and Syria Train and Equip Fund, and for all security cooperation programs funded under the Defense Security Cooperation Agency in the Operation and Maintenance, Defense-Wide account.

MILITARY PERSONNEL

The agreement provides \$4,326,172,000 for Military Personnel, as follows:

***H2392 *H2393**

OPERATION AND MAINTENANCE

The agreement provides \$50,317,919,000 for Operation and Maintenance, as follows:

***H2401 PRIVATE SECURITY COMPANIES**

The Secretary of Defense is commended for the Department's assistance in developing principles, standards, and a code of conduct based on international law, to ensure that private security companies respect human rights and the rule of law in the provision of security assistance services. The Secretary of Defense is directed to submit a report to the congressional defense committees not later than 90 days after enactment of this Act, on the Department's standards and oversight and accountability mechanisms that apply to private security companies contracted by the Department of Defense compared to the standards and mechanisms that apply to private security companies contracted by the Department of State.

AFGHANISTAN SECURITY FORCES FUND CONTRACT COSTS

There remain concerns about the excessive costs of training contracts awarded using the Afghanistan Security Forces Fund (ASFF). Therefore, the Comptroller General is directed to examine all ASFF training contracts and provide a report detailing his findings to the congressional defense committees not later than 180 days after the enactment of this Act. Additionally, the Secretary of Defense is directed to provide an accounting of all contracts funded with ASFF, the annual value of each contract, and the ASFF line item that funds each contract, to the congressional defense committees not later than 180 days after the enactment of this Act.

AFGHANISTAN SECURITY FORCES FUND BUDGET JUSTIFICATION

The Secretary of Defense is commended for efforts to improve the Afghanistan Security Forces Fund (ASFF) budget justification materials and Financial Activity Plans (FAPs). To further inform budget reviews, the Secretary of Defense is directed to provide budget justification materials that include the budget request amount, the appropriated amount, and the actual obligation amount by line item, for the prior two fiscal years. In addition, concurrent with the submission of each FAP, the Secretary of Defense shall provide the congressional defense committees with line item detail of planned funding movements within ASFF using line item titles from the appropriate year's budget justification submission. Any line item that did not appear in the budget justification submission shall be delineated as a new line item.

AFGHAN NATIONAL ARMY UNIFORMS

The House-passed bill included a provision, Section 10004, banning the use of funds provided for the Afghanistan Security Forces Fund to procure uniforms for the Afghan National Army (ANA). The Special Inspector General for Afghanistan Reconstruction reported in June 2017 that the Department of Defense acquired uniforms for the ANA that were not appropriate for use in Afghanistan. The agreement removes the legislative provision; however, due to underlying concerns of mismanagement by the Department of Defense and the ANA, the Secretary of Defense is directed to provide a report to the congressional defense committees, not later than 90 days after the enactment of this Act, that

determines whether current contracting practices for ANA and Afghan National Police uniforms conform to all Federal Acquisition Regulation requirements.

COUNTER-LORD'S RESISTANCE ARMY

The Secretary of Defense, in coordination with the Secretary of State, is directed to provide a report on the lessons learned from Operation Observant Compass, including in the area of civil-military coordination, and an assessment of how these lessons are being institutionalized and applied to other complex crises. The report shall be provided to the congressional defense and foreign relations committees not later than 270 days after the enactment of this Act.

SECURITY SECTOR ASSISTANCE STEERING COMMITTEE

The Secretary of Defense, in coordination with the Secretary of State, is directed to provide a report on the activities and progress of the Defense Security Sector Assistance Steering Committee to the congressional defense and foreign relations committees not later than 180 days after the enactment of this Act.

PROCUREMENT

The agreement provides \$10,424,319,000 for Procurement, as follows:

***H2412 NATIONAL GUARD AND RESERVE EQUIPMENT**

The agreement provides \$1,300,000,000 for National Guard and Reserve Equipment. Of that amount \$429,000,000 is designated for the Army National Guard; \$429,000,000 for the Air National Guard; \$169,000,000 for the Army Reserve; \$65,000,000 for the Navy Reserve; \$13,000,000 for the Marine Corps Reserve; and \$195,000,000 for the Air Force Reserve.

This funding will allow the reserve components to procure high priority equipment that may be used for combat and domestic response missions. Current reserve component equipping levels are among the highest in recent history and the funding provided by the agreement will help ensure component interoperability and sustained reserve component modernization.

The Secretary of Defense is directed to ensure that the account be executed by the Chiefs of the National Guard and reserve components with priority consideration given to the following items: acoustic hailing devices, active electronically scanned array radars, advanced cargo handling systems for CH-47s, advanced targeting pods, combat uniforms and cold weather protective clothing, crashworthy ballistically tolerant auxiliary internal and external fuel systems, digital radar warning receivers for F-16s, electromagnetic in-flight propeller balance systems, joint threat emitters, large aircraft infrared countermeasures, modular container systems for palletized cargo, modular and self-contained ranges, MQ-9 deployable launch and recovery element mission support kits, portable high frequency radios and antennas, radar warning receivers for C-17s, radiac sets, satellite broadband for aircraft, commercial-off-the-shelf training systems/simulators-including for small arms simulation, sun shades, unmanned systems for rapid emergency search and rescue support, unstabilized gunnery crew and small arms trainers, and wireless mobile mesh self-healing network systems.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The agreement provides \$926,937,000 for Research, Development, Test and Evaluation, as follows:

***H2414 *H2415**

REVOLVING AND MANAGEMENT FUNDS

The agreement provides \$148,956,000 for Revolving and Management Funds, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The agreement provides \$395,805,000 for the Defense Health Program, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

The agreement provides \$196,300,000 for Drug Interdiction and Counter-drug Activities, Defense.

JOINT IMPROVISED-THREAT DEFEAT FUND

The agreement does not recommend funding for the Joint Improvised-Threat Defeat Fund. Requested funding has been transferred, as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

TRANSFER AUTHORITY FOR THE JOINT IMPROVISED-THREAT DEFEAT ORGANIZATION

The agreement includes \$314,558,000 in Operation and Maintenance, Defense-Wide; \$5,200,000 in Procurement, Defense-Wide; and \$168,300,000 in Research, Development, Test and Evaluation, Defense-Wide overseas contingency operations appropriations accounts for the Joint Improvised-Threat Defeat Organization (JIDO). At the Director, JIDO's request, the distribution of funds among appropriation accounts has been adjusted based on JIDO's revised execution plans for fiscal year 2018, as briefed to the House and Senate Defense Appropriations Subcommittees in the first quarter of fiscal year 2018. Further, funds are not delineated by project within each appropriation, providing the Director, JIDO significant discretion to meet the requirements pursuant to JIDO's mission. Should the Director, JIDO identify requirements necessitating the transfer of funds between appropriation accounts, the Under Secretary of Defense (Comptroller) is directed to expedite any such transfer as a stand-alone reprogramming action in accordance with congressional guidance.

OFFICE OF THE INSPECTOR GENERAL

The agreement provides \$24,692,000 for the Office of the Inspector General.

GENERAL PROVISIONS-THIS TITLE

The agreement for title IX incorporates general provisions which were not amended. Those general provisions that were addressed in the agreement are as follows:

(TRANSFER OF FUNDS)

The agreement modifies a provision proposed by the House which provides for special transfer authority within title IX.

The agreement includes a provision which provides funds for logistical support to allied forces supporting military and stability operations in Afghanistan and to counter the Islamic State of Iraq and Syria. The House bill contained a similar provision.

The agreement retains a provision proposed by the House which provides security assistance to the Government of Jordan.

The agreement modifies a provision proposed by the House which prohibits the use of the Counter-ISIS Train and Equip Fund to procure or transfer man-portable air defense systems.

The agreement modifies a provision proposed by the House which provides assistance and sustainment to the military and national security forces of Ukraine.

The agreement retains a provision proposed by the House related to the replacement of funds for items provided to the Government of Ukraine.

The agreement retains a provision proposed by the House which prohibits the use of assistance and sustainment to the military and national security forces of Ukraine to procure or transfer man-portable air defense systems.

(TRANSFER OF FUNDS)

The agreement modifies a provision proposed by the House which provides funds to the Department of Defense to improve intelligence, surveillance, and reconnaissance capabilities.

The agreement retains a provision proposed by the House which prohibits the use of funds with respect to Syria in contravention of the War Powers Resolution.

The agreement includes a provision which prohibits the use of funds to transfer additional C-130 aircraft to Afghanistan. The House bill contained no similar provision.

(RESCISSIONS)

The agreement modifies a provision proposed by the House recommending rescissions and provides for the rescission of \$2,565,100,000. The rescissions agreed to are:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

The agreement does not retain a provision proposed by the House which requires the President to designate Overseas Contingency Operations/Global War on Terrorism amounts accordingly.

The agreement modifies a provision proposed by the House which requires the President to submit a report to Congress on his strategy to defeat certain adversary forces.

The agreement adds a provision which requires the Secretary of Defense to certify the use of funds in the Afghanistan Security Forces Fund under certain conditions.

***H2435 DIVISION D-ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2018**

The following statement to the House of Representatives and the Senate is submitted in explanation of the agreed upon Act making appropriations for energy and water development for the fiscal year ending September 30, 2018, and for other purposes.

This explanatory statement, while repeating some report language for emphasis, does not intend to negate the language and allocations set forth in [House Report 115-230](#) and [Senate Report 115-132](#) and that direction shall be complied with unless specifically addressed to the contrary in the accompanying bill or explanatory statement. Additionally, where this explanatory statement states that the "agreement only includes" or "the following is the only" direction, any direction included in the House or Senate report on that matter shall be considered as replaced with the direction provided within this explanatory statement. In cases where the House or the Senate has directed the submission of a report, such report is to be submitted to the Committees on Appropriations of both Houses of Congress. House or Senate reporting requirements with deadlines prior to or within 15 days of the enactment of this Act shall be submitted no later than 60 days after the enactment of this Act. All other reporting deadlines not changed by this explanatory statement are to be met.

Funds for the individual programs and activities within the accounts in this Act are displayed in the detailed table at the end of the explanatory statement for this Act. Funding levels that are not displayed in the detailed table are identified in this explanatory statement.

In fiscal year 2018, for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 ([Public Law 99-177](#)), the following information provides the definition of the term "program, project, or activity" for departments and agencies under the jurisdiction of the Energy and Water Development Appropriations Act. The term "program, project, or activity" shall include the most specific level of budget items identified in the Energy and Water Development Appropriations Act, 2018 and the explanatory statement accompanying the Act.

National Ocean Policy.-No specific funding was provided in fiscal year 2017 and none was requested by any agencies funded in this Act in fiscal year 2018 to implement the National Ocean Policy. Consequently, no specific funds for National Ocean Policy activities are included for any agency funded in this Act.

Dam Removal.-No specific funding was provided in fiscal year 2017 and none was requested by any agencies funded in this Act in fiscal year 2018 for the purpose of removing a federally owned or operated dam without prior authorization by Congress. Consequently, no specific funds for unauthorized federal dam removal are included for any agency funded in this Act.

TITLE I-CORPS OF ENGINEERS-CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS-CIVIL

The summary tables included in this title set forth the dispositions with respect to the individual appropriations, projects, and activities of the Corps of Engineers. Additional items of the Act are discussed below.

Recent statutory changes regarding the Inland Waterways Trust Fund (IWTF) have resulted in an increase to the size of the capital improvement program that can be supported by the IWTF. The agreement reflects congressional interest in supporting this larger program. The Corps is directed to take the preparatory steps necessary to ensure that new construction projects can be initiated as soon as can be supported under the larger capital program (i.e., as ongoing projects approach completion).

Concerns persist that the effort to update the Water Resources Principles and Guidelines did not proceed consistent with the language or intent of section 2031 of the Water Resources Development Act of 2007. No funds provided to the Corps of Engineers shall be used to develop or implement rules or guidance to support implementation of the final Principles and Requirements for Federal Investments in Water Resources released in March 2013 or the final Interagency Guidelines released in December 2014. The Corps shall continue to use the document dated March 10, 1983, and entitled "Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies" during the fiscal year period covered by the Energy and Water Development Appropriations Act for 2018.

Asian Carp.-In lieu of House and Senate direction, the Secretary of the Army, acting through the Chief of Engineers, shall make every effort to submit to Congress the Report of the Chief of Engineers for the Brandon Road feasibility study according to the original published schedule of February 2019. The Corps is directed to provide quarterly updates to the Committees on Appropriations of both Houses of Congress on the progress and status of efforts to prevent the further spread of Asian carp as well as the location and density of carp populations, including the use of emergency procedures. The Corps shall continue to collaborate with the U.S. Coast Guard, the U.S. Fish and Wildlife Service, the State of Illinois, and members of the Asian Carp Regional Coordinating Committee to identify and evaluate whether navigation protocols would be beneficial or effective in reducing the risk of vessels inadvertently carrying aquatic invasive species, including Asian carp, through the Brandon Road Lock and Dam in Joliet, Illinois. Any findings of such an evaluation shall be included in the quarterly briefings to the Committees. The Corps is further directed to implement protocols shown to be effective at reducing the risk of entrainment without jeopardizing the safety of vessels and crews. The Corps and other federal and state agencies are conducting ongoing research on potential solutions.

Economic Reevaluation.-None of the funds provided in this title may be used to require an economic reevaluation of any project authorized under title VIII of the Water Resources Development Act of 2007.

ADDITIONAL FUNDING

The agreement includes funding in addition to the budget request to ensure continued improvements to our national economy, public safety, and environmental health that result from water resources projects. This funding is for additional work that either was not included in the budget request or was inadequately budgeted. The bill contains a provision requiring the Corps to allocate funds in accordance with only the direction in this agreement. In lieu of all House and Senate report direction-under any heading-regarding additional funding, new starts, and the fiscal year 2018 work plan, the Corps shall follow the direction included in this explanatory statement.

The Corps again is directed to develop rating systems for use in evaluating studies and projects for allocation of the additional funding provided in this title. These evaluation systems may be, but are not required to be, individualized for each account, category, or subcategory. Voluntary funding in excess of legally required cost shares for studies and projects is acceptable, but shall not be used as a criterion for allocating the additional funding provided or for the selection of new starts. Each study and project eligible for funding shall be evaluated under the applicable ratings system. A study or project may not be excluded from evaluation for being "inconsistent with Administration policy." The Corps retains complete control over the methodology of these rating systems. The executive branch retains complete discretion over project-specific allocation decisions within the additional funds provided, subject to only the direction here and

under the heading "Additional Funding" or "Additional Funding for Ongoing Work" within each of the Investigations, Construction, Mississippi River and Tributaries, and Operation and Maintenance accounts.

The Administration is reminded that these funds are in addition to the budget request, and Administration budget metrics shall not be a reason to disqualify a study or project from being funded. It is expected that all of the additional funding provided will be allocated to specific programs, projects, or activities. The focus of the allocation process shall favor the obligation, rather than expenditure, of funds. With the significant backlog of work in the Corps' inventory, there is no reason for funds provided above the budget request to remain unallocated.

A project or study shall be eligible for additional funding within the Investigations, Construction, and Mississippi River and Tributaries accounts if: (1) it has received funding, other than through a reprogramming, in at least one of the previous three fiscal years; (2) it was previously funded and could reach a significant milestone, complete a discrete element of work, or produce significant outputs in calendar year 2018; or (3) as appropriate, it is selected as one of the new starts allowed in accordance with this Act and the additional direction provided below. Projects with executed Advanced Project Partnership Agreements, or similar agreements, shall be eligible for additional funding provided in this bill. None of the additional funding in any account may be used for any item where funding was specifically denied or for projects in the Continuing Authorities Program. Funds shall be allocated consistent with statutory cost share requirements.

Funding associated with each category may be allocated to any eligible study or project, as appropriate, within that category; funding associated with each subcategory may be allocated only to eligible studies or projects, as appropriate, within that subcategory. The list of subcategories is not meant to be exhaustive. There is concern that the fiscal year 2017 work plan allocated Operation and Maintenance funding to some activities historically funded in the Construction account. Any shift in funding between accounts should be proposed in a budget request and addressed through the appropriations process. Funding levels for accounts and additional funding categories are developed based on assessment of the scope of activities that can be advanced within each account and category. Shifting activities between accounts or categories after these funding level decisions are made is a gross misuse of the flexibility inherent in the work plan process. Since the extent of changes proposed in the fiscal year 2018 budget request is not clear, the Corps shall evaluate all studies and projects only within accounts and categories consistent with previous congressional funding.

Work Plan.-Not later than 60 days after the enactment of this Act, the Corps shall provide to the Committees on Appropriations of both Houses of Congress a work plan including the following information: (1) a detailed description of the ratings system(s) ***H2436** developed and used to evaluate studies and projects; (2) delineation of how these funds are to be allocated; (3) a summary of the work to be accomplished with each allocation, including phase of work; and (4) a list of all studies and projects that were considered eligible for funding but did not receive funding, including an explanation of whether the study or project could have used funds in calendar year 2018 and the specific reasons each study or project was considered as being less competitive for an allocation of funds.

New Starts.-The agreement includes six new starts in the Investigations account and five new starts in the Construction account to be distributed across the three main mission areas of the Corps. The agreement also includes one new study start in the Mississippi River and Tributaries account to evaluate the need for improvements for flood control, ecosystem restoration, water quality and related purposes associated with storm water runoff and management.

Of the new starts in Investigations, two shall be for navigation studies, one shall be for a flood and storm damage reduction study, two shall be for additional navigation or flood and storm damage reduction studies, and one shall be for an environmental restoration study. Of the new construction starts, one shall be for a navigation project; one shall be for a flood and storm damage reduction project; two shall be for additional navigation or flood and storm damage reduction projects, of which one shall be a coastal storm damage reduction project; and one shall be for an environmental restoration project. Other than the one new study start directed above, no funding shall be used to initiate new programs, projects, or activities in the Mississippi River and Tributaries or Operation and Maintenance accounts.

The Corps is directed to propose a single group of new starts as a part of the work plan. None of the funds may be used for any item for which the agreement has specifically denied funding. The Corps may not change or substitute the new starts selected once the work plan has been provided to the Committees on Appropriations of both Houses of Congress. Each new start shall be funded from the appropriate additional funding line item. Any project for which the new start requirements are not met by the end of fiscal year 2018 shall be treated as if the project had not been selected as a new start; such a project shall be required to compete again for new start funding in future years. As all new starts are to be chosen by the Corps, all shall be considered of equal importance, and the expectation is that future budget submissions will include appropriate funding for all new starts selected.

There continues to be confusion regarding the executive branch's policies and guidelines regarding which studies and projects require new start designations. Therefore, the Corps is directed to notify the Committees on Appropriations of both Houses of Congress at least 7 days prior to execution of an agreement for construction of any project except environmental infrastructure projects and projects under the Continuing Authorities Program. Additionally, the agreement reiterates and clarifies previous congressional direction as follows. Neither study nor construction activities related to individual projects authorized under section 1037 of the Water Resources Reform and Development Act (WRRDA) of 2014 shall require a new start or new investment decision; these activities shall be considered ongoing work. No new start or new investment decision shall be required when moving from feasibility to preconstruction engineering and design (PED). A new start designation shall be required to initiate construction of individually-authorized projects funded within programmatic line items. No new start or new investment decision shall be required to initiate work on a separable element of a project when construction of one or more separable elements of that project was initiated previously; it shall be considered ongoing work. A new construction start shall not be required for work undertaken to correct a design deficiency on an existing federal project; it shall be considered ongoing work.

In addition to the priority factors used to allocate all additional funding provided in the Investigations account, the Corps should give careful consideration to the out-year budget impacts of the studies selected and to whether there appears to be an identifiable local sponsor that will be ready and able to provide, in a timely manner, the necessary cost share for the feasibility and PED phases. The Corps is reminded that the flood and storm damage reduction mission area can include instances where non-federal sponsors are seeking assistance with flood control and unauthorized discharges from permitted wastewater treatment facilities and that the navigation mission area includes work in remote and subsistence harbor areas.

In addition to the priority factors used to allocate all additional funding provided in the Construction account, the Corps also shall consider the out-year budget impacts of the selected new starts; and the cost sharing sponsor's ability and willingness to promptly provide the cash contribution (if any), as well as required lands, easements, rights-of-way, relocations, and disposal areas. When considering new construction starts, only those that can execute a project cost sharing agreement not later than September 30, 2018, shall be chosen.

To ensure that the new construction starts are affordable and will not unduly delay completion of any ongoing projects, the Secretary is required to submit to the Committees on Appropriations of both Houses of Congress a realistic out-year budget scenario prior to issuing a work allowance for a new start. It is understood that specific budget decisions are made on an annual basis and that this scenario is neither a request for nor a guarantee of future funding for any project. Nonetheless, this scenario shall include an estimate of annual funding for each new start utilizing a realistic funding scenario through completion of the project, as well as the specific impacts of that estimated funding on the ability of the Corps to make continued progress on each previously funded construction project (including impacts to the optimum timeline and funding requirements of the ongoing projects) and on the ability to consider initiating new projects in the future. The scenario shall assume a Construction account funding level at the average of the past three budget requests.

INVESTIGATIONS

The agreement includes \$123,000,000 for Investigations. The agreement includes legislative language regarding parameters for new study starts.

The allocation for projects and activities within the Investigations account is shown in the following table:

***H2441 Updated Capability.**-The agreement adjusts some project-specific allocations downward from the budget request based on updated information regarding the amount of work that could be accomplished in fiscal year 2018.

Passaic River Basin Mainstem, New Jersey.-Flooding has long been a problem in the Passaic River Basin. The Corps is encouraged to continue to work in coordination with the non-federal sponsor on plans to reduce flooding in the basin, including the reevaluation of the Passaic River Basin Mainstem project. The Corps is directed to brief the Committees on Appropriations of both Houses of Congress not later than 30 days after the enactment of this Act on the current status of this project.

Peckman River, New Jersey.-There have been repeated delays with the Peckman River Feasibility Study. The Corps is directed to provide to the Committees on Appropriations of both Houses of Congress quarterly briefings on the current schedule to bring this study to completion, with the first briefing to occur not later than 30 days after the enactment of this Act.

Rahway River Basin (Upper Basin), New Jersey.-There have been extended delays with the Rahway River Basin Flood Risk Management Feasibility Study where flooding is of acute concern to the affected communities. The Corps is encouraged to continue to work with the non-federal sponsor on plans to reduce flooding caused by the Rahway River in affected areas. The Corps is directed to provide to the Committees on Appropriations of both Houses of Congress quarterly briefings on the current schedule to bring this study to completion, with the first briefing to occur not later than 30 days after the enactment of this Act.

Columbia River Treaty 2024 Implementation, Oregon and Washington.-The agreement includes funding for this activity in the Operation and Maintenance account, as in previous years.

Additional Funding.-The Corps is expected to allocate the additional funding provided in this account primarily to specific feasibility and PED phases, rather than to Remaining Items line items as has been the case in previous work plans. Of the additional funds provided in this account for navigation and coastal and deep draft navigation, the Corps shall allocate not less than \$2,200,000 for the continuation of ongoing General Reevaluation Reports. When allocating the additional funding provided in this account, the Corps shall consider giving priority to completing or accelerating ongoing studies or to initiating new studies that will enhance the nation's economic development, job growth, and international competitiveness; are for projects located in areas that have suffered recent natural disasters; are for projects that protect life and property; or are for projects to address legal requirements. The Corps shall use these funds for additional work in both the feasibility and PED phases. The agreement includes sufficient additional funding to undertake a significant amount of feasibility and PED work. The Administration is reminded that a project study is not complete until the PED phase is complete.

The Corps is reminded that the following activities are eligible to compete for additional funding: development of a hydraulic model that will assist no fewer than five States along a major navigable waterway with making regional strategic flood risk management decisions, the updating of economic analyses, and the updating of economic impact studies.

Water Resources Priorities Study.-No funding shall be used for this study.

Research and Development.-Within available funds, the Corps shall advance work on activities included in the House and Senate reports.

SMART Planning.-The agreement includes the House direction. Additionally, the Corps is reminded of the fiscal year 2016 direction to evaluate each North Atlantic Coast Comprehensive Study focus area to determine the appropriate scope, schedule, and cost, without the initial time and cost limits of the 3x3x3 process. Particularly for comprehensive or regional studies that have significantly larger study areas than typical feasibility studies, it may not be advisable to identify a tentatively selected plan prior to determining whether an exemption from the 3x3x3 process is prudent. Common sense determinations early in the feasibility process can avoid the wasted time and funding inherent in changing course late in the process.

Section 1143 Study.-The Corps is encouraged to include in future budget submissions the study of sediment sources authorized in [section 1143 of Public Law 114-322](#).

Puget Sound.-In addition to Senate direction, the Corps is reminded that no new start, new investment decision, or new phase decision shall be required to move the Puget Sound Nearshore Ecosystem Restoration Project from feasibility to PED.

CONSTRUCTION

The agreement includes \$2,085,000,000 for Construction. The agreement includes legislative language regarding parameters for new construction starts.

The allocation for projects and activities within the Construction account is shown in the following table:

***H2445** Updated Capability.-The agreement adjusts some project-specific allocations downward from the budget request based on updated information regarding the amount of work that could be accomplished in fiscal year 2018.

Additional Funding.-The agreement includes additional funds for projects and activities to enhance the nation's economic growth and international competitiveness. Of the additional funds provided in this account, the Corps shall allocate not less than \$2,850,000 to projects with riverfront development components. Of the additional funding provided in this account for flood and storm damage reduction and flood control, the Corps shall allocate not less than \$5,400,000 to additional nonstructural flood control projects. Of the additional funds provided in this account for flood and storm damage reduction, navigation, and other authorized project purposes, the Corps shall allocate not less than \$15,000,000 to authorized reimbursements for projects with executed project cooperation agreements and that have completed construction or where nonfederal sponsors intend to use the funds for additional water resources development activities. Of the additional funding provided in this account for flood and storm damage reduction and flood control, the Corps shall allocate not less than \$7,000,000 to continue construction of projects that principally include improvements to rainfall drainage systems that address flood damages. Of the additional funding provided for flood and storm damage reduction, flood control, and environmental restoration or compliance, the Corps shall allocate not less than \$1,000,000 for projects for hurricane and storm damage risk reduction and environmental restoration with both structural and nonstructural project elements.

The Corps is reminded that dam safety projects authorized under section 5003 of the Water Resources Development Act of 2007 are eligible to compete for the additional funding provided in this account.

When allocating the additional funding provided in this account, the Corps shall consider eligibility and implementation decisions under [Public Law 115-123](#) so as to maximize the reduction of risk to public safety and infrastructure and the reduction of future damages from floods and storms nationwide. [Public Law 115-123](#) included

funding within the Flood Control and Coastal Emergencies account to restore authorized shore protection projects to full project profile. That funding is expected to address most of the current year capability. Therefore, to ensure funding is not directed to where it cannot be used, the agreement includes \$50,000,000 for construction of shore protection projects. The Corps is reminded that if additional work can be done, these projects are also eligible to compete for additional funding for flood and storm damage reduction.

When allocating the additional funding provided in this account, the Corps is encouraged to evaluate authorized reimbursements in the same manner as if the projects were being evaluated for new or ongoing construction and shall consider giving priority to the following:

1. benefits of the funded work to the national economy;
2. extent to which the work will enhance national, regional, or local economic development;
3. number of jobs created directly by the funded activity;
4. ability to obligate the funds allocated within the calendar year, including consideration of the ability of the non-federal sponsor to provide any required cost share;
5. ability to complete the project, separable element, or project phase with the funds allocated;
6. legal requirements, including responsibilities to Tribes;
7. for flood and storm damage reduction projects (including authorized nonstructural measures and periodic beach renourishments),
 - a. population, economic activity, or public infrastructure at risk, as appropriate; and
 - b. the severity of risk of flooding or the frequency with which an area has experienced flooding;
8. for shore protection projects, projects in areas that have suffered severe beach erosion requiring additional sand placement outside of the normal beach renourishment cycle or in which the normal beach renourishment cycle has been delayed;
9. for navigation projects, the number of jobs or level of economic activity to be supported by completion of the project, separable element, or project phase;
10. for projects cost shared with the Inland Waterways Trust Fund (IWTF), the economic impact on the local, regional, and national economy if the project is not funded, as well as discrete elements of work that can be completed within the funding provided in this line item;
11. for other authorized project purposes and environmental restoration or compliance projects, to include the beneficial use of dredged material; and
12. for environmental infrastructure, projects with the greater economic impact, projects in rural communities, projects in communities with significant shoreline and instances of runoff, projects in or that benefit counties or parishes with high poverty rates, projects in financially distressed municipalities, and projects that will provide substantial benefits to water quality improvements.

The agreement provides funds making use of all estimated annual revenues in the IWTF. The Corps shall allocate all funds provided in the IWTF Revenues line item along with the statutory cost share from funds provided in the Navigation line item prior to allocating the remainder of funds in the Navigation line item.

Aquatic Plant Control Program.-Of the funding provided for the Aquatic Plant Control Program, \$1,000,000 shall be for activities for the control of the flowering rush. Of the funding provided for the Aquatic Plant Control Program, \$5,000,000 shall be for nationwide research and development to address invasive aquatic plants; within this funding, the Corps is encouraged to support cost shared aquatic plant management programs. Of the funding provided for the Aquatic Plant Control Program, \$5,000,000 shall be for watercraft inspection stations, as authorized by section 1039 of the Water Resources Reform and Development Act of 2014, and related monitoring.

Continuing Authorities Program (CAP).-The agreement continues to support all sections of the Continuing Authorities Program. Funding is provided for eight CAP sections at a total of \$40,500,000, an increase of \$31,500,000 above the budget request, which proposed funding for only four sections. This program provides a useful tool for the Corps to undertake small localized projects without the lengthy study and authorization process typical of larger Corps projects. Within the Continuing Authorities Program and to the extent already authorized by law, the Corps is encouraged to consider projects that enhance coastal and ocean ecosystem resiliency, projects in regions comprised of cities whose historic flooding has been caused predominantly by winter snowmelt and ice floes, and projects that address erosion problems jeopardizing box culvert crossings on public roadways. The management of the Continuing Authorities Program shall continue consistent with direction provided in previous fiscal years.

Alternative Financing.-The agreement only includes direction in the Expenses account.

Oyster Restoration.-The Corps is encouraged to include funding in future budget submissions for the Chesapeake Bay Oyster Restoration program.

The Dalles Dam.-The agreement includes Senate language. Additionally, the Administration is directed to brief the Committees on Appropriations of both Houses of Congress not later than 15 days after enactment of this Act on any decision to require a new start determination or new investment decision for additional work on an ongoing plan, including justification if such a decision has been made.

McCook Reservoir.-In addition to the Senate report language, the Corps is encouraged to provide sufficient funding in future budget submissions.

MISSISSIPPI RIVER AND TRIBUTARIES

The agreement includes \$425,000,000 for Mississippi River and Tributaries.

The allocation for projects and activities within the Mississippi River and Tributaries account is shown in the following table:

***H2448 Additional Funding.**-When allocating the additional funding provided in this account, the Corps shall consider giving priority to completing or accelerating ongoing work that will enhance the nation's economic development, job growth, and international competitiveness, or are for studies or projects located in areas that have suffered recent natural disasters. While this funding is shown under remaining items, the Corps shall use these funds in investigations, construction, and operation and maintenance, as applicable. Of the additional funds provided in this account for flood control, the Corps shall allocate not less than \$11,770,000 for additional flood control construction projects. Of the additional funds provided in this account for other authorized project purposes, the Corps shall allocate not less than

\$742,000 for operation and maintenance of facilities that are educational or to continue land management of mitigation features.

Mississippi River Commission.-No funding is provided for this new line item. The Corps is directed to continue funding the costs of the commission from within the funds provided for activities within the Mississippi River and Tributaries project.

OPERATION AND MAINTENANCE

The agreement includes \$3,630,000,000 for Operation and Maintenance.

The allocation for projects and activities within the Operation and Maintenance account is shown in the following table:

***H2470 Updated Capability.**-The agreement adjusts some project-specific allocations downward from the budget request based on updated information regarding the amount of work that could be accomplished in fiscal year 2018.

Surveillance of Northern Boundary Waters, Oregon.-The agreement includes funding for activities in support of the Columbia River Treaty in this line item, as in previous years, rather than in a new line item "Columbia River Treaty 2024 Implementation, OR & WA" in the Investigations account as in the budget request.

Additional Funding for Ongoing Work.-When allocating the additional funding provided in this account, the Corps shall consider giving priority to the following:

1. ability to complete ongoing work maintaining authorized depths and widths of harbors and shipping channels, including where contaminated sediments are present;
2. ability to address critical maintenance backlog;
3. presence of the U.S. Coast Guard;
4. extent to which the work will enhance national, regional, or local economic development, including domestic manufacturing capacity;
5. extent to which the work will promote job growth or international competitiveness;
6. number of jobs created directly by the funded activity;
7. ability to obligate the funds allocated within the calendar year;
8. ability to complete the project, separable element, project phase, or useful increment of work within the funds allocated;
9. risk of imminent failure or closure of the facility; and
10. for harbor maintenance activities,
 - a. total tonnage handled;

- b. total exports;
- c. total imports;
- d. dollar value of cargo handled;
- e. energy infrastructure and national security needs served;
- f. designation as strategic seaports;
- g. lack of alternative means of freight movement; and
- h. savings over alternative means of freight movement.

Additional funding provided for donor and energy transfer ports shall be allocated in accordance with [33 U.S.C. 2238c](#). The Corps is encouraged to include funding for this program in future budget requests.

Facility Protection.-The agreement provides funding for completion and deployment of tools to address hydrologic extremes.

Monitoring of Completed Navigation Projects.-Of the funding provided, \$3,700,000 shall be to support the structural health monitoring program to facilitate research to maximize operations, enhance efficiency, and protect asset life through catastrophic failure mitigation and \$2,000,000 shall be for research related to the impacts of reduced navigational lock operations as described in the Senate report. The Corps is encouraged to also consider the need for additional work on the evaluation of grouted trunnion rods and the validation of technologies such as protective coatings.

Water Operations Technical Support.-Funding in addition to the budget request is included for research into atmospheric rivers first funded in fiscal year 2015. The Corps is directed to brief the Committees on Appropriations of both Houses of Congress not later than 30 days after the enactment of this Act on the application of this work to other locations and projects, including technical transferability, cost estimates, and appropriate budget structure.

Great Lakes Navigation System.-The agreement includes funding for individual projects within this System that exceeds the funding level envisioned in section 210(d)(1)(B)(ii) of the Water Resources Development Act of 1986.

Beneficial Use of Dredged Material.-In addition to Senate direction, the Corps shall brief the Committees on Appropriations of both Houses of Congress not later than 30 days after the enactment of this Act on the status of implementation of this authority, including schedule, project selection details, cost estimates, and planned budget structure.

Coastal Inlet Research Program.-Funding in addition to the budget request is included for the Corps to work with the National Oceanic and Atmospheric Administration's National Water Center on protecting the nation's water resources.

REGULATORY PROGRAM

The agreement includes \$200,000,000 for the Regulatory Program.

Aquaculture Activities.-The agreement includes House and Senate direction.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The agreement includes \$139,000,000 for the Formerly Utilized Sites Remedial Action Program.

FLOOD CONTROL AND COASTAL EMERGENCIES

The agreement includes \$35,000,000 for Flood Control and Coastal Emergencies. The agreement does not include use of prior-year balances.

EXPENSES

The agreement includes \$185,000,000 for Expenses.

Alternative financing.-There is support among Members of Congress and within the Administration for public-private partnerships (P3) and other alternative financing mechanisms. These arrangements have the potential to be project delivery tools to help sustain the performance of existing infrastructure and construct new infrastructure more quickly. In fiscal year 2016, the Corps was directed to develop a policy on how proposals for public-private partnerships will be considered by the Corps and how these partnerships will be incorporated into the budget policy. A policy will allow interested non-federal sponsors equal opportunity to develop proposals for the Corps to review under established guidelines. To date, the Corps has not developed a policy. Therefore, the Corps is directed to issue this policy not later than 180 days after the enactment of this Act. Concurrently, the Corps shall provide to the Committees on Appropriations of both Houses of Congress a report on potential project and alternative financing evaluation metrics, including identifying the viability of using total return on federal investment as a metric for analyzing projects while also considering and addressing longstanding equity concerns that federal funding decisions not be biased by non-federal decisions to construct projects in advance of federal funding or to provide funding in excess of legally required cost shares. Until such policy is issued, the Corps shall discontinue all work on project specific public-private partnerships beyond the P3 project selected as a new start in fiscal year 2016.

Implementation guidance.-The Corps is directed to issue expeditiously implementation guidance for section 1043 of the Water Resources Reform and Development Act of 2014 (non-federal implementation pilot program).

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

The agreement includes \$5,000,000 for the Office of the Assistant Secretary of the Army for Civil Works. The agreement includes legislative language that restricts the availability of funding until the Secretary submits a work plan that allocates at least 95 percent of the additional funding provided in each account (i.e., 95 percent of additional funding provided in Investigations, 95 percent of additional funding provided in Construction, etc.). This restriction shall not affect the roles and responsibilities established in previous fiscal years of the Office of the Assistant Secretary of the Army for Civil Works, the Corps headquarters, the Corps field operating agencies, or any other executive branch agency.

GENERAL PROVISIONS-CORPS OF ENGINEERS-CIVIL

(INCLUDING TRANSFER OF FUNDS)

The agreement includes a provision relating to reprogramming.

The agreement includes a provision regarding the allocation of funds.

The agreement includes a provision prohibiting the use of funds to carry out any contract that commits funds beyond the amounts appropriated for that program, project, or activity.

The agreement includes a provision concerning funding transfers related to fish hatcheries.

The agreement includes a provision regarding certain dredged material disposal activities.

The agreement includes a provision regarding acquisitions.

The agreement includes a provision regarding reallocations at a project.

The agreement includes a provision regarding section 404 of the Federal Water Pollution Control Act.

The agreement includes a provision regarding a report by the Chief of Engineers.

TITLE II-DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

The agreement includes a total of \$10,500,000 for the Central Utah Project Completion Account, which includes \$8,152,000 for Central Utah Project construction, \$898,000 for transfer to the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, and \$1,450,000 for necessary expenses of the Secretary of the Interior.

BUREAU OF RECLAMATION

In lieu of all House and Senate report direction regarding additional funding and the fiscal year 2018 work plan, the agreement includes direction under the heading "Additional Funding for Water and Related Resources Work" in the Water and Related Resources account.

WATER AND RELATED RESOURCES

(INCLUDING TRANSFERS OF FUNDS)

The agreement includes \$1,332,124,000 for Water and Related Resources. The agreement includes legislative language, in accordance with [Public Law 114-322](#), to allow the use of certain funding provided in fiscal year 2017.

The catastrophic drought in the western United States over the past several years has impacted community access to life-giving water. Accordingly, the agreement supports the Interior Department's efforts to complete feasibility studies or initiate construction on seven projects identified by the Department in the State of California, State of Idaho, and State of Washington, consistent with [Section 4007 of Public Law 114-322](#). The Department is directed to work expeditiously to bring these projects to fruition. Furthermore, funds made available in accordance with [Section 4007 of Public Law 114-322](#) shall not be expended on construction ***H2471** activities until such time as the Bureau of Reclamation has complied with all applicable laws, including sections 4007(j) and 4012(a)(1) of [Public Law 114-322](#).

The agreement for Water and Related Resources is shown in the following table:

***H2481** Scoggins Dam, Tualatin Project, Oregon.-The agreement supports the administration's budget request for preconstruction activities at Scoggins Dam under the Safety of Dams program. Consistent with the Tualatin Project Water Supply Feasibility Study authorized in [Public Law 108-137](#) and statutory authority granted by [Public Law 114-113](#) allowing for additional benefits to be conducted concurrently with dam safety improvements, Reclamation is directed to evaluate alternatives, including new or supplementary works, provided that safety remains the paramount consideration, to address dam safety modifications and increased storage capacity. Considering the high risk associated with Scoggins Dam, Reclamation is encouraged to work with local stakeholders and repayment contractors on this joint project including feasibility and environmental review of the preferred alternative. A replacement structure downstream could significantly reduce project costs for both the federal government and local stakeholders. Reclamation may accept contributed funds from non-federal contractors to expedite completion of any level of review.

Salton Sea.-The agreement includes Senate direction.

Additional Funding for Water and Related Resources Work.-The agreement includes funds in addition to the budget request for Water and Related Resources studies, projects, and activities. Priority in allocating these funds should be given to advance and complete ongoing work, including preconstruction activities and where environmental compliance has been completed; improve water supply reliability; improve water deliveries; enhance national, regional, or local economic development; promote job growth; advance tribal and nontribal water settlement studies and activities; or address critical backlog maintenance and rehabilitation activities. Of the additional funding provided under the heading "Water Conservation and Delivery", \$134,000,000 shall be for water storage projects as authorized in [section 4007 of Public Law 114-322](#). Of the additional funding provided under the heading "Environmental Restoration or Compliance", not less than \$30,000,000 shall be for activities authorized under sections 4001 and 4010 of [Public Law 114-322](#) or as set forth in federal-state plans for restoring threatened and endangered fish species affected by the operation of the Bureau of Reclamation's water projects.

Not later than 45 days after the enactment of this Act, Reclamation shall provide to the Committees on Appropriations of both Houses of Congress a report delineating how these funds are to be distributed, in which phase the work is to be accomplished, and an explanation of the criteria and rankings used to justify each allocation.

Reclamation is reminded that activities authorized under Indian Water Rights Settlements and under [section 206 of Public Law 113-235](#) are eligible to compete for the additional funding provided under "Water Conservation and Delivery".

Research and Development: Desalination and Water Purification Program.-Of the funding provided for this program, \$12,000,000 shall be for desalination projects as authorized in [section 4009\(a\) of Public Law 114-322](#).

WaterSMART Program: Title XVI Water Reclamation & Reuse Program.-Of the funding provided for this program, \$20,000,000 shall be for water recycling and reuse projects as authorized in [section 4009\(c\) of Public Law 114-322](#).

Projects Serving Military Installations.-Reclamation is directed to submit to the Committees on Appropriations of both Houses of Congress not later than 120 days after enactment of this Act a report describing existing programs, authorities, and funding options available to advance water projects that serve military installations. Reclamation shall consult with the Department of Defense in developing this report.

Rural Water.-Voluntary funding in excess of legally required cost shares for rural water projects is acceptable, but shall not be used by Reclamation as a criterion for allocating additional funding provided in this agreement or for budgeting in future years.

WIIN Act Implementation.-The Bureau of Reclamation is directed to move expeditiously on implementation of the WIIN Act ([Public Law 114-322](#)). Specifically, Reclamation is expected to recommend water storage projects for funding under section 4007 and water desalination projects for funding under section 4009(a) by no later than September 30, 2018. To meet this deadline, Reclamation, by no later than April 30, 2018, shall develop guidelines and criteria for administering section 4009(a) and issue a funding opportunity announcement for funding provided under that section in fiscal years 2017 and 2018.

Title XVI Evaluation Criteria.-The Secretary is directed to review the technical proposal evaluation criteria in future funding opportunity announcements associated with water recycling and reuse projects to ensure that a diversity of water recycling projects are able to equitably compete for funding. When evaluating projects for available funding, the Secretary is directed to consider that a project's economic benefits can be measured in multiple ways, not only through cost per acre-foot of water generated, to ensure an equitable comparison of projects. Further, the Secretary is directed to consider the cost per acre-foot of each project in comparison to other water supply alternatives available within the project area and the cost per acre-foot of water generated by projects with similar characteristics.

Buried Metallic Water Pipe.-Reclamation shall continue following its temporary design guidance.

CENTRAL VALLEY PROJECT RESTORATION FUND

The agreement provides \$41,376,000 for the Central Valley Project Restoration Fund.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$37,000,000 for the California Bay-Delta Restoration Program.

POLICY AND ADMINISTRATION

The agreement provides \$59,000,000 for Policy and Administration.

ADMINISTRATIVE PROVISION

The agreement includes a provision limiting the Bureau of Reclamation to purchase not more than five passenger vehicles for replacement only.

GENERAL PROVISIONS-DEPARTMENT OF THE INTERIOR

The agreement includes a provision outlining the circumstances under which the Bureau of Reclamation may reprogram funds.

The agreement includes a provision regarding the San Luis Unit and Kesterson Reservoir in California.

The agreement includes a provision regarding the Reclamation States Emergency Drought Relief Act of 1991.

The agreement includes a provision regarding aquifer recharge at a project.

TITLE III-DEPARTMENT OF ENERGY

The agreement provides \$34,520,049,000 for the Department of Energy to fund programs in its primary mission areas of science, energy, environment, and national security. The Department is prohibited from funding fellowship and scholarship programs in fiscal year 2018 unless the programs were explicitly included in the budget justification or funded within this agreement. The Department is expected to spend funds as provided for within this agreement in an expeditious manner, to include the issuance of funding opportunity announcements and awards of funds.

Five-Year Plan.-The Department is directed to submit to the Committees on Appropriations of both Houses of Congress not later than September 30, 2018 a report on the plan to comply with [42 U.S.C. 7279a](#).

Grid Modernization.-The Department is directed to continue to support ongoing work between the national laboratories, industry, and universities to improve grid reliability and resiliency. The Department is also directed to continue implementation of the Grid Modernization Multi-Year Program Plan. The National Academies of Sciences, Engineering, and Medicine is directed to conduct an evaluation of the expected medium and long-term evolution of the grid. This evaluation shall focus on developments that include the emergence of new technologies, planning and operating techniques, grid architecture, and business models.

Cybersecurity.-The Department is directed to provide to the Committees on Appropriations of both Houses of Congress not later than 90 days after the enactment of this Act the cybersecurity plans directed in the House and Senate reports.

Payments in Lieu of Taxes (PILT).-In lieu of House direction, DOE shall conduct a review of its current PILT agreements and provide to the Committees on Appropriations of both Houses of Congress not later than 180 days after enactment of this Act a report that describes the following:

- (1) the terms and costs of each PILT agreement;
- (2) a description of how DOE determines site eligibility;
- (3) an analysis of whether the current PILT agreements use methods of calculation that are consistent with current DOE policy guidelines, with guidance in the Atomic Energy Act that the Department shall be guided by the policy of not making payments in excess of the taxes which would have been payable for such property in the condition in which it was acquired, or with methods of calculation at other DOE sites;
- (4) an explanation for any agreements with notable variances, including special burdens;
- (5) a description of DOE procedures for negotiating and approving new agreements, including internal oversight mechanisms in place;
- (6) recommendations for changes needed to ensure that agreements are consistent across sites.

The agreement includes direction in the House report for the Comptroller General to provide an update on any changes to DOE's PILT program since the issue was last examined by the Government Accountability Office.

REPROGRAMMING REQUIREMENTS

The agreement carries the Department's reprogramming authority in statute to ensure that the Department carries out its programs consistent with congressional direction. The Department shall, when possible, submit consolidated, cumulative notifications to the Committees on Appropriations of both Houses of Congress.

Definition.-A reprogramming includes the reallocation of funds from one program, project, or activity to another within an appropriation. For construction projects, a reprogramming constitutes the reallocation of funds from one construction project to another project or a change of \$2,000,000 or 10 percent, whichever is less, in the scope of an approved project. *H2482

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

The agreement provides \$2,321,778,000 for Energy Efficiency and Renewable Energy (EERE).

The Department is directed to work with the Environmental Protection Agency to review its 2009 Memorandum of Understanding related to the Energy Star Program and report to the Committees on Appropriations of both Houses of Congress not later than 90 days after the enactment of this Act on whether the expected efficiencies for home appliance products have been achieved.

SUSTAINABLE TRANSPORTATION

Vehicle Technologies.-Within available funds, the agreement provides not less than \$160,000,000 for Electric Drive Technologies Research and Development, not less than \$25,000,000 for Energy Efficient Mobility Systems, not less than \$42,988,000 for Advanced Combustion Engine Research and Development, not less than \$25,000,000 for Materials Technology, not less than \$16,000,000 for Vehicle Systems, and not less than \$10,000,000 to continue funding of Section 131 of the 2007 Energy Independence and Security Act for transportation electrification. The agreement provides \$20,000,000 for the SuperTruck II program to further improve the efficiency of heavy-duty class 8 longand regional-haul vehicles and continue support of the five SuperTruck II awards. The agreement provides \$46,300,000 for Outreach, Deployment, and Analysis. Within this amount, \$37,800,000 is provided for Deployment through the Clean Cities Program and \$2,500,000 is for year four of EcoCAR3. Within available funds, the agreement provides up to \$15,000,000 for mediumand heavy-duty on-road natural gas engine research and development, including energy efficiency improvements, emission after-treatment technologies, fuel system enhancements, and new engine development and up to \$10,000,000 to continue to support improving the energy efficiency of commercial off-road vehicles, including fluid power systems.

Bioenergy Technologies.-Within available funds, the agreement provides \$27,000,000 for feedstock supply and logistics; \$90,000,000 for Conversion Technologies, of which \$20,000,000 is to continue the Agile Biology Foundry, \$5,000,000 is to continue the biopower program, and \$5,000,000 is to improve the efficiency of community and smaller digesters that accept both farm and food wastes; and \$30,000,000 for algal biofuels. When awarding grants and cooperative agreements for algal biofuels research and development, not less than 50 percent of the dollar value of awards shall be for universityor industry-led consortia. The Department is directed to provide to the Committees on Appropriations of both Houses of Congress not later than 180 days after the enactment of this Act a report on research and development activities that can improve the economic viability of municipal solid waste-to-energy facilities.

Hydrogen and Fuel Cell Technologies.-Within available funds, the agreement provides \$19,000,000 for Technology Acceleration activities, including \$3,000,000 for manufacturing research and development and \$7,000,000 for industry-led efforts to demonstrate a hydrogen-focused integrated renewable energy production, storage, and transportation fuel distribution/retailing system. Within available funds, the agreement provides \$2,000,000 for the EERE share of the

integrated energy systems work with the Office of Nuclear Energy and \$7,000,000 to enable integrated energy systems using high and low temperature electrolyzers with the intent of advancing the H2@Scale concept.

RENEWABLE ENERGY

Solar Energy.-Within available funds, the agreement provides \$55,000,000 for concentrating solar power research, development, and demonstration of technologies that reduce overall system costs, better integrate subsystem components, develop higher-temperature receivers, and improve the design of solar collection and thermal energy storage; \$70,000,000 for Photovoltaic Research and Development; and \$20,000,000 for Innovations in Manufacturing Competitiveness. The Department is encouraged to continue to support the Photovoltaic Regional Test Centers. Within available funds for concentrating solar power research, development, and demonstration, \$6,000,000 is provided for competitively selected projects focused on advanced thermal desalination techniques.

Wind Energy.-Within available funds, the agreement provides not less than \$10,000,000 on LCOE reduction, domestic manufacturing, and lowering market barriers for distributed wind systems, including small wind for rural homes and farms. The Department is directed to give priority to stewarding the assets and optimizing the operations of the Department-owned wind research and testing facilities. The agreement provides not less than \$30,000,000 for the National Wind Technology Center. The Department is directed to support the advancement of innovative technologies for offshore wind development, including freshwater, deepwater, shallow water, and transitional depth installations. In addition, the Department is directed to continue to support the previously awarded innovative Offshore Wind Advanced Technology Demonstration Projects and to support the deployment and testing of scale floating wind turbines designed to reduce energy costs. Within available funds, the agreement provides not less than \$15,000,000 for the Department to prioritize early stage research on materials and manufacturing methods and advanced components that will enable accessing high-quality wind resources, on development that will enable these technologies to compete in the marketplace without the need for subsidies, and on activities that will accelerate fundamental offshore-specific research and development, such as those that target technology and deployment challenges unique to U.S. waters.

Water Power.-In lieu of Senate report direction, the agreement provides \$70,000,000 for marine and hydrokinetic technology research, development, and deployment activities, including research into mitigation of marine ecosystem impacts of these technologies. The Department is directed to continue development of the open-water wave energy test facility with previously provided funds. The Department is directed to continue competitive solicitations to increase energy capture, reliability, and survivability at lower costs for a balanced portfolio of wave and current (ocean, river, tidal) energy conversion systems and components. Within available funds, the agreement provides \$30,000,000 for industry and university-led basic and applied research, development, and validation projects encompassing a pipeline of higher and lower technology readiness levels. The funds shall be used for new awards or to bring existing and validation awards toward completion. The agreement provides not less than \$8,000,000 to support collaborations between the previously designated university-based Marine Renewable Energy Centers and the national laboratories, including personnel exchanges, to support industry by conducting research, development, and deployment of marine energy components and systems. In addition, the Department is directed to continue its coordination with the U.S. Navy on marine energy technology development for national security applications at the Wave Energy Test Site and other locations. Within available funds, the Department is directed to prioritize the necessary infrastructure upgrades at marine industry testing sites operated by the national laboratories or the National Marine Renewable Energy Centers. The agreement provides not less than \$1,000,000 for these efforts.

Within available funds, \$35,000,000 is provided for conventional hydropower and pumped storage activities, including \$6,600,000 for the purposes of section 242 of the Energy Policy Act of 2005 ([Public Law 109-58](#)). The agreement provides \$10,000,000 for a competitive funding opportunity for multiple awardees to test the commercial viability of new use cases for pumped storage hydropower at locations to enhance grid reliability and manage variable generation.

Geothermal Technologies.-In lieu of Senate report direction, the agreement provides \$30,000,000 for the continuation of activities for the Frontier Observatory for Research in Geothermal Energy project. The Department is directed to continue its efforts to identify prospective geothermal resources in areas with no obvious surface expressions.

ENERGY EFFICIENCY

Advanced Manufacturing.-The following is the only direction for Advanced Manufacturing. The agreement provides not less than \$4,205,000 for improvements in the steel industry and \$5,000,000 for transient kinetic analysis for scaling of industrial processes and developing new catalysis programs for industrial applications. Within available funds, \$85,000,000 is for Advanced Manufacturing Research and Development Projects; \$153,000,000 is for Advanced Manufacturing Research and Development Facilities, of which \$70,000,000 is for five Clean Energy Manufacturing Innovation (CEMI) Institutes, including \$14,000,000 each for the Advanced Composites Manufacturing Innovation Institute, the Smart Manufacturing Innovation Institute, the Reducing Embodied-energy and Decreasing Emissions (REMADE) Institute, the Rapid Advancement in Process Intensification Deployment (RAPID) Institute, and a CEMI selection to be announced, \$20,000,000 is for the Manufacturing Demonstration Facility (MDF), \$20,000,000 is for the Energy-Water Desalination Hub, and \$25,000,000 is for the Critical Materials Hub; and \$30,000,000 is for Industrial Technical Assistance, of which \$5,000,000 is for the Combined Heat and Power Technical Assistance Partnerships and \$7,000,000 is for related combined heat and power activities. Within funds for the MDF, the Department is directed to continue its emphasis on assisting small and medium-sized businesses to overcome the risks and challenges of investing in specialized, high-technology equipment at the MDF. Within available funds for Industrial Assessment Centers, the agreement provides not less than \$1,500,000 for wastewater treatment technical assistance. Within available funds, the agreement provides \$10,000,000 for district heating and directs the Department to collaborate with industry and provide to the Committees on Appropriations of both Houses of Congress not later than 90 days after the enactment of this Act a report that assesses the potential energy efficiency and energy security gains to be realized with district energy systems. The Department is directed to further foster the partnership between the national laboratories, universities, and industry to use thermoplastics composites and 3-D printing for renewable energy to overcome challenges to the development and implementation of innovative offshore wind technologies.

Building Technologies.-The agreement provides \$23,000,000 for Residential Buildings Integration, \$32,000,000 for Commercial ***H2483** Buildings Integration, \$90,000,000 for Emerging Technologies, and \$50,000,000 for Equipment and Buildings Standards. Within available funds, \$25,000,000 is for transactive controls research and development, of which \$5,000,000 is to continue promoting regional demonstrations of new, utility-led, residential Connected Communities advancing smart grid systems. Within available funds, \$25,000,000 is for solid-state lighting technology development and, if the Secretary finds solid-state lighting technology eligible for the Twenty-First Century Lamp Prize specified under Section 655 of the Energy Independence and Security Act of 2007, \$5,000,000 is provided in addition to funds for solid-state lighting research and development. The agreement also provides \$10,000,000, within available funds, for research and development for energy efficiency efforts related to the direct use of natural gas in residential applications, including gas heat pump heating and water heating, on-site combined heat and power, and natural gas appliance venting.

Weatherization and Intergovernmental Programs.-The Department is directed to make \$500,000 available to current Weatherization Assistance Program grant recipients via the Weatherization Innovation Pilot Program to develop and implement strategies to treat harmful substances, including vermiculite.

ELECTRICITY DELIVERY AND ENERGY RELIABILITY

The agreement provides \$248,329,000 for Electricity Delivery and Energy Reliability.

Within Transmission Reliability, the agreement provides \$5,000,000 for university, national laboratory, and industry research and development for competitively-awarded activities to develop multi-use integrated analytical and decision-making tools.

Within Resilient Distribution Systems, the agreement provides \$5,000,000 for field validation of sensors using data analytics for utilities to improve operations in steady-state and under extreme conditions, and to continue early-stage research to develop low-cost, printable sensors that can predict the health of critical equipment in the electric delivery system.

Within Cyber Security for Energy Delivery Systems, the agreement provides \$10,000,000 to complete the development of the industry-scale electric grid test bed and not less than \$5,000,000 to develop cyber and cyber-physical solutions for advanced control concepts for distribution and municipal utility companies.

Within Transformer Resilience and Advanced Components, the Department is directed to continue to support research and development for advanced components and grid materials for low-cost, power flow control devices, including both solid state and hybrid concepts that use power electronics to control electromagnetic devices and enable improved controllability, flexibility, and resiliency.

The Department is directed to provide to the Committees on Appropriations of both Houses of Congress not later than 90 days after the enactment of this Act a report identifying strategic laboratory, university, and industry partnerships that would enhance national security and assist industry in addressing critical threats, including electromagnetic pulses, geomagnetic disturbances, cyberattacks, and supply chain disruptions.

NUCLEAR ENERGY

The agreement provides \$1,205,056,000 for Nuclear Energy.

Nuclear Energy Enabling Technologies.-Within available funds, \$50,000,000 is for Crosscutting Technology Development, of which \$10,000,000 is for work on advanced sensors and instrumentation, \$6,000,000 is for hybrid energy systems, and not less than \$30,000,000 is to support development of advanced reactor technologies and high-priority crosscutting research and development areas. Funding for nuclear cybersecurity and hybrid electric systems is provided only within Crosscutting Technology Development. The agreement provides \$41,000,000 for the Nuclear Science User Facilities, of which \$5,000,000 is for nuclear energy computation support. In lieu of House direction, the agreement provides \$28,200,000 for Nuclear Energy Advanced Modeling and Simulation and \$30,000,000 for the Energy Innovation Hub for Modeling and Simulation to continue ongoing work, including collaboration with the Nuclear Regulatory Commission to evaluate the use of high fidelity modeling and simulation tools in the regulatory environment.

Reactor Concepts Research and Development.-Within available funds, \$155,000,000 is for Advanced Reactor Technologies, of which not less than \$60,000,000 is for a solicitation to support technical, first-of-its-kind engineering and design and regulatory development of next generation light water and non-light water reactor technologies, including small modular reactors; \$18,000,000 is for the third year of the advanced reactor concepts program; \$3,000,000 is for testing and development of dynamic convection technology; and up to \$5,000,000 is for a MW-scale reactor study. The agreement provides \$35,000,000 for the versatile fast test reactor for research and development activities to achieve CD-0. The project is directed to follow the Department of Energy Order 413.3B "Program and Project Management for the Acquisition of Capital Assets" guidance once CD-0 is obtained. The agreement provides \$47,000,000 for the Light Water Reactor Sustainability program to continue research and development work on the technical basis for subsequent license renewal. The Department shall focus funding within the Light Water Reactor Sustainability program on materials aging and degradation, advanced instrumentation and control technologies, and component aging modeling and simulation. The Department shall also coordinate with industry and the national laboratories to determine other

areas of high-priority research and development in this area. The Department is directed to provide to the Committees on Appropriations of both Houses of Congress within 180 days of the enactment of this Act a report that sets aggressive, but achievable goals to demonstrate a variety of private-sector advanced reactor designs and fuel types by the late 2020s. The report shall include anticipated costs, both federal and private, needed to achieve the goals. The Department shall collaborate with national laboratories, nuclear vendors, utilities, potential end users (such as petrochemical companies), and other stakeholders to identify subprogram priorities necessary to meet the identified goals. The Department is also directed to provide to the Committees on Appropriations of both Houses of Congress not later than 90 days after the enactment of this Act a report that details all current programs and projects within the Office of Nuclear Energy, whether the Department plans to continue to support each program or project, and the expected out-year funding through completion of the program or project.

Fuel Cycle Research and Development.-The agreement provides \$125,000,000 for the Advanced Fuels program, of which not less than \$55,600,000 is to continue the participation of three industry-led teams in Phase 2 of the cost shared research and development program on Accident Tolerant Fuels; not less than \$20,000,000 is to support accident tolerant fuels development at the national laboratories and other facilities, including at the Advanced Test Reactor, the Transient Reactor Test Facility, and the Halden reactor; \$3,000,000 is for continuation of the previously competitively awarded small business projects to develop ceramic cladding for Accident Tolerant Fuels; and \$8,000,000 is for additional support of capability development of transient testing, including test design, modeling, and simulation. Within available funds, \$8,641,000 is for Systems Analysis and Integration and \$30,000,000 is for Material Recovery and Waste Form Development.

The agreement provides \$86,415,000 for Used Nuclear Fuel Disposition, of which \$63,915,000 is to continue generic research and development activities. Within available funds for Used Nuclear Fuel Disposition, the Department is directed to continue research and development activities on behavior of spent fuel during storage, transportation, and disposal, with priority on preparation activities for testing high-burnup fuel and post-irradiation examination of spent fuel rods and on the direct disposal of dry storage canister technologies. In lieu of Senate report direction, the agreement includes \$22,500,000 for Integrated Waste Management System activities and no further direction. Within the amounts for Used Nuclear Fuel Disposition, the agreement does not include defense funds.

Radiological Facilities Management.-The agreement includes \$20,000,000 for continued safe operation and maintenance of Oak Ridge National Laboratory hot cells.

Idaho Facilities Management.-In lieu of House and Senate report direction, the agreement provides \$288,000,000 for INL Operations and Infrastructure to support the MFC and ATR Five Year Plan to increase reliability and sustainability. The Department is directed to provide to the Committees on Appropriations of both Houses of Congress not later than 180 days after the enactment of this Act a report that lists the current and planned users for the ATR for the next 3 years, the operating cost attributed to each user, and the source of funds that will be applied to cover the costs for each user.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The agreement provides \$726,817,000 for Fossil Energy Research and Development.

The agreement does not include the proposed restructuring of the "NETL Research and Operations" and "NETL Infrastructure" accounts and instead continues the budget structure from fiscal year 2017. The Department is directed to develop a cohesive policy and technology strategy and supporting roadmap or long-term plan for its Fossil Energy Research and Development portfolio and supporting infrastructure to guide the discovery or advancement of technological solutions that incorporate lessons learned for the future of research, development, and demonstration efforts on advanced carbon capture and storage (CCS) technologies, advanced fossil energy systems, and crosscutting

fossil energy research, as well as guide the discovery or advancement of technological solutions for the prudent and sustainable development of unconventional oil and gas. The Department is directed to deliver the "Fossil Energy Roadmap" to the Committees on Appropriations of both Houses of Congress not later than 1 year after the enactment of this Act. The agreement does not support the closure of any National Energy Technology Laboratory (NETL) sites and provides no funds to plan, develop, implement, or pursue the consolidation or closure of any of the NETL sites. The agreement directs the Department to conduct a comprehensive assessment of Fossil *H2484 Energy writ large to include the Fossil Energy Headquarters programs, NETL, and relevant competencies of other national laboratories which support the mission of the Office of Fossil Energy. The assessment shall include an examination of the roles and responsibilities of staff within the Headquarters program, operations offices, and NETL to ensure the fossil energy research and development portfolio and supporting infrastructure are responsive to a cohesive policy and technology strategy.

Coal Carbon Capture and Storage (CCS) and Power Systems.-The Department is directed to use funds from Coal CCS and Power Systems for both coal and natural gas research and development as it determines to be merited, as long as such research does not occur at the expense of coal research and development. The agreement includes \$35,000,000 to continue to support the solicitation for two large-scale pilots that focus on transformational coal technologies that represent a new way to convert energy to enable a step change in performance, efficiency, and the cost of electricity compared to today's technologies. Such technologies include thermodynamic improvements in energy conversion and heat transfer, such as pressurized oxygen combustion and chemical looping, and improvements in carbon capture systems technology. In making the awards for large-scale pilots, the Department should prioritize entities that have previously received funding for these technologies at the lab and bench scale. The agreement provides \$2,000,000 for Hybrid Carbon Conversion activities. The agreement also includes funding for the Department's National Carbon Capture Center consistent with the cooperative agreement and fiscal year 2017.

Within Carbon Storage, the agreement provides \$12,000,000 for Carbon Use and Reuse and \$45,000,000 for Storage Infrastructure. The agreement recognizes the successful work of the Regional Carbon Sequestration Partnerships (RCSPs) and the important role they have played in supporting the research and development of CCS. The Department is directed to fulfill prior commitments to the RCSPs. Within available funds for Storage Infrastructure, the agreement provides not less than \$30,000,000 to support the CarbonSAFE initiative in which the RCSPs are eligible to participate. Within Advanced Energy Systems, the agreement provides \$25,000,000 for Gasification Systems, of which \$8,000,000 is for the Advanced Air Separation Program to continue activities improving advanced air separation technologies and \$30,000,000 is for Solid Oxide Fuel Cells to focus on research and development to enable efficient, cost-effective electricity generation with minimal use of water and the use of abundant domestic coal and natural gas resources with near-zero atmospheric emissions of CO₂ and pollutants. Within available funds for Advanced Energy Systems, the Department is directed to focus on modular coal technologies that are capable of distributed generation, represent maximum efficiency improvements over the current average fleet, incorporate advanced emissions control systems, and are economically competitive. Within Cross Cutting Research, the agreement provides \$20,000,000 for Coal Utilization Science, \$34,500,000 for Plant Optimization Technologies, \$18,000,000 for the Advanced Ultrasupercritical Program, and \$1,000,000 to award research grants to qualifying universities and institutions in the Department's Historically Black Colleges and Universities and Hispanic-Serving Institutions education and training program. Within NETL Coal Research and Development, the agreement provides \$15,000,000 for the Department to expand its external agency activities to develop and test commercially viable advanced separation technologies at proof-of-concept or pilot scale that can be deployed near term for the extraction and recovery of rare earth elements and minerals from U.S. coal and coal byproduct sources having the highest potential for success.

Natural Gas Technologies.-The agreement provides \$5,200,000 to continue the Risk Based Data Management System (RBDMS) to support a cloud-based application and necessary cybersecurity initiatives. The Department is directed to support the continued integration of FracFocus and RBDMS for improved public access to State oil and gas related data, as well as for State regulatory agencies to support electronic permitting for operators, eForms for improved processing

time for new permits, operator training from the improved FracFocus 3.2 after enhancements are implemented, and miscellaneous reports such as " Produced Water Report: Current and Future Beneficial Uses Report".

The agreement provides \$20,000,000 for Methane Hydrate Activities, \$9,000,000 for Environmentally Prudent Development, \$10,000,000 for Emissions Mitigation from Midstream Infrastructure, and \$5,000,000 for Emissions Quantification from Natural Gas Infrastructure.

Unconventional Technologies.-Within available funds, \$12,300,000 is for research to better understand reservoirs and to improve low recovery factors from unconventional natural gas and oil wells through more efficient well completion methods and \$12,300,000 is to continue research toward enhanced recovery technologies in shale oil, low permeability reservoirs, residual oil zone reservoirs, and technology transfer methods. The Department should coordinate these efforts on a nationwide basis through a consortium of researchers and industry. Funds shall be awarded to a not-for-profit or university consortium comprised of multidisciplinary teams from industry, academia, and stakeholder groups that may also include State organizations. The projects will include research projects to improve environmental mitigation, water quality and treatment, infrastructure technology as well as the societal impacts of unconventional shale plays. These awards shall identify ways to improve existing technologies, encourage prudent development, provide cost effective solutions, and develop a better understanding of these reservoirs' resource potential.

The Department is directed to identify the federal agencies with jurisdictional oversight of establishing an ethane storage and distribution hub in central Appalachia and to coordinate with the liaisons of those agencies to streamline the permitting application and approval process. The Department is encouraged to explore research and development for safe drilling and completion technologies that use no fresh water and can be deployed in horizontal wells. The agreement also provides \$14,000,000 for the Unconventional Field Test Sites. The Department is directed to continue its research partnership with the Department of Transportation on the crude oil characterization study to improve the safety of crude oil transported by rail. The agreement provides \$1,400,000 to continue this study.

NETL Research and Operations.-The Department is directed to establish university partnerships to support efforts to increase production of unconventional fossil fuels through innovative seismic research, including optimizing high resolution and time-lapse geophysical methods for improved resource detection and better rock characterization. The objective of this research is to facilitate necessary technology development, expand understanding of subsurface dynamics, encourage prudent development, and develop best practices and tools.

NETL Infrastructure.-The agreement provides \$5,500,000 for financing NETL's Supercomputer, Joule, through the second year of a 3 year lease and directs the Department to prioritize funds to provide site-wide upgrades for safety and avoid an increase in deferred maintenance.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The agreement provides \$4,900,000 for the operation of the Naval Petroleum and Oil Shale Reserves. The agreement includes the use of \$15,300,000 in prior-year balances.

STRATEGIC PETROLEUM RESERVE

The agreement provides \$252,000,000 for the Strategic Petroleum Reserve. Funding above the budget request is to address facilities development and operations, including physical security and cavern integrity, and to maintain 1,000,000 barrels of gasoline blendstock in the Northeast Gasoline Supply Reserve. The agreement includes legislative language regarding a drawdown and sale of oil and use of proceeds in fiscal year 2018.

SPR PETROLEUM ACCOUNT

The agreement provides \$8,400,000 for the SPR Petroleum Account to pay for the costs of certain statutorily-mandated crude oil sales.

NORTHEAST HOME HEATING OIL RESERVE

The agreement provides \$6,500,000 for the Northeast Home Heating Oil Reserve. The agreement includes the use of \$3,500,000 in prior-year balances.

ENERGY INFORMATION ADMINISTRATION

The agreement provides \$125,000,000 for the Energy Information Administration.

NON-DEFENSE ENVIRONMENTAL CLEANUP

The agreement provides \$298,400,000 for Non-Defense Environmental Cleanup.

Small Sites.-The agreement provides \$119,856,000 for Small Sites. Within this amount, \$41,000,000 shall be for Lawrence Berkeley National Laboratory, \$8,000,000 shall be for Oak Ridge activities, \$37,884,000 shall be for Moab, and \$10,000,000 shall be to complete ongoing work at the Southwest Experimental Fast Oxide Reactor.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

The agreement provides \$840,000,000 for activities funded from the Uranium Enrichment Decontamination and Decommissioning Fund.

Portsmouth.-The agreement includes \$30,000,000 above the budget request, which is equivalent to the amount of proceeds that DOE planned to generate through bartering arrangements in order to fund additional cleanup in fiscal year 2018. After the date of enactment of this Act, DOE shall not barter, transfer, or sell uranium for the remainder of fiscal year 2018 in order to generate additional funding for Portsmouth cleanup that is in excess of the amount of funding provided in this Act.

SCIENCE

The agreement provides \$6,259,903,000 for the Office of Science. The agreement provides \$2,000,000, to be funded from across all Office of Science programs, to support the Distinguished Scientist Program, as authorized in [section 5011 of Public Law 110-69](#).

Advanced Scientific Computing Research (ASCR).-The following is the only direction provided for ASCR. Within available funds, the agreement provides \$205,000,000 for the Exascale Computing Project, \$110,000,000 for the Argonne Leadership Computing Facility, \$162,500,000 for the Oak Ridge Leadership Computing Facility, \$94,000,000 for the National Energy Research Scientific Computing Center at Lawrence Berkeley National Laboratory, \$10,000,000 for the Computational Sciences Graduate Fellowship program, and \$79,000,000 for ESnet. ***H2485**

Basic Energy Sciences (BES).-The following is the only direction provided for BES. The agreement provides not less than \$20,000,000 for the Experimental Program to Stimulate Competitive Research; not less than \$130,500,000

to continue the five existing Nanoscale Science Research Centers; not less than \$110,000,000 for the Energy Frontier Research Centers; not less than \$26,000,000 for exascale systems; not less than \$490,059,000 for the five BES light sources; not less than \$23,900,000 for Other Project Costs, of which \$14,000,000 is for the Advanced Light Source Upgrade, \$7,900,000 is for LCLS II, and \$2,000,000 is for the High Energy Upgrade at LCLS II; and not less than \$281,000,000 for the High-Flux Neutron Sources, of which \$205,000,000 is for the Spallation Neutron Source, \$75,000,000 is for the High-Flux Isotope Reactor, and up to \$1,000,000 is for the Lujan Neutron Scattering Center. Within available funds, the agreement provides not less than \$24,088,000 for the Batteries and Energy Storage Hub and not less than \$15,000,000 for the Fuels from Sunlight Hub. The Department is directed to move forward with the review and renewal process to support the next 5-year charter for next-generation battery and storage technologies. The agreement provides \$7,000,000 for ongoing surveillance and monitoring activities designed to detect groundwater contamination at or near Brookhaven National Laboratory from the legacy High Flux Beam Reactor. The Department is directed to continue its partnership with qualified institutions of higher education in support of energy research activities related to enhanced efficiency in energy conversion and utilization, including emergent polymer optoelectronic technologies.

Biological and Environmental Research (BER).-The following is the only direction provided for BER. The Department is directed to give priority to optimizing the operation of BER user facilities. Within available funds, the agreement provides \$90,000,000 for the four Bioenergy Research Centers, including \$25,000,000 for the three existing centers and \$15,000,000 for the new awardee; not less than \$69,300,000 for the Joint Genome Institute; not less than \$43,200,000 for the Environmental Molecular Sciences Laboratory; not less than \$65,400,000 for the Atmospheric Radiation Measurement User Facility; not less than \$10,000,000 for NGEE-Arctic; not less than \$5,500,000 for NGEE-Tropics; not less than \$8,300,000 for the SPRUCE field site; not less than \$6,800,000 for the Watershed Function Science Focus Area; not less than \$5,700,000 for the Ameriflux project; and \$10,000,000 for exascale computing. Within available funds, the agreement provides \$3,000,000 to support ongoing research and discovery related to mercury biogeochemical transformations in the environment. The Department is directed to expend appropriated funds for critical research on environmental and biological science. Further, the Department is directed to maintain Genomic Science as a top priority and continue to support the Mesoscale to Molecules Activity.

Fusion Energy Sciences.-The agreement provides \$277,665,000 for burning plasma science foundations, \$52,246,000 for burning plasma science long pulse, and \$80,200,000 for discovery plasma science. Within available funds, the agreement provides \$17,500,000 for High Energy Density Laboratory Plasmas and \$20,000,000 for Scientific Discovery through Advanced Computing. The agreement provides \$122,000,000 for the in-kind contributions and related support activities of ITER. The Department is directed to assess science drivers for the NSTX-U to support future planning for the Fusion Energy Sciences program and provide to the Committees on Appropriations of both Houses of Congress a briefing upon completion.

High Energy Physics.-Within available funds, the agreement provides \$24,100,000 and a new detailed table entry for PIP-II, \$9,800,000 for the Large Synoptic Survey Telescope Camera, and \$10,000,000 to continue the upgrade of FACET II. In lieu of House report direction, the agreement provides \$17,500,000 for DESI, \$14,100,000 for LUX ZEPLIN, and \$7,400,000 for SuperCDMS-SnoLab.

Nuclear Physics.-Within available funds, the agreement provides \$10,000,000 for the Stable Isotope Production Facility and \$5,200,000 for the Gamma-Ray Energy Tracking Array. In lieu of Senate report direction on operations, the Department is directed to give priority to optimizing the operations for the Relativistic Heavy Ion Collider, the Continuous Electron Beam Accelerator Facility, the Argonne Tandem Linac Accelerator System, and the Brookhaven Linac Isotope Producer Facility.

Science Laboratories Infrastructure.-The Office of Science is directed to work with the Office of Nuclear Energy to demonstrate a commitment to operations and maintenance of nuclear facilities at Oak Ridge National Laboratory that support multiple critical missions.

ADVANCED RESEARCH PROJECTS AGENCY-ENERGY

The agreement provides \$353,314,000 for the Advanced Research Projects Agency-Energy.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

The agreement provides \$33,000,000 for administrative expenses for the Title 17 Innovative Technology Loan Guarantee Program. This amount is offset by estimated revenues of \$10,000,000, resulting in a net appropriation of \$23,000,000. The agreement maintains the Title 17 Innovative Technology Loan Guarantee Program, and the Department is directed to process loan applications.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

The agreement provides \$5,000,000 for the Advanced Technology Vehicles Manufacturing Loan Program.

TRIBAL ENERGY LOAN GUARANTEE PROGRAM

The agreement provides \$1,000,000 for the Tribal Energy Loan Guarantee Program.

DEPARTMENTAL ADMINISTRATION

The agreement provides \$189,652,000 for Departmental Administration.

Control Points.-In lieu of House and Senate direction on control points, the agreement includes six reprogramming control points in this account to provide flexibility in the management of support functions. The Other Departmental activity includes Management, Project Management Oversight and Assessments, Chief Human Capital Officer, Office of Technology Transitions, Office of Small and Disadvantaged Business Utilization, General Counsel, Energy Policy and Systems Analysis, International Affairs, and Public Affairs. The Department is directed to continue to submit a budget request that proposes a separate funding level for each of these activities. Within International Affairs, the agreement includes \$2,000,000 for the Israel Binational Industrial Research and Development (BIRD) Foundation and \$4,000,000 for the U.S.-Israel Center of Excellence in Energy, Engineering and Water Technology, which were previously funded in the Energy Efficiency and Renewable Energy account.

Chief Information Officer.-To enhance the accountability for management of cyber resources, the agreement consolidates cybersecurity funding under the Office of the Chief Information Officer. The agreement includes \$126,274,000, including \$91,443,000 as requested within Departmental Administration and \$34,831,000 as requested for CyberOne activities within the DOE working capital fund. Within this amount, not less than \$68,974,000 shall be for cybersecurity and secure information.

Small Refinery Exemption.-Under section 211(o)(9)(B) of the Clean Air Act, a small refinery may petition the Environmental Protection Agency (EPA) Administrator for an exemption from the Renewable Fuel Standard (RFS) on the basis that the refinery experiences a disproportionate economic hardship under the RFS. When evaluating a petition, the Administrator consults with the Secretary of Energy to determine whether disproportionate economic hardship exists. According to the Department's March 2011 Small Refinery Exemption Study, disproportionate economic hardship must encompass two broad components: a high cost of compliance relative to the industry average disproportionate impacts, and an effect sufficient to cause a significant impairment of the refinery operations' viability.

If the Secretary finds that either of these two components exists, the Secretary is directed to recommend to the EPA Administrator at least a 50 percent waiver of RFS requirements for the petitioner. The Secretary also is directed to score all of the metrics in the study and to score the metrics according to the 2011 study scoring criteria and not any later addendum to the study. The Secretary is directed to seek small refinery comment before making changes to its scoring metrics for small refinery petitions for RFS waivers and to notify the Committees on Appropriations of both Houses of Congress prior to making any final changes to scoring metrics. Only the impact on the small refinery's transportation fuel margins is pertinent to measuring RFS impacts on relative refining margins. The conference report accompanying the Energy and Water Development and Related Agencies Appropriations Act, 2010, addressed similar issues and directed the Secretary to redo an earlier study done to evaluate whether the RFS program imposes a disproportionate economic hardship on small refineries. In calling for the Secretary to redo the study, the conference report cited the lack of small refinery input into the earlier study, concerns about regional RFS compliance cost disparities, small refinery dependence on the purchase of renewable fuel credits (RINs), and increasing RIN costs. Since then, the dramatic rise in RIN prices has amplified RFS compliance and competitive disparities, especially where unique regional factors exist, including high diesel demand production, no export access, and limited biodiesel infrastructure and production. In response to petitions in prior years, the Secretary determined that the RFS program would impose a disproportionate economic and structural impact on several small refineries. Despite this determination, the Secretary did not recommend, and EPA did not provide, any RFS relief because it determined the refineries were profitable enough to afford the cost of RFS compliance without substantially impacting their viability. The Secretary is reminded that the RFS program may impose a disproportionate economic hardship on a small refinery even if the refinery makes enough profit to cover the cost of complying with the program. Small refinery profitability does not justify a disproportionate regulatory burden where Congress has explicitly given EPA authority, in consultation with the Secretary, to reduce or eliminate this burden.

In lieu of Senate direction, the Department is directed to provide to the Committees on Appropriations of both Houses of Congress a *H2486 quarterly report on the status of projects approved under [42 U.S.C. 16421](#), with the first such report to be provided not later than 30 days after the enactment of this Act.

OFFICE OF THE INSPECTOR GENERAL

The agreement provides \$49,000,000 for the Office of the Inspector General.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

The agreement provides \$14,668,952,000 for the National Nuclear Security Administration (NNSA).

Infrastructure Reporting.-To ensure the expeditious execution of funds provided to address the NNSA's aging infrastructure, the NNSA is directed to report to the Committees on Appropriations of both Houses of Congress on the status of commitments for funds provided for Maintenance and Repair of Facilities, Recapitalization, major items of equipment, general plant projects, and all construction projects on a quarterly basis.

WEAPONS ACTIVITIES

The agreement provides \$10,642,138,000 for Weapons Activities.

W80-4 Life Extension Program.-The Comptroller General is directed to conduct a review of the alternatives analyzed for the W80-4 life extension program, including whether the NNSA considered a wide range of alternatives for components and systems that would meet requirements; how requirements are tracked, integrated, and managed; how

technical and programmatic risk is tracked and managed within the program; whether accurate cost data regarding alternatives was available and utilized to inform decision-making; and whether analyses of alternatives, cost estimates, and project and program management systems adhere to best practices.

Strategic Materials Sustainment.-The agreement includes additional funding to support material de-inventory at the Chemistry and Metallurgy Research facility and to optimize material staging at the Nevada National Security Site.

Science.-Within Academic Alliances and Partnerships, the agreement includes \$19,832,000 for the Minority Serving Institution Partnerships Program and \$2,000,000 for Tribal Colleges and Universities.

Inertial Confinement Fusion and High Yield.-Within funds for Inertial Confinement Fusion and High Yield, \$344,000,000 shall be for the National Ignition Facility, \$75,000,000 shall be for OMEGA, and \$8,000,000 shall be for the Naval Research Laboratory.

Advanced Simulation and Computing.-The agreement provides \$721,244,000 for the Advanced Simulation and Computing program. Within this amount, \$161,000,000 is for the exascale initiative and \$12,000,000 is for advanced memory technology research to address exascale technical challenges.

Advanced Manufacturing Development.-Within amounts provided for Process Technology Development, the agreement includes \$5,000,000 above the budget request to modernize and upgrade legacy applications at weapons production facilities.

Operations of Facilities.-In lieu of language in the House report, the agreement includes funding to prepare and ship transuranic (TRU) waste from Lawrence Livermore National Laboratory (LLNL). Prior to the use of funds to package TRU waste shipments at LLNL, the NNSA's Office of Cost Estimating and Program Evaluation shall conduct a comparative analysis of the costs and benefits of shipping TRU waste from LLNL to Idaho for processing that includes consideration of the benefits of compacting waste for disposal in the Waste Isolation Pilot Plant and shall provide a briefing on its results to the Committees on Appropriations of both Houses of Congress.

Maintenance and Repair of Facilities.-The agreement includes funds above the budget request to address the significant backlog of deferred maintenance at the NNSA's sites and to make progress on the direction provided in the Fiscal Year 2012 Energy and Water Appropriations Act to establish standardized policies for the direct funding of facility and infrastructure maintenance costs at each of the NNSA sites. Within amounts for Maintenance and Repair of Facilities, the agreement includes \$10,000,000 to address deferred maintenance at the Lithium Production Facility.

Recapitalization.-Within Infrastructure and Safety, the agreement includes funds above the budget request to address the NNSA's high-risk excess facilities and deferred maintenance. Of this amount, not less than \$50,000,000 shall be to de-inventory, decommission, and demolish the NNSA's excess facilities and that amount shall include up to \$7,000,000 to support de-inventory and risk reduction at Alpha-5 and Beta-4 and up to \$9,000,000 to demolish facilities and utilities along the proposed new leg of the PIDAS at Y-12.

Albuquerque Complex Project.-The agreement includes \$98,000,000. In lieu of language in the House report, the NNSA is directed to establish a cost cap of \$174,700,000 for the Albuquerque Complex Project, consistent with the total estimated cost for the project as described in the fiscal year 2018 budget request. None of the funds in this or any other Appropriations Act for the Albuquerque Complex Project shall be to demolish facilities being replaced by this project or to exceed this definitive cost cap. The NNSA is directed to disaggregate the scope for demolition from the project and to establish a plan to carry out future demolition activities within the Recapitalization program.

Chemistry and Metallurgy Research (CMR) Building Replacement Project.-As directed in the House report and previous years, funding for the CMR Replacement Project shall be limited to that of the original mission need for the project, that is, to relocate existing analytic chemistry and materials characterization capabilities from the legacy CMR facility. The NNSA is directed to request funding to meet additional plutonium infrastructure mission needs under a new and separate project.

Physical Security Improvement Program.-The agreement includes additional funding above the budget request to recapitalize physical security infrastructure and equipment identified in the NNSA's 10 year Security Systems Refresh Plan.

DEFENSE NUCLEAR NONPROLIFERATION

(INCLUDING RESCISSION OF FUNDS)

The agreement provides \$2,048,219,000 for Defense Nuclear Nonproliferation. The agreement rescinds \$49,000,000 in prior-year balances as proposed in the budget request.

Global Material Security.-Within Global Material Security, not less than \$20,000,000 shall be for the Cesium Irradiator Replacement Program.

Material Disposition.-Within Material Disposition, the agreement includes funding to advance planning for the dilute and dispose alternative to the Mixed Oxide Fuel Fabrication Facility. Also within amounts for Material Disposition, \$1,000,000 shall be for the Uranium Lease and Takeback Program and not less than \$10,000,000 shall be to support activities to expedite the removal of plutonium from the State of South Carolina. Not later than July 1, 2018, the NNSA shall provide to the Committees on Appropriations of both Houses of Congress a plan for removing plutonium from South Carolina.

In lieu of the reporting requirement in the House report on facilities at the Savannah River Site (SRS), the NNSA shall provide to the Committees on Appropriations of both Houses of Congress not later than 60 days after the enactment of this Act a report that details the total DOE operating and maintenance costs of facilities at SRS that the NNSA relies on to carry out its nonproliferation missions and describes the current cost sharing arrangements and other agreements between the NNSA and the Office of Environmental Management.

Laboratory and Partnership Support.-The agreement provides \$92,000,000 for activities that support nuclear material minimization in civilian applications. Within this amount, \$15,000,000 is provided for technical support of global and industry partners that are seeking to minimize the use of highly-enriched uranium in the production of Mo-99, \$19,600,000 is provided to fully fund the remaining costs of the existing cooperative agreements for commercial Mo-99 production, and \$40,000,000 is provided for a new funding opportunity to be competitively awarded and open to both new and existing cooperative agreement partners in order to expedite the establishment of a stable domestic source of Mo-99. The NNSA shall ensure that its programmatic strategies are focused on expediting the delivery of a secure domestic supply of this critical medical isotope, to include making financial contributions on a timely basis. The agreement includes no further direction on the Mo-99 program.

Defense Nuclear Nonproliferation Research and Development (DNN R&D).-Within DNN R&D, the agreement includes \$2,000,000 for continued research and development of novel enrichment technologies to support nonproliferation goals.

Nonproliferation Fuels Development.-The agreement includes \$82,500,000 to research and develop new nuclear fuels that further U.S. nonproliferation goals. Within this amount, \$5,000,000 shall be for the national laboratories to develop high-density low-enriched fuels that could replace highly enriched uranium for naval applications.

NAVAL REACTORS

(INCLUDING TRANSFER OF FUNDS)

The agreement provides \$1,620,000,000 for Naval Reactors. The agreement includes a provision to transfer \$85,500,000 to Nuclear Energy for operations and maintenance of the Advanced Test Reactor. The agreement provides no further direction for funding within Naval Reactors Operations and Infrastructure.

FEDERAL SALARIES AND EXPENSES

The agreement provides \$407,595,000 for the federal salaries and expenses of the Office of the NNSA Administrator.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

The agreement provides \$5,988,048,000 for Defense Environmental Cleanup. Within available funds, the Department is directed to fund the hazardous waste worker training program at \$10,000,000. The Department is directed to provide out-year funding projections in the annual budget request for Environmental Management and an estimate of the total cost and time to complete each site.

Budget Structure Changes.-The agreement rejects the budget structure changes proposed in the budget request, resolves House and Senate budget structure differences, and provides separate funding lines to initiate new decommissioning and demolition (D&D) activities at Oak Ridge, Lawrence Livermore National Laboratory, and *H2487 Idaho National Laboratory. The Department shall use the same cost accounting procedures as in fiscal year 2017 for the Working Capital Fund, Safeguards and Security, Cyber Security, and the indirect cost pools at the Savannah River Site.

Excess Facilities.-Within LLNL Excess Facilities D&D, the agreement includes \$100,000,000 for the D&D of the B280 Pool Type Reactor and other excess facilities at Lawrence Livermore National Laboratory. Within OR Excess Facilities D&D, the agreement includes \$125,000,000 for the D&D of the Biology Complex facilities at Y 12. Within ID Excess Facilities D&D, the agreement includes \$10,000,000 for the D&D of excess facilities and infrastructure at Idaho National Laboratory.

Richland.-Within Richland, the agreement includes funding for interim stabilization of PUREX Tunnel number two and for the demolition of the Plutonium Finishing Plant under new corrective actions that protect workers and the environment, in addition to the additional amounts above the budget request and direction in the Senate report. Also within funds for Richland, the agreement includes \$5,000,000 to develop a certificate of compliance for radioactive materials packaging to advance plans to dispose of buried transuranic waste currently at the 200 Area Burial Grounds. Within Central Plateau Remediation, the agreement includes funding for maintenance and public safety efforts at the B Reactor and the Manhattan Project National Historical Park.

Office of River Protection.-The agreement includes funding above the budget request to resume design and engineering work on the High-Level Waste Treatment facility, to resolve the five remaining technical issues on the

Pretreatment facility, to ensure compliance with 2016 Consent Decree and Tri-Party Agreement milestones, and to continue tank waste retrievals. Not less than 90 days prior to the implementation of any changes to the current program of record for tank waste retrieval and closure and for the Waste Treatment Plant, the Department shall submit to the Committees on Appropriations of both Houses of Congress a report that includes the technical justification and business case, any impact of such changes on the 2016 Consent Decree and Tri-Party Agreement, any necessary regulatory or permit changes by Washington or any other state, any necessary National Environmental Policy Act analysis, and any impact of such changes on site infrastructure.

Idaho National Laboratory.-The agreement includes \$5,000,000 for advanced retrieval and disposition techniques for remote handled mixed low level waste and additional amounts above the budget request to continue operations at the Advanced Mixed Waste Treatment Facility.

Oak Ridge.-The agreement includes \$10,000,000 for an on-site landfill and \$17,100,000 for a mercury treatment facility. The Department must complete these vital facilities on time or risk impacting the important cleanup work in Oak Ridge. Within OR facility D&D, \$2,000,000 shall be used for the study of technical issues regarding groundwater standards that may help resolve regulatory issues associated with these projects.

Savannah River Site.-Within Site Risk Management, the agreement includes \$3,000,000 to support the disposition of spent fuel from the High Flux Isotope Reactor and no additional direction. The Department shall provide to the Committees on Appropriations of both Houses of Congress a report on retiree pensions as directed in the Senate report and not later than 90 days after the enactment of this Act.

Waste Isolation Pilot Plant (WIPP).-Within amounts for WIPP, the agreement includes an additional \$10,000,000 above the budget request to address infrastructure needs.

Safeguards and Security.-Within Safeguards and Security, funding is included for cybersecurity.

Technology Development and Deployment.-Within Technology Development and Deployment, \$5,000,000 is for the National Spent Fuel Program at Idaho National Laboratory and \$5,000,000 is for independent review, analysis, and applied research to support cost-effective, risk-informed cleanup decision-making. Also within amounts provided, \$5,000,000 is to work on qualification, testing, and research to advance the state of the art of containment ventilation systems through cooperative university affiliated research activities and the Department shall take the necessary steps to implement and competitively award a cooperative university affiliated research center for that purpose.

OTHER DEFENSE ACTIVITIES

The agreement provides \$840,000,000 for Other Defense Activities.

Within funds for Environment, Health, Safety and Security, not less than \$1,000,000 is for the Epidemiologic Study of One Million U.S. Radiation Workers and Veterans. The Department shall ensure that funding to process security clearances for program office personnel that are located at DOE headquarters is budgeted for within funds for the responsible program office starting in fiscal year 2019. The agreement includes \$25,000,000 above the budget request for targeted investments to defend the U.S. energy sector against the evolving threat of cyber and other attacks in support of the resiliency of the nation's electric grid and energy infrastructure.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

The agreement provides no appropriation for the Bonneville Power Administration, which derives its funding from revenues deposited into the Bonneville Power Administration Fund.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

The agreement provides a net appropriation of \$0 for the Southeastern Power Administration.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

The agreement provides a net appropriation of \$11,400,000 for the Southwestern Power Administration. The agreement includes the use of \$14,200,000 in prior-year balances. To ensure sufficient authority to meet purchase power and wheeling needs, the agreement includes \$30,000,000 above the level credited as offsetting collections by the Congressional Budget Office. The Department is directed to continue working with the Committees on Appropriations of both Houses of Congress to provide necessary information to address this scoring issue for future fiscal years.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

The agreement provides a net appropriation of \$93,372,000 for the Western Area Power Administration. The agreement includes the use of \$43,853,000 in prior-year balances. To ensure sufficient authority to meet purchase power and wheeling needs, the agreement includes \$30,000,000 above the level credited as offsetting collections by the Congressional Budget Office. The Department is directed to continue working with the Committees on Appropriations of both Houses of Congress to provide necessary information to address this scoring issue for future fiscal years.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

The agreement provides a net appropriation of \$228,000 for the Falcon and Amistad Operating and Maintenance Fund. The agreement includes legislative language authorizing the acceptance and use of contributed funds in fiscal year 2018 for operating, maintaining, repairing, rehabilitating, replacing, or upgrading the hydroelectric facilities at the Falcon and Amistad Dams.

Concerns persist that additional infrastructure investments are necessary at the Falcon and Amistad dams. Western is directed to coordinate with the International Boundary and Water Commission to determine a plan for addressing any needed improvements and brief the Committees on Appropriations of both Houses of Congress not later than 90 days after the enactment of this Act on progress towards finalizing a plan.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

The agreement provides \$367,600,000 for the Federal Energy Regulatory Commission (FERC). Revenues for FERC are set to an amount equal to the budget authority, resulting in a net appropriation of \$0.

GENERAL PROVISIONS-DEPARTMENT OF ENERGY

(INCLUDING TRANSFERS OF FUNDS)

The agreement includes a provision prohibiting the use of funds provided in this title to initiate requests for proposals, other solicitations, or arrangements for new programs or activities that have not yet been approved and funded by the Congress; requires notification or a report for certain funding actions; prohibits funds to be used for certain multi-year "Energy Programs" activities without notification; and prohibits the obligation or expenditure of funds provided in this title through a reprogramming of funds except in certain circumstances.

The agreement includes a provision authorizing intelligence activities of the Department of Energy for purposes of section 504 of the National Security Act of 1947.

The agreement includes a provision prohibiting the use of funds in this title for capital construction of high hazard nuclear facilities, unless certain independent oversight is conducted.

The agreement includes a provision prohibiting the use of funds in this title to approve critical decision 2 or critical decision 3 for certain construction projects, unless a separate independent cost estimate has been developed for that critical decision.

The agreement includes a provision prohibiting funds in the Defense Nuclear Nonproliferation account for certain activities and assistance in the Russian Federation.

The agreement includes a provision regarding management of the Strategic Petroleum Reserve.

The agreement includes a provision on the Department of Energy's Working Capital Fund.

The agreement includes a provision concerning a report by the Secretary of Energy.

The agreement includes a provision restricting the use of funds for the Mixed Oxide Fuel Fabrication Facility Project, establishes a notice and wait requirement prior to the use of funds to terminate the project if requirements in Section 3121(b) of the Fiscal Year 2018 National Defense Authorization Act are satisfied, and no further direction on the project.

The agreement includes a provision on the transfer of unappropriated receipts currently in the Uranium Supply and Enrichment Activities account.

The agreement includes a provision regarding authority to release refined petroleum *H2488 product from the Strategic Petroleum Reserve.

***H2504 TITLE IV-INDEPENDENT AGENCIES**

APPALACHIAN REGIONAL COMMISSION

The agreement provides \$155,000,000 for the Appalachian Regional Commission (ARC). To diversify and enhance regional business development, \$10,000,000 is provided to continue the program of high-speed broadband deployment in distressed counties within the Central Appalachian region that have been most negatively impacted by the downturn in the coal industry. This funding shall be in addition to the 30 percent directed to distressed counties.

Within available funds, \$73,000,000 is provided for base funds and \$50,000,000 is for the POWER Initiative to support communities, primarily in Appalachia, that have been adversely impacted by the closure of coal-powered generating plants and a declining coal industry by providing resources for economic diversification, job creation, job training, and other employment services.

Within available funds, not less than \$16,000,000 is provided for a program of industrial site and workforce development in Southern and South Central Appalachia, focused primarily on the automotive supplier sector and the aviation sector. Up to \$13,500,000 of that amount is provided for activities in Southern Appalachia. The funds shall be distributed according to ARC's Distressed Counties Formula, which is comprised of land area, population estimates, and a proportion of the number of distressed counties.

In addition, the agreement provides \$6,000,000 for a program of basic infrastructure improvements in distressed counties in Central Appalachia. Funds shall be distributed according to ARC's Distressed Counties Formula and shall be in addition to the regular allocation to distressed counties.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

The agreement provides \$31,000,000 for the Defense Nuclear Facilities Safety Board. The agreement includes funding above the request to support activities for employee engagement.

DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

The agreement provides \$25,000,000 for the Delta Regional Authority (DRA). Within available funds, the agreement provides not less than \$10,000,000 for flood control, basic public infrastructure development, and transportation improvements, which shall be allocated separate from the State formula funding method. The agreement does not include a statutory waiver with regard to DRA's priority of funding. The DRA is further directed to focus on activities relating to basic public infrastructure and transportation infrastructure before allocating funding toward other priority areas.

DENALI COMMISSION

The agreement provides \$30,000,000 for the Denali Commission, of which \$15,000,000 is for one-time assistance for adaptation responses for the most urgent needs of rural Alaska villages facing erosion, flooding, and permafrost degradation threats.

NORTHERN BORDER REGIONAL COMMISSION

The agreement provides \$15,000,000 for the Northern Border Regional Commission. Within available funds, not less than \$3,000,000 is provided for initiatives that seek to address the decline in forest-based economies throughout the region. The agreement includes legislative language regarding the management of the Northern Border Regional Commission in fiscal year 2018.

SOUTHEAST CRESCENT REGIONAL COMMISSION

The agreement provides \$250,000 for the Southeast Crescent Regional Commission.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES
(INCLUDING RESCISSION OF FUNDS)

The Commission's mission is to ensure the safety and security of the nation's use of nuclear power and nuclear materials and protect the workers and public who use and benefit from these materials and facilities. The agreement provides \$909,137,000 for Nuclear Regulatory Commission (Commission) salaries and expenses. This amount is offset by estimated revenues of \$779,768,032, resulting in a net appropriation of \$129,300,892. The agreement rescinds \$68,076.04 provided to the Commission from the United States Agency for International Development in 1994 pursuant to section 632(a) of the Foreign Assistance Act of 1961, for which there is no currently authorized use. The agreement includes \$10,000,000 for activities related to the development of regulatory infrastructure for advanced nuclear reactor technologies and \$16,200,000 for international activities, which are not subject to the Commission's general fee recovery collection requirements. The agreement directs the use of \$15,000,000 in prior-year unobligated balances.

The agreement includes the following direction in lieu of all direction included in the House and Senate reports:

Nuclear Reactor Safety.-The agreement includes \$466,655,000 for Nuclear Reactor Safety. This control point includes the Commission's Operating Reactors and New Reactors business lines.

Integrated University Program.-The agreement includes \$15,000,000 for the Integrated University Program. Of this amount, \$5,000,000 is to be used for grants to support projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

Nuclear Materials and Waste Safety.-The agreement includes \$113,145,000 for Nuclear Materials and Waste Safety. Included within this control point are the Fuel Facilities, Nuclear Material Users, and Spent Fuel Storage and Transportation business lines.

Decommissioning and Low-Level Waste.-The agreement includes \$27,980,000 for Decommissioning and Low-Level Waste.

Corporate Support.-The agreement includes \$301,357,000 for Corporate Support. The agreement provides, within available funds, not more than \$9,500,000 for the salaries, travel, and other support costs for the Office of the Commission. These salaries and expenses shall include only salaries and benefit and travel costs, and are not to include general, administrative, or infrastructure costs. The use and expenditure of these funds shall be jointly managed through majority vote of the Commission. The Commission shall continue to include a breakout and explanation of the Commission salaries and expenses in its annual budget requests. If the Commission wishes to change the composition of the funds in future years, it must do so in an annual budget request or through a reprogramming.

Budget Execution Plan.-The Commission shall provide a specific budget execution plan to the Committees on Appropriations of both Houses of Congress not later than 30 days after the enactment of this Act. The plan shall include details at the product line level within each of the control points.

Unobligated Balances from Prior Appropriations.-The Commission carries unobligated balances from appropriations received prior to fiscal year 2017. The agreement requires the use of \$15,000,000 of these balances, derived from fee-based activities. The Commission is directed to apply these savings in a manner that continues to ensure the protection of public health and safety and maintains the effectiveness of the current inspection program. Because the Commission has already collected fees corresponding to these activities in prior years, the agreement does not include these funds within the fee base calculation for determining authorized revenues and does not provide authority to collect additional offsetting receipts for their use. Any remaining unobligated balances carried forward from prior years are

subject to the reprogramming guidelines in section 402 of the Act, and shall only be used to supplement appropriations consistent with those guidelines.

Rulemaking.-The Commission shall submit a list of all rulemaking activities planned, to include their priority, schedule, and actions taken to adhere to the backfit rule, in the annual budget request and the semi-annual report to Congress on licensing and regulatory activities.

Reporting Requirements.-The agreement directs the Commission to submit the following reports:

1. not later than 120 days after the enactment of this Act, a report on the actions taken to improve the fidelity of agency estimates of necessary FTE levels and to optimize the structure of the agency over the next five years, including a review of the size, function, and number of program offices and regional offices; and

2. quarterly reports on licensing goals and right-sizing commitments, as described in the explanatory statement for [P.L. 114-113](#).

Modeling and Simulation Tools.-The Commission is directed to report to the Committees on Appropriations of both Houses of Congress not later than 180 days after the enactment of this Act the Commission's potential uses of the Consortium for Advanced Simulation of Light Water Reactors' tools in its licensing process and safety reviews.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

OFFICE OF INSPECTOR GENERAL

The agreement includes \$12,859,000 for the Office of Inspector General in the Nuclear Regulatory Commission. This amount is offset by revenues of \$10,555,000, for a net appropriation of \$2,304,000.

The agreement includes \$1,131,000 to provide inspector general services for the Defense Nuclear Facilities Safety Board.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

The agreement provides \$3,600,000 for the Nuclear Waste Technical Review Board.

GENERAL PROVISIONS-INDEPENDENT AGENCIES

The agreement includes a provision instructing the Nuclear Regulatory Commission on responding to congressional requests for information.

The agreement includes a provision relating to reprogramming.

TITLE V-GENERAL PROVISIONS

The agreement includes a provision relating to lobbying restrictions.

The agreement includes a provision relating to transfer authority. No additional transfer authority is implied or conveyed by ***H2505** this provision. For the purposes of this provision, the term "transfer" shall mean the shifting

of all or part of the budget authority in one account to another. In addition to transfers provided in this Act or other appropriations Acts, and existing authorities, such as the Economy Act (31 U.S.C. 1535), by which one part of the United States Government may provide goods or services to another part, the Act allows transfers using Section 4705 of the Atomic Energy Defense Act (50 U.S.C. 2745) and 15 U.S.C. 638 regarding SBIR/STTR.

The agreement includes a provision prohibiting funds to be used in contravention of the executive order entitled "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations."

The agreement includes a provision prohibiting the use of funds to establish or maintain a computer network unless such network blocks the viewing, downloading, and exchanging of pornography, except for law enforcement investigation, prosecution, or adjudication activities.

***H2516 DIVISION E-FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2018**

The joint explanatory statement accompanying this division is approved and indicates congressional intent. Unless otherwise noted, the language set forth in [House Report 115-234](#) carries the same weight as language included in this joint explanatory statement and should be complied 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.

Reports.-Where the House or Senate has directed submission of a report, that report is to be submitted to the Committees on Appropriations of the House and Senate. Agencies funded by this Act that currently provide separate copies of periodic reports and correspondence to the chairs and ranking members of the House and Senate Appropriations Committees and Subcommittees on Financial Services and General Government are directed to use a single cover letter jointly addressed to the chairs and ranking members of the Committees and Subcommittees of both the House and the Senate. To the greatest extent feasible, agencies should include in the cover letter a reference or hyperlink to facilitate electronic access to the report and provide the documents by electronic mail delivery. These measures will help reduce costs, conserve paper, expedite agency processing, and ensure that consistent information is conveyed concurrently to the majority and minority committee offices of both chambers of Congress.

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The bill provides \$201,751,000 for departmental offices salaries and expenses.

Wildlife Trafficking.-The Department is directed to use available resources to pursue and enforce money laundering and other related laws as related to wildlife trafficking and the illegal ivory trade, and to report to the Committees on Appropriations of the House and the Senate semiannually during fiscal year 2018 on such enforcement actions and other steps taken to carry out the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 during this fiscal year.

Management of Capital Investments.-The Department is directed to include in its annual Capital Investment Plan, the estimated funding needs for the lifetime capital needs for each project, not just for the budget year. The plan should also include summaries of capital investments by project type.

Puerto Rico.-The Department is directed to submit a report within 30 days of the end of the fiscal year to the Committees on Appropriations of the House and the Senate providing detailed descriptions of any technical assistance that has been provided, including: what activities have been undertaken by Treasury employees in the provision of technical assistance; timeframes within which the activities have occurred; number of full-time-equivalent hours devoted to provision of the activities; and documentation that the activities have occurred.

OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE

SALARIES AND EXPENSES

The bill provides \$141,778,000 for the Office of Terrorism and Financial Intelligence, of which up to \$32,000,000 is for administrative expenses and \$5,000,000 is available until September 30, 2019. The agreement supports Administration requests for additional funds for this account that were made subsequent to the budget submission.

Economic Sanctions and Divestments.-The Department of the Treasury will fully implement sanctions and divestment measures applicable to the proliferation of weapons of mass destruction, terrorism, transnational organized crime, the Islamic State of Iraq and the Levant, Russia, Belarus, North Korea, Iran, Sudan, Syria, Venezuela, Zimbabwe, and designated rebel groups operating in and around the Democratic Republic of Congo. The Department will promptly notify the Committees on Appropriations of the House and the Senate of any resource constraints that adversely impact the implementation of these sanctions programs.

South Sudan.-The Department is directed to report to the Committees on Appropriations of the House and the Senate within 90 days of enactment of this Act on progress on efforts to stem illicit finance in South Sudan.

CYBERSECURITY ENHANCEMENT ACCOUNT

The bill provides \$24,000,000 for the Cybersecurity Enhancement Account (CEA).

The Treasury Chief Information Officer (CIO) is directed to review and approve each investment under the CEA and report to the Committees on Appropriations of the House and the Senate each quarter on the progress of each investment. To ensure the Treasury CIO retains control over the execution of these funds, the agreement does not permit transfers of funds from the CEA.

Spend Plans.-The CIO of each Treasury office and bureau must submit a spend plan for each prospective investment under this heading to the Treasury Department CIO for review. The Treasury CIO is directed to review each investment submitted under the CEA heading to improve oversight of these funds across the Department; none of the funds under this heading will be available to fund such an investment without the approval of the Treasury CIO. The spend plans should include how the investment will: enhance Department-wide coordination of cybersecurity efforts and improve the Department's responsiveness to cybersecurity threats; provide bureau and agency leadership with greater visibility into cybersecurity efforts and further encourage information sharing across bureaus; improve identification of cyber threats and better protect information systems from attack; provide a platform to enhance efficient communication, collaboration, and transparency around the common goal of improving not only the cybersecurity of the Treasury Department, but also the Nation's financial sector. The spend plans should detail the type of cybersecurity enhancement the investment represents, and the cost, scope, schedule of the investment, and explain how it complements existing cyber efforts.

DEPARTMENT-WIDE SYSTEMS AND CAPITOL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$4,426,000 for the Department-Wide Systems and Capital Investments Programs.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The bill provides \$37,044,000 for the Office of Inspector General. The Inspector General is directed to utilize funds provided to meet mandated audit requirements such as information security in addition to other prioritized work including Treasury's responsibilities as they relate to the implementation of anti-money laundering programs and the Community Development Financial Institutions Fund.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

The bill provides \$169,634,000 for salaries and expenses of the Treasury Inspector General for Tax Administration.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

The bill provides \$34,000,000 for salaries and expenses of the Office of the Special Inspector General for the Troubled Asset Relief Program.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

The bill includes \$115,003,000 for salaries and expenses for the Financial Crimes Enforcement Network.

TREASURY FORFEITURE FUND

(RESCISSION)

The bill includes a permanent rescission of \$702,000,000 of the unobligated balances in the Treasury Forfeiture Fund and returns \$38,800,000 from the BNP Paribas S.A. agreement to the general fund of the Treasury.

BUREAU OF THE FISCAL SERVICE

SALARIES AND EXPENSES

The bill provides \$338,280,000 for salaries and expenses of the Bureau of the Fiscal Service, and provides \$165,000 to be derived from the Oil Spill Liability Trust Fund to reimburse Fiscal Service personnel for financial management of the Fund. Within the amount provided in the bill, \$4,210,000 is available until September 30, 2020, for information systems modernization.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

The bill provides \$111,439,000 for salaries and expenses of the Alcohol and Tobacco Tax and Trade Bureau. Within this amount, \$5,000,000 is provided for costs associated with accelerating the processing of label and formula applications, and \$5,000,000 is available until September 30, 2019 for the costs of enforcement of trade practice violations.

Wine Label Accuracy.- The Bureau is directed to proceed with a rulemaking intended to improve label accuracy and to ensure that usage of certain viticultural terms (such as appellations of origin and vintage dates) is consistent with existing laws and regulations governing the use of these protected terms. Within 30 days of enactment of this Act, the Bureau shall brief the Committees on Appropriations of the House and the Senate on how and when it plans to finalize its proposed rule to ensure that a single standard for certain viticultural terms is used on all grape wines regulated under the Federal Alcohol Administration Act and the Internal Revenue Code.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

The bill specifies that not more than \$30,000,000 in new liabilities and obligations may be incurred during fiscal year 2018 for circulating coinage and protective service capital investments of the U.S. Mint.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

The bill provides \$250,000,000 for the Community Development Financial Institutions (CDFI) Fund program. Within this amount, not less than \$160,000,000 is for financial and technical assistance grants, of which up to \$3,000,000 may be used to provide technical and financial assistance to CDFIs that fund projects to help individuals with disabilities; not less than \$16,000,000 is for technical assistance and other purposes for Native American, Native Hawaiian, and Alaska Native ***H2517** communities; not less than \$25,000,000 is for the Bank Enterprise Award program; not less than \$22,000,000 is for the Healthy Food Financing Initiative; and up to \$27,000,000 is for administrative expenses, of which \$1,000,000 is for the development of information technology tools to better measure and assess CDFI investment performance, improve data quality, and enable more efficient allocation of CDFI Fund resources. The bill limits the total loan principal for the Bond Guarantee program to \$500,000,000.

Persistent Poverty.-For purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the 2011-2015 5-year data series available from the American Community Survey of the Census Bureau.

Non-Metropolitan and Rural Areas.-The CDFI Fund is directed to take into consideration the unique conditions, challenges, and scale of non-metropolitan and rural areas when designing and administering programs to address economic revitalization and community development when making CDFI award decisions. The Secretary is directed to report to the House and the Senate Committees on Appropriations within 90 days of enactment of this Act detailing how the fiscal year 2017 CDFI Program recipients intend to serve non-metropolitan and rural areas and populations living in persistent poverty counties.

Capacity Building.-The Secretary is directed to report to the House and Senate Committees on Appropriations within 90 days of enactment of this Act on the expenditure of all capacity building initiatives under the financial assistance and technical assistance programs.

Awards Management Information System.-The bill provides \$1,000,000 for the development of tools, including the Awards Management Information System, to better measure and assess CDFI investment performance, improve data quality, and enable more efficient allocation of CDFI Fund resources. The CDFI Fund is directed to prioritize development of such tools in fiscal year 2018. In addition, the Secretary is directed to report to the House and Senate Committees on Appropriations within 90 days of enactment detailing the status of the deployment of tools to address the Committee's longstanding concerns about the CDFI Fund's ability to verify investment impacts, hold award recipients accountable for award usage, and ensure that CDFIs are delivering investments to the borrowers and communities that need it most.

INTERNAL REVENUE SERVICE

User Fees.-Internal Revenue Service (IRS) is directed to submit a user fee spending plan within 60 days of enactment detailing planned spending on its four appropriations accounts and how programs, investments, and initiatives funded through each appropriations account are supported by user fees.

TAXPAYER SERVICES

The bill provides \$2,506,554,000 for IRS Taxpayer Services. Within the overall amount, not less than \$9,890,000 is for the Tax Counseling for the Elderly Program, not less than \$12,000,000 is for low-income taxpayer clinic grants, and not less than \$206,000,000 is provided for operating expenses of the IRS Taxpayer Advocate Service, of which not less than \$5,500,000 is for identity theft casework.

In addition, within the overall amount provided, not less than \$15,000,000, available until September 30, 2019, is included for the Community Volunteer Income Tax Assistance matching grants program.

Identity Theft.-The IRS is directed to submit a report on identity theft to the Committees on Appropriations reviewed by the National Taxpayer Advocate six months after enactment of this Act.

Telephone Services.-The IRS is directed to continue to improve telephone and face-to-face services. The IRS is directed to submit a report on progress made in these areas to the Committees on Appropriations of the Senate and House of Representatives within 120 days of enactment of this Act.

Taxpayer Assistance Centers.-The IRS is directed to report to the Committees within 120 days of enactment of this Act on the steps being taken to prevent any closures of Taxpayer Assistance Center (TAC) locations, and the status of any proposed alternatives to fully staffed TACs (such as virtual customer service sites). The IRS is directed to conduct a study on the impact of closing a TAC and the adverse effects it has on taxpayers' ability to interact with the IRS. Should the IRS choose to close a TAC location, the IRS is directed to hold a public forum in the impacted community at least six months prior to the planned closure and notify the Committees on Appropriations of the Senate and House of Representatives.

Taxpayer Services in Alaska and Hawaii.-The IRS shall continue to staff each Taxpayer Advocate Service Center in Alaska and Hawaii with a Collection Technical Advisor and an Examination Technical Advisor in addition to the current complement of office staff.

ENFORCEMENT

The bill provides \$4,860,000,000 for Enforcement.

Identity Theft Victim Assistance.-The IRS is directed to provide victims of tax-related identity theft with the name, email, and telephone number of a single employee to assist them in resolving cases where either the victim's case involves more than one tax issue or the victim's case involves more than one tax year. If the victim calls to speak with the designated employee and he or she is unavailable, the victim should be provided the option of leaving a message for the designated employee or speaking with another available employee.

Misclassification of Contractors.-The IRS is directed to notify the House Appropriations Committee, the Senate Appropriations Committee, the House Ways and Means Committee, and the Senate Finance Committee prior to making any staffing reductions or reallocations within the SS-8 processing program.

OPERATIONS SUPPORT

The bill provides \$3,634,000,000 for Operations Support.

BUSINESS SYSTEMS MODERNIZATION

The bill provides \$110,000,000 for Business Systems Modernization.

IT Investments.-The IRS is directed to submit quarterly reports to the Committees and Government Accountability Office (GAO) during fiscal year 2018, no later than 30 days following the end of each calendar quarter. The reports shall include detailed, plain English explanations of the cumulative expenditures and schedule performance to date, specified by fiscal year; the costs and schedules for the previous three months; the anticipated costs and schedules for the upcoming three months; and the total expected costs to complete major IT investments. The quarterly report should clearly explain when the project was started; the expected date of completion; the percentage of work completed as compared to planned work; the current and expected state of functionality; any changes in schedule; and current risks unrelated to funding amounts and mitigation strategies.

Additionally, the Department of the Treasury is directed to conduct a semi-annual review of major IT investments to ensure the cost, schedule, and scope goals of the projects are transparent. GAO is directed to review and provide an annual report to the Committees evaluating the cost and schedule of major IT investments for the year, as well as an assessment of the functionality achieved.

ADMINISTRATIVE PROVISIONS-INTERNAL REVENUE SERVICE

(INCLUDING TRANSFERS OF FUNDS)

The bill includes the following provisions:

Section 101 provides transfer authority.

Section 102 requires the IRS to maintain an employee training program on topics such as taxpayers' rights.

Section 103 requires the IRS to safeguard taxpayer information and to protect taxpayers against identity theft.

Section 104 permits funding for 1-800 help line services for taxpayers and directs the Commissioner to make improving phone service a priority and to enhance response times.

Section 105 prohibits funds for videos unless reviewed in advance by the IRS' Video Editorial Board for cost, topic, tone, and purpose.

Section 106 requires the IRS to issue notices to employers of any address change request and to give special consideration to offers in compromise for taxpayers who have been victims of payroll tax preparer fraud.

Section 107 prohibits the use of funds by the IRS to target United States citizens for exercising any right guaranteed under the First Amendment to the Constitution.

Section 108 prohibits the use of funds by the IRS to target groups for regulatory scrutiny based on their ideological beliefs.

Section 109 requires the IRS to comply with procedures and policies on conference spending in accordance with IRS policies issued as a result of Treasury Inspector General for Tax Administration recommendations.

Section 110 prohibits funds for giving bonuses to employees or hiring former employees without considering conduct and compliance with Federal tax law.

Section 111 prohibits the IRS from using funds made available by this Act to contravene a provision of the Internal Revenue Code of 1986 related to the confidentiality and disclosure of returns and return information.

Section 112 prohibits funds for pre-populated returns.

Section 113 provides \$320,000,000 to be used solely for carrying out [Public Law 115-97](#). The IRS is directed to provide the Committees on Appropriations of the House and Senate no later than 30 days after the enactment of this Act, a detailed spending plan by account and object class for the funds provided. Additionally, the IRS is directed to submit quarterly spending plans broken out by account, and include, at minimum, quarterly obligations and total obligations to date; actual and projected staffing levels; and updated timetables.

ADMINISTRATIVE PROVISIONS-DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

The bill includes the following provisions:

Section 114 allows Treasury to use funds for certain specified expenses.

Section 115 allows for the transfer of up to 2 percent of funds among various Treasury bureaus and offices.

Section 116 allows for the transfer of up to 2 percent from the IRS accounts to the Treasury Inspector General for Tax Administration.

Section 117 prohibits funding to redesign the \$1 note. ***H2518**

Section 118 allows for the transfer of funds from the Bureau of Fiscal Service-Salaries and Expenses to the Debt Collection Fund conditional on future reimbursement.

Section 119 prohibits funds to build a United States Mint museum without the approval of the Committees on Appropriations of the House and Senate and the authorizing committees of jurisdiction.

Section 120 prohibits funding for consolidating the functions of the United States Mint and the Bureau of Engraving and Printing without the approval of the Committees on Appropriations of the House and Senate and the authorizing committees of jurisdiction.

Section 121 specifies that funds for Treasury intelligence activities are deemed to be specifically authorized until enactment of the fiscal year 2018 Intelligence Authorization Act.

Section 122 permits the Bureau of Engraving and Printing to use up to \$5,000 from the Industrial Revolving Fund for reception and representation expenses.

Section 123 requires the Secretary to submit a Capital Investment Plan.

Section 124 requires a Franchise Fund report.

Section 125 prohibits the Department from finalizing any regulation related to the standards used to determine the tax-exempt status of a 501(c)(4) organization.

Section 126 requires the Office of Financial Research and Office of Financial Stability to submit quarterly reports.

Section 127 requires the Special Inspector General for the Troubled Asset Relief Program to prioritize performance audits or investigations of programs funded under the Emergency Economic Stabilization Act of 2008.

TITLE II

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE

SALARIES AND EXPENSES

The bill provides \$55,000,000 for the salaries and expenses of the White House.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

The bill provides \$12,917,000 for the Executive Residence at the White House.

WHITE HOUSE REPAIR AND RESTORATION

The bill provides \$750,000 for repair, alteration and improvement of the Executive Residence at the White House.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

The bill provides \$4,187,000 for salaries and expenses of the Council of Economic Advisers.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

The bill provides \$11,800,000 for salaries and expenses of the National Security Council and Homeland Security Council.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

The bill provides \$100,000,000 for salaries and expenses of the Office of Administration, of which not more than \$12,800,000 is for information technology modernization.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

The bill provides \$101,000,000 for the salaries and expenses of the Office of Management and Budget.

The Office of Management and Budget (OMB) is directed to expand the opportunities for public comment for the next round of delineations for metropolitan and core-based statistical areas using the 2020 Census results. OMB should create a formal process to receive and adjudicate assertions that the delineation or revision of the delineation of a core-based statistical area was not conducted in accordance with the established agency standards, including "2010 Standards for Delineating Metropolitan and Micropolitan Statistical Areas", issued on June 28, 2010 ([75 Federal Register 37246](#)), or any successor to these standards.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

The bill provides \$18,400,000 for salaries and expenses of the Office of National Drug Control Policy.

Opioid Crisis.-The Office of National Drug Control Policy (ONDCP) is a key participant in efforts to combat the opioid epidemic. As ONDCP carries out its mission, it is critically important to ensure that rural and underserved areas that are hardest-hit in the opioid crisis and which have the highest concentrations of opioid-related cases are sufficiently supported in its programs, policies, and activities.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

The bill provides \$280,000,000 for the High Intensity Drug Trafficking Areas (HIDTA) Program.

With this increased funding, ONDCP should solicit funding applications from HIDTAs in states with high levels of drug addiction, including those with the highest opioid overdoses and death rates, and those participating in the Heroin Response Strategy.

Opioid Addiction.-As prescription drug monitoring programs successfully control the supply of prescription drugs available, those struggling with substance abuse disorder who are no longer able to obtain or afford prescription opioids often turn to heroin and other opioids. The prevalence of opioid addiction and the resultant increase in trafficking of, and addiction to, heroin and other opioids is a threat to communities across the nation. The HIDTA Program through ONDCP, is encouraged, to the extent practicable, to prioritize discretionary funds to aid states where heroin and opioid addiction is a threat. HIDTAs enable necessary coordination of law enforcement efforts and support for state and local law enforcement and must continue to play a significant role in the eradication of heroin and prescription drug diversion.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

The bill provides \$117,093,000 for other federal drug control programs. The agreement allocates funds among specific programs as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

UNANTICIPATED NEEDS

The bill provides \$798,000 for unanticipated needs of the President. Within 180 days of enactment of this Act, the Office of Administration is directed to report to the House and Senate Committees on Appropriations on the use of funds appropriated under this heading.

INFORMATION TECHNOLOGY OVERSIGHT AND REFORM

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$19,000,000 for information technology oversight and reform activities.

IT Dashboard.-OMB is directed to ensure that the IT dashboard includes current and accurate information. OMB is further directed to report quarterly to the Committees on Appropriations on the cost savings and reductions in duplicative IT investments as a result of PortfolioStat.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

The bill provides \$4,288,000 for salaries and expenses to enable the Vice President to provide special assistance to the President.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES
(INCLUDING TRANSFER OF FUNDS)

The bill provides \$302,000 for operating expenses for the official residence of the Vice President.

ADMINISTRATIVE PROVISIONS-EXECUTIVE OFFICE OF THE
PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT
(INCLUDING TRANSFER OF FUNDS)

The bill includes the following Administrative Provisions under this title:

Section 201 provides transfer authority among various Executive Office of the President accounts.

Section 202 requires the Office of Management and Budget (OMB) to report on the costs of implementing the Dodd-Frank Wall Street Reform and Consumer Protection Act ([Public Law 111-203](#)).

Section 203 requires the Director of the OMB to include a statement of budgetary impact with any Executive Order issued or revoked during fiscal year 2018 and for Presidential memoranda estimated to have a regulatory cost in excess of \$100,000,000.

TITLE III-THE JUDICIARY
SUPREME COURT OF THE UNITED STATES
SALARIES AND EXPENSES

The bill provides \$82,028,000 for salaries and expenses of the Supreme Court. In addition, the bill provides mandatory costs as authorized by current law for the salaries of the chief justice and associate justices of the court.

CARE OF THE BUILDING AND GROUNDS

The bill provides \$16,153,000 for the care of the Supreme Court building and grounds.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
SALARIES AND EXPENSES

The bill provides \$31,291,000 for salaries and expenses of the United States Court of Appeals for the Federal Circuit. In addition, the bill provides mandatory costs as authorized by current law for the salaries of the chief judge and judges of the court.

UNITED STATES COURT OF INTERNATIONAL TRADE
SALARIES AND EXPENSES

The bill provides \$18,889,000 for salaries and expenses of the United States Court of International Trade. In addition, the bill provides mandatory costs as authorized by current law for the salaries of the chief judge and judges of the court.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The bill provides \$5,099,061,000 for salaries and expenses of the Courts of Appeals, District Courts, and Other Judicial Services. In *H2519 addition, the bill provides mandatory costs as authorized by current law for the salaries of circuit and district judges (including judges of the territorial courts of the United States), bankruptcy judges, and justices and judges retired from office or from regular active service. The bill also provides \$8,230,000 from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

The bill provides \$1,078,713,000 for Defender Services. The bill includes a \$6 increase to the hourly non-capital panel attorney rate above the COLA-adjusted level.

FEES OF JURORS AND COMMISSIONERS

The bill provides \$50,944,000 for Fees of Jurors and Commissioners.

COURT SECURITY

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$586,999,000 for Court Security.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The bill provides \$90,423,000 for salaries and expenses of the Administrative Office of the United States Courts.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The bill provides \$29,265,000 for salaries and expenses of the Federal Judicial Center.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The bill provides \$18,699,000 for salaries and expenses of the United States Sentencing Commission.

ADMINISTRATIVE PROVISIONS-THE JUDICIARY
(INCLUDING TRANSFER OF FUNDS)

The bill includes the following administrative provisions:

Section 301 makes funds appropriated for salaries and expenses available for services authorized by 5 U.S.C. 3109.

Section 302 provides transfer authority among Judiciary appropriations.

Section 303 permits not more than \$11,000 to be used for official reception and representation expenses of the Judicial Conference.

Section 304 extends through fiscal year 2018 the delegation of authority to the Judiciary for contracts for repairs of less than \$100,000.

Section 305 continues a pilot program where the United States Marshals Service provides perimeter security services at selected courthouses.

Section 306 extends temporary judgeships in the eastern district of Missouri, Kansas, Arizona, the central district of California, the northern district of Alabama, the southern district of Florida, New Mexico, the western district of North Carolina, the eastern district of Texas, and Hawaii.

Section 307 authorizes an increase of the daily juror attendance fee by \$10.

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

The bill provides \$40,000,000 for District of Columbia resident tuition support.

The Superintendent is directed to include with the fiscal year 2019 budget justification materials an update on the District of Columbia's efforts to enhance the retention, persistence, and graduation rates of program participants. The report should include research findings, and information on early awareness and readiness initiatives to promote academic college preparation, guidance, and other support mechanisms and partnerships. Further, the budget justification should contain information on the status and effectiveness of cost containment measures instituted by the State Board of Education.

FEDERAL PAYMENT FOR EMERGENCY PLANNING
AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

The bill provides \$13,000,000 for emergency planning and security costs in the District of Columbia to remain available until expended.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

The bill provides \$265,400,000 for the District of Columbia courts, of which \$14,000,000 is for the D.C. Court of Appeals, \$121,000,000 is for the Superior Court, \$71,500,000 is for the D.C. court system, and \$58,900,000 is for capital improvements to courthouse facilities.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$49,890,000 for defender services in the District of Columbia.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

The bill provides \$244,298,000 for court services and offender supervision in the District of Columbia.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA PUBLIC DEFENDER SERVICE

The bill provides \$41,829,000 for public defender services in the District of Columbia.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

The bill provides \$2,000,000 for the Criminal Justice Coordinating Council.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

The bill provides \$565,000 for Judicial Commissions. Within the amount provided, \$295,000 is for the Commission on Judicial Disabilities and Tenure, and \$270,000 is for the Judicial Nomination Commission.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

The bill provides \$45,000,000 for school improvement in the District of Columbia to be distributed in accordance with the provisions of the Scholarships for Opportunity and Results Act (SOAR Act). Of that amount, \$3,200,000 is for administrative expenses and evaluation costs.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

The bill provides \$435,000 for the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program.

FEDERAL PAYMENT FOR TESTING AND TREATMENT OF HIV/AIDS

The bill provides \$5,000,000 for the purpose of HIV/AIDS testing and treatment.

DISTRICT OF COLUMBIA FUNDS

The bill provides authority for the District of Columbia to spend its local funds in accordance with the Fiscal Year 2018 Budget Request Act of 2017.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The bill provides \$14,000,000 for the District of Columbia Water and Sewer Authority.

TITLE V

INDEPENDENT AGENCIES

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

The bill provides \$3,100,000, to remain available until September 30, 2019, for the Administrative Conference of the United States.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

The bill includes \$126,000,000 for the Consumer Product Safety Commission (CPSC). Within the amount provided, \$1,100,000 is available until expended, for the pool and spa safety grants program established by the Virginia Graeme Baker Pool and Spa Safety Act.

Window Treatments.- The agreement does not adopt House report language on Window Treatments.

Table Saw Regulation.-On April 27, 2017, the CPSC issued a notice of proposed rulemaking (NPR) to address blade-contact injuries on table saws. After issuing the NPR, the Commission directed further study regarding the types of table saws that are associated with injuries, and the implications of the rule on the saw marketplace. The CPSC, upon completion of the study, is directed to provide a briefing to the House and Senate Committees on Appropriations on the results of their findings.

CPSC is directed to report to the Committees within 180 days of enactment of this Act on the progress to update the current National Operating Committee on Standards for Athletic Equipment (NOCSAE) football helmet standards regarding new and reconditioned football helmets.

ADMINISTRATIVE PROVISION-CONSUMER PRODUCT SAFETY COMMISSION

Section 501 prohibits the use of Federal funds in fiscal year 2018 for the adoption or implementation of the proposed rule on Recreational Off-highway Vehicles (ROVs) until a study by the National Academy of Sciences is completed.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

The bill provides \$10,100,000 for salaries and expenses of the Election Assistance Commission (EAC). This includes \$1,500,000 to be transferred to the National Institute of Standards and Technology (NIST). As in previous years, within 30 days of the transfer to NIST, NIST shall provide to EAC and the Committees on Appropriations of the House and Senate a detailed expenditure plan. Both EAC and NIST shall establish priorities for the work jointly in order to meet timelines.

As in previous years, the Director (or designee) of NIST shall provide to the Executive Director (or Acting) of the EAC a detailed expenditure plan for the transferred funds within 30 days of the transfer to NIST.

ELECTION REFORM PROGRAM

The bill provides \$380,000,000 to the Election Assistance Commission to make payments to states for activities to improve the administration of elections for Federal office, including to enhance election technology and make election security improvements, as authorized under sections 101, 103, and 104 of the Help America Vote Act (HAVA) of 2002 (P.L. 107 252). Consistent with the requirements of HAVA, states may use this funding to: replace voting equipment that only records a voter's intent electronically with equipment that utilizes a voter-verified paper record; implement a post-election audit system that provides a high-level of confidence in the accuracy of the final vote tally; upgrade election-related computer systems to address cyber vulnerabilities identified through DHS or similar scans or assessments of existing election systems; facilitate cybersecurity training for the state chief election official's office and local election officials; implement established cybersecurity best practices for election systems; and fund other activities that will improve the security of elections for federal office. ***H2520**

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The bill provides \$322,035,000 for salaries and expenses of the Federal Communications Commission (FCC). The bill provides that \$322,035,000 be derived from offsetting collections, resulting in no net appropriation.

Incentive Auction.-The FCC is directed to provide monthly reports to the House and Senate Committees on Appropriations, the Senate Committee on Commerce, and the House Committee on Energy and Commerce with the current status of the construction schedule including the allocation provided and the status of any relief granted to accommodate stations that face unforeseen circumstances during the transition period.

Measuring the Potential Impact of Broadband Access on the Opioid Crisis.-The FCC is directed to use the Connect 2 Health tool to create a map overlaying drug abuse statistics with the level of Internet access to help address challenges in rural areas.

Call Completion in Rural Areas.-The FCC shall report to the House and Senate Committees on Appropriations within 90 days of enactment of this Act detailing the Commission's efforts to resolve call completion issues and to prevent discriminatory delivery of calls to any area of the country. The report shall include information on the number of call completion complaints filed with the Commission in the previous 12 months and on the Commission's resulting enforcement actions.

Broadband Connectivity on Tribal Lands.-The FCC is directed to set interim goals and performance measures for increasing access to broadband on tribal lands, and in addition to funds already committed to the Office of Native Affairs and Policy activities, FCC is encouraged to use all available resources with the goal of spending \$300,000 to support consultation with federally recognized Indian tribes, Alaska Native villages, and entities related to Hawaiian home lands.

National Broadband Map.-The FCC is directed to report to the House and Senate Committees on Appropriations on the actions the FCC plans to take to establish a methodology that will apply to the collection of mobile broadband coverage data for the purposes of the Universal Service program, or any similar programs, to address the current limitations of coverage data no later than 180 days after enactment of this Act.

Information Technology Reform.-The FCC shall report to the House and Senate Committees on Appropriations within six months of enactment of this Act on how it will prioritize future IT reform efforts and identify the most important IT systems to be modernized.

Fines.- Beginning not later than 90 days after enactment of this Act, the FCC is directed to submit quarterly reports to the Committees on Appropriations of the House and Senate, the Committee on Energy and Commerce in the House, and the Committee on Commerce, Science, and Transportation in the Senate on the status of its efforts on tracking and collecting monetary penalties assessed by the agency. The reports should include a list of all Notices of Apparent Liability (NALs) pending, including the date it was issued; all NALs released, including the date of release; all forfeiture order spending, including the date it was issued; all forfeiture orders released, including date of release and date upon which payment is due; all timely paid forfeiture orders; all forfeiture orders referred to the Department of Justice for collection, including date of referral; all consent decrees, including date adopted; and all consent decrees that have resulted in a payment, including date of payment. Additionally, for each of the items listed above, the Commission shall provide the date on which the U.S. Government will no longer be able to effectively prosecute the alleged violation as a result of the statute of limitations.

ADMINISTRATIVE PROVISIONS-FEDERAL COMMUNICATIONS COMMISSION

The bill includes the following administrative provisions for the Federal Communications Commission:

Section 510 prohibits the FCC from changing rules governing the Universal Service Fund regarding single connection or primary line restrictions.

Section 511 authorizes and appropriates \$600,000,000 for the TV Broadcaster Relocation Fund in fiscal year 2018 and \$400,000,000 in fiscal year 2019.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

The bill provides a transfer of \$39,136,000 to fund the Office of Inspector General (OIG) for the Federal Deposit Insurance Corporation. The OIG's appropriations are derived from the Deposit Insurance Fund and the Federal Savings and Loan Insurance Corporation Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

The bill provides \$71,250,000 for salaries and expenses of the Federal Election Commission.

Foreign Contributions. Preserving the integrity of elections, and protecting them from undue foreign influence, is an important function of government at all levels. Federal law, for example, prohibits foreign campaign contributions and expenditures. With that in mind, the Chairman is directed to report to the Committees on Appropriations of the House and Senate no later than 180 days after the enactment of this Act on the Commission's role in enforcing this prohibition, including how it identifies foreign contributions to elections, and what it plans to do in the future to continue these efforts.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

The bill provides \$26,200,000 for the Federal Labor Relations Authority.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The bill provides \$306,317,000 for salaries and expenses of the Federal Trade Commission. This appropriation is partially offset by premerger filing and Telemarketing Sales Rule fees estimated at \$126,000,000 and \$16,000,000, respectively.

Contact Lenses.-The House Report and the Senate draft Report included different language regarding contact lenses.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFERS OF FUNDS)

The bill provides resources from the General Services Administration (GSA) Federal Buildings Fund totaling \$9,073,938,000.

Transportation Technologies.-GSA is directed to submit to the House and Senate Committees on Appropriations the report on transportation technologies for federal fleets required by the Consolidated Appropriations Act, 2017 ([P.L. 115-31](#)) within 30 days of enactment of this Act.

GSA Advantage.-GSA's efforts to verify the accuracy of products listed on GSA Advantage and whether they are Made In the USA have been inconsistent, which is of concern. GSA is directed to report to the House and Senate Committees on Appropriations within 90 days of enactment of this Act on steps it is taking to improve processes for reviewing and verifying a company's business location, the origins of listed products, and a process for customers to report misleading or inaccurate listings.

Buy American.-The creation of a government-wide website, called [BuyAmerican.gov](#), would provide a comprehensive government-wide repository for information about waivers to the Buy American Act, Berry Amendment and other domestic content statutes; assist small and medium-sized manufacturers; and achieve some of the goals of President

Trump's Executive Order on Buy American. GSA is encouraged, in conjunction with OMB, to examine the feasibility of establishing such a website, and to report to the House and Senate Committees on Appropriations within 120 days after enactment of this Act.

Energy Efficiency.-It is important to provide energy efficient, sustainable, and cost-effective measures that address more effectively the infrastructure needs of Federal agencies, including energy savings performance contracts, which allow Federal agencies to partner with the private sector to modernize Federal infrastructure.

Dirksen Courthouse.-The Dirksen Courthouse in Chicago is adjacent to buildings in critical disrepair scheduled to be sold to a developer who will demolish the unsafe structures and rebuild on the site. Concerns have been raised as to the effect of this development plan on the security of the Court and other federal agencies in the courthouse. GSA is directed to review the current development plan to ensure that it does not pose security problems independent of existing security issues at the courthouse and report back to the House and Senate Committees on Appropriations with the results of that review before proceeding with the planned disposition of the properties.

Construction and Acquisition.-The bill provides \$692,069,000 for construction and acquisition.

CONSTRUCTION AND ACQUISITION

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Repairs and Alterations.-The bill provides \$666,335,000 for repairs and alterations. Funds are provided in the amounts indicated:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

For Major Repairs and Alterations, GSA is directed to submit a spending plan, by project, as specified in Section 526 of this Act to the Committees on Appropriations of the House and Senate (Committees) and to provide notification to the Committees, within 15 days prior to any changes in the use of these funds.

Rental of Space.-The bill provides \$5,493,768,000 for rental of space.

Building Operations.-The bill provides \$2,221,766,000 for building operations. Within this amount, \$1,146,089,000 is for building services and \$1,075,677,000 is for salaries and expenses. Up to five percent of the funds may be transferred between these activities upon the advance notification to the Committees. *H2521

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

The bill provides \$53,499,000 for General Services Administration government-wide policy activities. GSA is directed to spend not less than \$2,000,000 on the Unified Shared Services Management Office.

OPERATING EXPENSES

The bill provides \$45,645,000 for operating expenses. Within the amount provided under this heading, the bill provides \$24,357,000 for Real and Personal Property Management and Disposal and \$21,288,000 for the Office of the Administrator. Up to five percent of the funds for the Office of the Administrator may be transferred to Real and Personal Property Management and Disposal upon the advance notification to the Committees on Appropriations of the House and Senate.

CIVILIAN BOARD OF CONTRACT APPEALS

The bill provides \$8,795,000 for the Civilian Board of Contract Appeals.

OFFICE OF INSPECTOR GENERAL

The bill provides \$65,000,000 for the Office of Inspector General.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

The bill provides \$4,754,000 for allowances and office staff for former Presidents.

FEDERAL CITIZEN SERVICES FUND

(INCLUDING TRANSFERS OF FUNDS)

The bill provides \$50,000,000 for deposit into the Federal Citizen Services Fund (the Fund) and authorizes use of appropriations, revenues and collections in the Fund in an aggregate amount not to exceed \$100,000,000. Any deviation from the spending plan required for Electronic Government projects shall require a notification within 30 days to the Committees on Appropriations of the House and Senate.

TECHNOLOGY MODERNIZATION FUND

The bill provides \$100,000,000 for the Technology Modernization Fund.

ASSET PROCEEDS AND SPACE MANAGEMENT FUND

The bill provides \$5,000,000 for the Asset Proceeds and Space Management Fund.

ENVIRONMENTAL REVIEW IMPROVEMENT FUND

The bill provides \$1,000,000 for the Environmental Review Improvement Fund.

ADMINISTRATIVE PROVISIONS-GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

The bill includes the following provisions:

Section 520 specifies that funds are available for hire of motor vehicles.

Section 521 authorizes transfers within the Federal Buildings Fund, with advance approval of the Committees on Appropriations of the House and Senate.

Section 522 requires transmittal of a fiscal year 2019 request for courthouse construction that meets design guide standards, reflects the priorities in the Judicial Conference's 5 year construction plan, and includes a standardized courtroom utilization study.

Section 523 specifies that funds in this Act may not be used to increase the amount of occupiable space or provide services such as cleaning or security for any agency that does not pay the rental charges assessed by GSA.

Section 524 permits GSA to pay certain construction-related claims against the Federal Government from savings achieved in other projects.

Section 525 requires that the delineated area of procurement for leased space match the approved prospectus, unless the Administrator provides an explanatory statement to the appropriate congressional committees.

Section 526 requires a spending plan for certain accounts and programs.

Section 527 establishes the Asset Proceeds Space Management Fund as a fund separate from the Federal Buildings Fund.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

The bill provides \$1,000,000 for payment to the Harry S. Truman Scholarship Foundation Trust Fund.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$46,835,000, to remain available until September 30, 2019, for the salaries and expenses of the Merit Systems Protection Board. Within the amount provided, \$44,490,000 is a direct appropriation and \$2,345,000 is a transfer from the Civil Service Retirement and Disability Fund to adjudicate retirement appeals.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$1,975,000 for payment to the Morris K. Udall and Stewart L. Udall Trust Fund, of which \$200,000 is transferred to the Office of Inspector General of the Department of the Interior to conduct audits and investigations.

The agreement directs the Foundation to report semiannually to the Committee regarding its continued work in instituting reformed internal controls, including milestones achieved.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

The bill provides \$3,366,000 for payment to the Environmental Dispute Resolution Fund.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

The bill provides \$384,911,000 for the operating expenses of the National Archives and Records Administration (NARA).

Digitize Records.-The agreement directs NARA to report, within 90 days of enactment of this Act, on its progress to digitize and preserve physical access to archival records that have been or will be relocated to another State by any facility closure occurring in fiscal years 2014, 2015, 2016, or 2017. The report shall: (1) describe the progress that has been made to digitize and post online such records that have been moved; (2) describe NARA's digitization priorities for 2018 pertaining to any relocated archival records; and (3) include a timeline for completing the digitization and posting online process. -NARA should give due consideration and appropriate adjudication, within the limits of the Federal Records Act and all applicable laws, of any request to review archival records that are relocated as a result of a facility closure, to determine whether those records continue to require permanent preservation in the National Archives.

Presidential Libraries.-The agreement notes NARA's submission of an update of its comprehensive capital needs assessment for its entire infrastructure of Presidential libraries and records facilities, as part of the fiscal year 2018 budget submission and urges NARA to consider an appropriate level of funding for repair of Presidential libraries, with due consideration given to the needs of the Dwight D. Eisenhower Presidential Library in Abilene, KS.

Government Publishing Office Buildings.-Section 635 of the Consolidated Appropriations Act, 2016 provided for the "repair, alteration, and improvement of an additional leased facility to provide adequate storage for holdings of the House of Representatives and the Senate." The funds provided for the renovation and lease of vacant space in the Government Publishing Office (GPO) Building A, in order to alleviate partially a critical shortage of archival storage space for the official records of House and Senate records. The agreement intends for funds appropriated under this Act to be used to complete additional archival space, identified in Building D of the GPO, required to address the shortage and accommodate future holdings of the House of Representatives and the Senate.

Recordkeeping Oversight.-NARA is directed to continue to place a high priority on its recordkeeping oversight mission and to report to the Committees on Appropriations of the House of Representatives and the Senate, the House Committee on Oversight and Government Reform, and the Senate Committee on Homeland Security and Governmental Affairs any instances of substantial non-compliance by executive agencies or significant risk to Federal records that are identified in the course of NARA oversight activities.

OFFICE OF INSPECTOR GENERAL

The bill provides \$4,801,000 for the Office of Inspector General of the National Archives and Records Administration.

REPAIRS AND RESTORATION

The bill provides \$7,500,000 for repairs and restoration.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION GRANTS PROGRAM

The bill provides \$6,000,000 for the National Historical Publications and Records Commission grants program.

The National Historical Publications and Records Commission is urged to continue to support the completion of documentary editions through the National Historical Publications and Records Commission Grants Program and to support the scholarly presentation of our country's most treasured historical documents.

NATIONAL CREDIT UNION ADMINISTRATION
COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

The bill provides \$2,000,000 for the Community Development Revolving Loan Fund.

OFFICE OF GOVERNMENT ETHICS
SALARIES AND EXPENSES

The bill provides \$16,439,000 for salaries and expenses of the Office of Government Ethics.

OFFICE OF PERSONNEL MANAGEMENT
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF TRUST FUNDS)

The bill provides \$260,755,000 for salaries and expenses of the Office of Personnel Management (OPM). Within the amount provided, \$129,341,000 is a direct appropriation and \$131,414,000 is a transfer from OPM trust funds.

The bill provides \$21,000,000 for OPM to improve information technology (IT) security and infrastructure. OPM is directed to provide quarterly briefings to the Committees on Appropriations of the House and Senate outlining progress on its infrastructure improvement project to increase network security and migrate legacy systems, including the Consolidated Business Information Systems. Prior to obligating the \$21,000,000 for IT security improvements, the Director of OPM shall submit to the Committees on Appropriations within 90 days of enactment of this Act a plan for expenditure prepared in consultation with the Director of the Office of Management and Budget, the U.S. Digital Service, and the Department of Homeland Security. The OPM IG is to review and comment upon this plan within 60 days. *H2522

OPM Cybersecurity.-In lieu of the House report language on the National Bureau of Investigations, the agreement directs GAO to brief the Committees on Appropriations of the House and Senate not less than six months after enactment of this Act on actions taken by OPM in response to GAO's information security recommendations. GAO recently reported that OPM had not taken sufficient actions to prevent, mitigate, and respond to data breaches involving sensitive personal and background investigation information, and had not effectively implemented information security controls in selected high-impact systems. These reports (reports GAO-16-501, GAO-16-687SU, GAO-17-459SU, and GAO-17-614) had 80 recommendations and to date, OPM has not implemented the vast majority of these recommendations. OPM is expected to take the steps necessary to complete outstanding GAO recommendations to improve its information security.

OPM Modernization.-OPM is directed to continue providing reports and status update briefings on modernization efforts and the strategic technology plan, as developments and milestones occur, and future plans are determined.

Retirement Backlog.-OPM is directed to continue providing monthly reports to the House and Senate Committees on Appropriations on its progress in addressing the backlog in retirement claims.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF TRUST FUNDS)

The bill provides \$30,000,000 for salaries and expenses of the Office of Inspector General. Within the amount provided, \$5,000,000 is a direct appropriation and \$25,000,000 is a transfer from OPM trust funds.

OFFICE OF SPECIAL COUNSEL
SALARIES AND EXPENSES

The bill includes \$26,535,000 for the salaries and expenses of the Office of Special Counsel.

POSTAL REGULATORY COMMISSION
SALARIES AND EXPENSES
(INCLUDING TRANSFER OF FUNDS)

The bill provides \$15,200,000 for the salaries and expenses of the Postal Regulatory Commission.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD
SALARIES AND EXPENSES

The bill provides \$8,000,000 for salaries and expenses of the Privacy and Civil Liberties Oversight Board.

PUBLIC BUILDINGS REFORM BOARD
SALARIES AND EXPENSES

The bill provides \$5,000,000 for salaries and expenses of the Public Buildings Reform Board.

SECURITIES AND EXCHANGE COMMISSION
SALARIES AND EXPENSES

The bill provides \$1,652,000,000 for the Securities and Exchange Commission (SEC). Of that amount, the bill allocates \$68,950,000 for the Division of Economic and Risk Analysis, no less than \$14,748,358 for the SEC Office of Inspector General, and \$45,000,000 for information technology upgrades and enhancements. In addition, the bill provides another \$244,507,052 for costs associated with relocating the Commission's headquarters. All funds are derived from \$1,896,507,000 in offsetting collections resulting in no net appropriation.

Reserve Fund Notifications.-SEC is directed, in its written notifications to Congress required by [15 U.S.C. 78d\(i\)\(3\)](#) regarding amounts obligated from the SEC Reserve Fund, to specify: (1) the balance in the fund remaining available after the obligation is deducted; (2) the estimated total cost of the project for which amounts are being deducted; (3) the total amount for all projects that have withdrawn funding from the Reserve Fund since fiscal year 2012; and (4) the estimated amount, per project, that will be required to complete all ongoing projects which use funding derived from the Reserve Fund.

Spending Plan.-SEC is directed to submit, within 30 days of enactment, a detailed spending plan for the allocation of appropriated funds displayed by discrete program, project, and activity, including staffing projections, specifying both FTEs and contractors, and planned investments in information technology. SEC is also directed to submit, within 30 days of enactment, a detailed spending plan for the allocation of expenditures from the Reserve Fund.

Data Breach.-GAO is directed to report to the House and Senate Committees on Appropriations not later than 6 months of enactment of this Act on the Electronic Data Gathering Analysis and Retrieval system data breach that occurred in October 2016. The report should include findings on the cause and scope of nonpublic information compromised, actions taken by SEC to mitigate the effects of the breach, and SEC's response to GAO's information security recommendations.

The agreement does not include a section pertaining to electronic delivery of shareholder reports. The SEC did not adopt proposed rule 30e-3 when the Commission adopted the new rules and forms to modernize reporting and the disclosure of information by registered investment companies.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

The bill provides \$22,900,000 for the salaries and expenses of the Selective Service System.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The bill provides \$268,500,000 for salaries and expenses of the Small Business Administration (SBA).

Office of Credit Risk Management.-The bill provides at least \$12,000,000 for SBA's Office of Credit Risk Management for lender oversight and risk-based reviews. SBA is required to maintain the current capability and capacity of the Loan and Lender Monitoring System and to strongly consider ways to upgrade the system to improve lender oversight.

Small Business Investment Company Collaboration.-SBA is directed to continue its collaborative effort with the Securities and Exchange Commission to ensure effective oversight of Small Business Investment Companies (SBIC) and the protection of SBIC investors.

SBIC.-SBA shall release SBIC data and is required to report to the House and Senate Committees on Appropriations a plan to increase the geographic dispersion of SBICs and the number of SBICs in states with below the national median or with no current SBICs no later than 60 days after enactment of this Act.

Federal and State Technology Partnership Program.-The bill provides \$3,000,000 for the Federal and State Technology (FAST) Partnership Program in fiscal year 2018. The Committee supports the FAST program's efforts to

reach innovative, technology-driven small businesses and to leverage the Small Business Innovation Research and Small Business Technology Transfer program to stimulate economic development. Of the amount provided, \$1,000,000 shall be for FAST awards to Small Business and Technology Development Centers fully accredited for technology designation as of December 31, 2017.

Zika Virus on Small Business.-SBA is directed to brief the House and Senate Committees on Appropriations on the effects of the spread of the Zika virus on small businesses and the extent to which SBA has the authority to make disaster loans available to communities impacted by health-related travel advisories.

ENTREPRENEURIAL DEVELOPMENT PROGRAMS

The bill provides \$247,100,000 for SBA Entrepreneurial Development Programs. The SBA shall not reduce these amounts and shall not merge any of the entrepreneurial development programs without the advance written approval from the Committees on Appropriations of the House and Senate.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

Small Business Development Centers.-The bill provides \$130,000,000 for the Small Business Development Center (SBDC) Program for fiscal year 2018. SBA is directed to continue to prioritize a robust SBDC network and, subject to the availability of funds, the Administrator of the SBA shall, to the extent practicable, ensure that a small business development center is appropriately reimbursed within the same fiscal year in which the expenses were incurred for any and all legitimate expenses incurred in carrying out activities under section 21(b)(3)(B) of the Small Business Act ([15 U.S.C. 648\(b\)\(3\)\(B\)](#)).

OFFICE OF INSPECTOR GENERAL

The bill provides \$19,900,000 for the Office of Inspector General of the Small Business Administration.

SBA Modernization.-The SBA Office of Inspector General is directed to continue routine analysis and reporting on SBA's modernization of its loan management and accounting systems.

OFFICE OF ADVOCACY

The bill provides \$9,120,000 for the Office of Advocacy.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$156,220,000 for the Business Loans Program Account. Of the amount provided, \$3,438,172 is for the cost of direct loans in the microloan program, and \$152,782,000 is for administrative expenses to carry out the direct and guaranteed loan programs which may be transferred to and merged with Salaries and Expenses. The bill provides a \$29,000,000,000 cap for SBA 7(a) loans and \$7,500,000,000 for 504 refinance authority.

Employee-Ownership.-It is noted that worker owned businesses are uniquely structured to provide wide-ranging economic benefits. In order to encourage new and assist existing employee owned businesses, SBA is directed to provide education and outreach to businesses, employees, and financial institutions about employee-ownership. This effort should include information about the different business structures available, such as cooperatives, Employee Stock Ownership Plans, and technical assistance to assist employee efforts to become businesses. Further, ***H2523** SBA is

directed to develop guidance on employee-ownership to approved lenders and assist in accessing financing through the 7(a)(15) loan guarantee program.

DISASTER LOANS PROGRAM ACCOUNT

The bill provides no funding for the Small Business Administration Disaster Loans Program. The Disaster Loan Program Administration account received \$618,000,000 in supplemental funding in [P.L. 115-123](#). This is sufficient funding for fiscal year 2018.

ADMINISTRATIVE PROVISIONS-SMALL BUSINESS ADMINISTRATION

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

The bill includes the following administrative provisions for the Small Business Administration:

Section 530 concerns transfer authority and availability of funds.

Section 531 rescinds prior year unobligated balances related to Immediate Disaster Assistance Program and the Expedited Disaster Assistance Loan Program.

Section 532 amends requirement to the microloan program.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

The bill provides \$58,118,000 for a payment to the Postal Service Fund.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$245,000,000 for the Office of Inspector General.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

The bill provides \$50,739,887 for salaries and expenses of the United States Tax Court.

TITLE VI

GENERAL PROVISIONS-THIS ACT

The bill includes the following provisions:

Section 601 prohibits pay and other expenses of non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

Section 602 prohibits obligations beyond the current fiscal year and prohibits transfers of funds unless expressly provided.

Section 603 limits expenditures for any consulting service through procurement contracts where such expenditures are a matter of public record and available for public inspection.

Section 604 prohibits funds in this Act from being transferred without express authority.

Section 605 prohibits the use of funds to engage in activities that would prohibit the enforcement of section 307 of the 1930 Tariff Act (46 Stat. 590).

Section 606 prohibits the use of funds unless the recipient agrees to comply with the Buy American Act.

Section 607 prohibits funding for any person or entity convicted of violating the Buy American Act.

Section 608 authorizes the reprogramming of funds and specifies the reprogramming procedures for agencies funded by this Act.

Section 609 ensures that 50 percent of unobligated balances may remain available for certain purposes.

Section 610 restricts the use of funds for the Executive Office of the President to request official background reports from the Federal Bureau of Investigation without the written consent of the individual who is the subject of the report.

Section 611 ensures that the cost accounting standards shall not apply with respect to a contract under the Federal Employees Health Benefits Program.

Section 612 allows the use of certain funds relating to nonforeign area cost of living allowances.

Section 613 prohibits the expenditure of funds for abortions under the Federal Employees Health Benefits Program.

Section 614 provides an exemption from section 613 if the life of the mother is in danger or the pregnancy is a result of an act of rape or incest.

Section 615 waives restrictions on the purchase of nondomestic articles, materials, and supplies in the case of acquisition by the Federal Government of information technology.

Section 616 is a provision on the acceptance by agencies or commissions funded by this Act, or by their officers or employees, of payment or reimbursement for travel, subsistence, or related expenses from any person or entity (or their representative) that engages in activities regulated by such agencies or commissions.

Section 617 permits the Securities and Exchange Commission and the Commodity Futures Trading Commission to fund a joint advisory committee to advise on emerging regulatory issues, notwithstanding section 708 of this Act.

Section 618 requires agencies covered by this Act with independent leasing authority to consult with the General Services Administration before seeking new office space or making alterations to existing office space.

Section 619 provides for several appropriated mandatory accounts, where authorizing language requires the payment of funds for Compensation of the President, the Judicial Retirement Funds (Judicial Officers' Retirement Fund, Judicial Survivors' Annuities Fund, and the United States Court of Federal Claims Judges' Retirement Fund), the Government Payment for Annuitants for Employee Health Benefits and Employee Life Insurance, and the Payment to the Civil Service Retirement and Disability Fund. In addition, language is included for certain retirement, healthcare and survivor benefits required by [3 U.S.C. 102](#) note.

Section 620 allows the Public Company Accounting Oversight Board to obligate up to \$1,000,000 collected from monetary penalties for the purpose of funding scholarships for accounting students, as authorized by the Sarbanes-Oxley Act of 2002 ([Public Law 107-204](#)).

Section 621 prohibits funds for the Federal Trade Commission to complete the draft report on food marketed to children unless certain requirements are met.

Section 622 prohibits funds for certain positions.

Section 623 addresses conflicts of interest by preventing contractor security clearance-related background investigators from undertaking final Federal reviews of their own work.

Section 624 provides authority for Chief Information Officers over information technology spending.

Section 625 prohibits funds from being used in contravention of the Federal Records Act.

Section 626 relates to electronic communications.

Section 627 relates to Universal Service Fund payments for wireless providers.

Section 628 relates to inspectors general.

Section 629 relates to pornography and computer networks.

Section 630 modifies a provision related to credit monitoring.

Section 631 prohibits funds for the SEC to finalize, issue, or implement any rule, regulation, or order requiring the disclosure of political contributions, contributions to tax-exempt organizations, or dues paid to trade associations in SEC filings.

Section 632 renames a federal courthouse in Jackson, Mississippi.

TITLE VII GENERAL PROVISIONS-GOVERNMENT-WIDE
DEPARTMENTS, AGENCIES, AND CORPORATIONS
(INCLUDING TRANSFER OF FUNDS)

The bill includes the following provisions:

Section 701 requires agencies to administer a policy designed to ensure that all of its workplaces are free from the illegal use of controlled substances.

Section 702 sets specific limits on the cost of passenger vehicles purchased by the Federal Government with exceptions for police, heavy duty, electric hybrid, and clean fuels vehicles with an exception for commercial vehicles that operate on emerging motor vehicle technology.

Section 703 allows funds made available to agencies for travel to also be used for quarters allowances and cost-of-living allowances.

Section 704 prohibits the Government, with certain specified exceptions, from employing non-U.S. citizens whose posts of duty would be in the continental United States.

Section 705 ensures that agencies will have authority to pay the General Services Administration for space renovation and other services.

Section 706 allows agencies to use receipts from the sale of materials for acquisition, waste reduction and prevention, environmental management programs, and other Federal employee programs.

Section 707 provides that funds for administrative expenses may be used to pay rent and other service costs in the District of Columbia.

Section 708 precludes interagency financing of groups absent prior statutory approval.

Section 709 prohibits the use of appropriated funds for enforcing regulations disapproved in accordance with the applicable law of the United States.

Section 710 limits the amount that can be used for redecoration of offices under certain circumstances.

Section 711 permits interagency funding of national security and emergency preparedness telecommunications initiatives, which benefit multiple Federal departments, agencies, and entities.

Section 712 requires agencies to certify that a schedule C appointment was not created solely or primarily to detail the employee to the White House.

Section 713 prohibits the use of funds to prevent Federal employees from communicating with Congress or to take disciplinary or personnel actions against employees for such communication.

Section 714 prohibits Federal training not directly related to the performance of official duties.

Section 715 prohibits the use of appropriated funds for publicity or propaganda designed to support or defeat legislation pending before Congress.

Section 716 prohibits the use of appropriated funds by an agency to provide home addresses of Federal employees to labor organizations, absent employee authorization, or court order.

Section 717 prohibits the use of appropriated funds to provide nonpublic information such as mailing or telephone lists to any person or organization outside of the Government without approval of the Committees on Appropriations.

Section 718 prohibits the use of appropriated funds for publicity or propaganda purposes within the United States not authorized by Congress.

Section 719 directs agencies' employees to use official time in an honest effort to perform official duties.

Section 720 authorizes the use of current fiscal year funds to finance an appropriate *H2524 share of the Federal Accounting Standards Advisory Board administrative costs.

Section 721 authorizes the transfer of funds to the General Services Administration to finance an appropriate share of various Government-wide boards and councils under certain conditions.

Section 722 authorizes breastfeeding at any location in a Federal building or on Federal property.

Section 723 permits interagency funding of the National Science and Technology Council, and requiring an OMB report on the budget and resources of the Council.

Section 724 requires identification of the Federal agencies providing Federal funds and the amount provided for all proposals, solicitations, grant applications, forms, notifications, press releases, or other publications related to the distribution of funding to a State.

Section 725 prohibits the use of funds to monitor personal information relating to the use of Federal Internet sites.

Section 726 regards contraceptive coverage under the Federal Employees Health Benefits Plan.

Section 727 recognizes that the United States is committed to ensuring the health of the Olympic, Pan American and Paralympic athletes, and supports the strict adherence to anti-doping in sport activities.

Section 728 allows departments and agencies to use official travel funds to participate in the fractional aircraft ownership pilot programs.

Section 729 prohibits funds for implementation of OPM regulations limiting detailees to the legislative branch and placing certain limitations on the Coast Guard Congressional Fellowship program.

Section 730 restricts the use of funds for Federal law enforcement training facilities with an exception for the Federal Law Enforcement Training Center.

Section 731 prohibits executive branch agencies from creating or funding prepackaged news stories that are broadcast or distributed in the United States unless specific notification conditions are met.

Section 732 prohibits funds used in contravention of the Privacy Act, [section 552a of title 5, United States Code](#) or section 522.224 of title 48 of the Code of Federal Regulations.

Section 733 prohibits funds in this or any other Act from being used for Federal contracts with inverted domestic corporations or other corporations using similar inverted structures, unless the contract preceded this Act or the Secretary grants a waiver in the interest of national security.

Section 734 requires agencies to remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year to be available to the Office of Personnel Management for the cost of processing retirements of employees who separate under Voluntary Early Retirement Authority or who receive Voluntary Separation Incentive Payments.

Section 735 prohibits funds to require any entity submitting an offer for a Federal contract to disclose political contributions.

Section 736 prohibits funds for the painting of a portrait of an employee of the Federal Government including the President, the Vice President, a Member of Congress, the head of an executive branch agency, or the head of an office of the legislative branch.

Section 737 limits the pay increases of certain prevailing rate employees.

Section 738 eliminates automatic statutory pay increases for the Vice President, political appointees paid under the executive schedule, ambassadors who are not career members of the Foreign Service, politically appointed (noncareer) Senior Executive Service employees, and any other senior political appointee paid at or above level IV of the executive schedule.

Section 739 requires reports to Inspectors General concerning expenditures for agency conferences.

Section 740 prohibits the use of funds to increase, eliminate, or reduce a program or project unless such change is made pursuant to reprogramming or transfer provisions.

Section 741 prohibits the Office of Personnel Management or any other agency from using funds to implement regulations changing the competitive areas under reductions-in-force for Federal employees.

Section 742 prohibits the use of funds to begin or announce a study or a public-private competition regarding the conversion to contractor performance of any function performed by civilian Federal employees pursuant to Office of Management and Budget Circular A176 or any other administrative regulation, directive, or policy.

Section 743 ensures that contractors are not prevented from reporting waste, fraud, or abuse by signing confidentiality agreements that would prohibit such disclosure.

Section 744 prohibits the expenditure of funds for the implementation of agreements in certain nondisclosure policies unless certain provisions are included in the policies.

Section 745 prohibits funds to any corporation with certain unpaid Federal tax liabilities unless an agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

Section 746 prohibits funds to any corporation that was convicted of a felony criminal violation within the preceding 24 months unless an agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Section 747 relates to the Consumer Financial Protection Bureau. Given the need for transparency and accountability in the Federal budgeting process, the Bureau is directed to provide an informal, nonpublic full briefing at least annually before the relevant Appropriations subcommittee on the Bureau's finances and expenditures.

Section 748 addresses possible technical scorekeeping differences for fiscal year 2018 between the Office of Management and Budget and the Congressional Budget Office.

Section 749 declares the inapplicability of these general provisions to title IV and title VIII.

TITLE VIII

GENERAL PROVISIONS-DISTRICT OF COLUMBIA

(INCLUDING TRANSFERS OF FUNDS)

The bill includes the following general provisions for the District of Columbia:

Section 801 allows the use of local funds for making refunds or paying judgments against the District of Columbia government.

Section 802 prohibits the use of Federal funds for publicity or propaganda designed to support or defeat legislation before Congress or any State legislature.

Section 803 establishes reprogramming procedures for Federal funds.

Section 804 prohibits the use of Federal funds for the salaries and expenses of a shadow U.S. Senator or U.S. Representative.

Section 805 places restrictions on the use of District of Columbia government vehicles.

Section 806 prohibits the use of Federal funds for a petition or civil action which seeks to require voting rights for the District of Columbia in Congress.

Section 807 prohibits the use of Federal funds in this Act to distribute, for the purpose of preventing the spread of blood borne pathogens, sterile needles or syringes in any location that has been determined by local public health officials or local law enforcement authorities to be inappropriate for such distribution.

Section 808 concerns a "conscience clause" on legislation that pertains to contraceptive coverage by health insurance plans.

Section 809 prohibits Federal funds to enact or carry out any law, rule, or regulation to legalize or reduce penalties associated with the possession, use or distribution of any schedule I substance under the Controlled Substances Act or any tetrahydrocannabinols derivative. In addition, section 809 prohibits Federal and local funds to enact any law, rule, or regulation to legalize or reduce penalties associated with the possession, use or distribution of any schedule I substance under the Controlled Substances Act or any tetrahydrocannabinols derivative for recreational purposes.

Section 810 prohibits the use of funds for abortion except in the cases of rape or incest or if necessary to save the life of the mother.

Section 811 requires the CFO to submit a revised operating budget no later than 30 calendar days after the enactment of this Act for agencies the CFO certifies as requiring a reallocation in order to address unanticipated program needs.

Section 812 requires the CFO to submit a revised operating budget for the District of Columbia Public Schools, no later than 30 calendar days after the enactment of this Act, that aligns schools budgets to actual enrollment.

Section 813 allows for transfers of local funds between operating funds and capital and enterprise funds.

Section 814 prohibits the obligation of Federal funds beyond the current fiscal year and transfers of funds unless expressly provided herein.

Section 815 provides that not to exceed 50 percent of unobligated balances from Federal appropriations for salaries and expenses may remain available for certain purposes. This provision will apply to the District of Columbia Courts, the Court Services and Offender Supervision Agency and the District of Columbia Public Defender Service.

Section 816 appropriates local funds during fiscal year 2019 if there is an absence of a continuing resolution or regular appropriation for the District of Columbia. Funds are provided under the same authorities and conditions and in the same manner and extent as provided for in fiscal year 2018.

Section 817 specifies that references to "this Act" in this title or title IV are treated as referring only to the provisions of this title and title IV.

This division may be cited as "Financial Services and General Government Appropriations Act, 2018."

***H2544 DIVISION F-DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2018**

The following is an explanation of Division F, which makes appropriations for the Department of Homeland Security (DHS) for fiscal year 2018. Funding provided in this Act not only sustains existing programs that protect the nation from all manner of threats, it ensures DHS's ability to improve preparedness at the federal, state, and local levels, to prevent and respond to terrorist attacks, and to hire, train, and equip DHS frontline forces protecting the homeland.

The language set forth in [House Report 115-239](#) carries the same weight as language included in this joint explanatory statement and should be complied with unless specifically addressed to the contrary in the bill or in this joint explanatory statement. While the statement repeats some language for emphasis, it does not negate any language in the House report unless expressly stated. When this explanatory statement refers to the Committees or the Committees on Appropriations, these references are to the House Appropriations Subcommittee on Homeland Security and the Senate Appropriations Subcommittee on Homeland Security.

This explanatory statement refers to certain laws, organizations, persons, funds, and documents as follows: the Implementing Recommendations of the 9/11 Commission Act of 2007, [Public Law 110-53](#), is referenced as the 9/11 Act; the Robert T. Stafford Disaster Relief and Emergency Assistance Act, [Public Law 93-288](#), is referenced as the Stafford Act; the Department of Homeland Security is referenced as DHS or the Department; the Government Accountability Office is referenced as GAO; and the Office of Inspector General of the Department of Homeland Security is referenced as OIG. In addition, "full-time equivalents" are referred to as FTE; "full-time positions" are referred to as FTP; "Information Technology" is referred to as IT; the DHS "Working Capital Fund" is referred to as WCF; "program, project, and activity" is referred to as PPA; any reference to "the Secretary" should be interpreted to mean the Secretary of the Department of Homeland Security; "component" should be interpreted to mean an agency, administration, or directorate within the Department of Homeland Security; and "budget request" or "the request" should be interpreted to mean the budget of the U.S. Government for fiscal year 2018 that was submitted to Congress on May 23, 2017.

CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex to this joint explanatory statement.

TITLE I-DEPARTMENTAL MANAGEMENT, OPERATIONS, INTELLIGENCE, AND OVERSIGHT
OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT
OPERATIONS AND SUPPORT

A total of \$139,602,000 is provided for Operations and Support, including not more than \$30,000 for official reception and representation (ORR) expenses.

DHS is directed to continue to submit quarterly obligation reports to the Committees for all ORR expenses and shall refrain from using such funds for unnecessary collectibles or memorabilia. A decrease of \$10,000 is assessed to the Secretary's ORR funds due to the assumption of \$657,000,000 in unauthorized fee revenue in the fiscal year 2018 budget request. The Department is directed to work with the Office of Management and Budget (OMB) to ensure that future budget requests do not assume savings from fee proposals that have not been authorized. Bill language has been included to require the Department to submit a budget amendment to reduce spending commensurate with any fee increase that has not been authorized within 60 days of a proposal. Based on technical assistance provided by the Department, a reduction of \$1,647,000 has been distributed within the account to reflect more realistic hiring projections for the remainder of the fiscal year.

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

The Department is directed to provide complete justification materials in future budget requests and to provide details for each office and program, clearly describing the funds necessary to continue current services at the previous fiscal year level, all transfers, any adjustments that have been made to base funding, and all proposed program changes.

The REAL ID program improves the security of state identification materials. The Secretary has the discretion to grant a state additional time to meet the required minimum standards if the state provides adequate justification for delayed compliance. States should have the opportunity to consider methods of compliance consistent with individual state values and traditions.

DHS is engaged in a number of commendable efforts to end human trafficking and child exploitation. Within 60 days of the date of enactment of this Act, DHS shall brief the Committees on component efforts to combat human trafficking and child exploitation and include the following information by component and PPA: a comprehensive list of DHS activities to identify, locate, and protect children against exploitation; the metrics used by DHS to track and evaluate these activities; funding levels associated with these activities; a comprehensive list of state, local, international, and non-government agency partners for these activities; the authorities by which DHS is carrying out these activities; additional authorities that would improve DHS's ability to carry out these activities domestically or internationally; and DHS's progress toward meeting requirements under [Public Law 115-125](#).

The Department is expected to work in partnership with the U.S. Fish and Wildlife Service to improve cooperative efforts to better address wildlife trafficking, and to expeditiously provide overdue reports on wildlife trafficking to the Committees. In addition, an updated report on wildlife trafficking, as outlined in the explanatory statement accompanying [Public Law 115-31](#), shall be provided to the Committees not later than November 15, 2018.

The recently completed northern border threat analysis required by [Public Law 114-267](#) provides the Department with specific information on how best to target and deploy resources along the northern border. The Department is directed to implement the report's key recommendations as part of an operationally focused strategy along the northern

border. Future budget requests should detail specific northern border staffing requirements and request funding for implementation of planned northern border enforcement initiatives by field office.

Should the currently productive relationship between DHS and GAO change, the Committees shall be notified immediately.

OFFICE OF THE SECRETARY

A total of \$18,846,000 is provided for the Office of the Secretary.

The Department shall continue to submit quarterly Border Security Status reports and data on the deportation of parents of U.S.-born children semiannually, as in prior years.

Airports, airlines, and industry have demonstrated a strong willingness to engage with U.S. Customs and Border Protection (CBP) to develop concepts of operations and technologies necessary to facilitate legitimate travel while enhancing security. CBP's facial recognition technology pilot deployments at several airports, including Hartsfield-Jackson Atlanta International Airport and Washington Dulles International Airport, and the ongoing expansion to airports around the United States, have shown great promise. In the near term, CBP is expected to obligate funding to build a back-end communications portal to connect with airlines; develop new software capabilities that leverage one-to-many facial biometric searching and matching; test and maintain biometric equipment; and perform demonstrations with airline participants for entry in the air environment, and for entry and exit in the land and vehicle pedestrian environments. The Department is directed to brief the Committees semiannually on efforts to deploy entry and exit data collection technologies in both the air and land border environments, with the first such briefing due not later than 90 days after the date of enactment of this Act.

U.S. Immigration and Customs Enforcement (ICE) continues to find success through its Biometric Identification Transnational Migration Alert Program, which involves biometric data collection from special interest aliens, violent criminals, fugitives, and confirmed or suspected terrorists encountered ***H2545** by foreign law enforcement and military personnel. The Department, in conjunction with appropriate partner agencies, shall brief the Committees not later than 90 days after the date of enactment of this Act on these important efforts.

The rate of illegal border crossing slowed significantly during 2017, but the efforts of the Government of Mexico to secure its southern border must remain an important focus. Both the United States and Mexico must continue working with the Governments of El Salvador, Guatemala, and Honduras to improve their civil law enforcement capabilities, including by sharing criminal history information, prior orders of removal, and immigration enforcement actions. ICE's Criminal History Information Sharing agreements with the Bahamas, the Dominican Republic, El Salvador, Guatemala, Honduras, and Jamaica continue to be productive, in addition to ICE's work with the Federal Bureau of Investigation's Criminal Justice Information System Advocacy Board to increase the number of conviction codes that are shared between nations. Not later than 90 days after the date of enactment of this Act, the Department, in conjunction with the appropriate components and partner agencies, shall brief the Committees on these efforts, including details on where any law enforcement, coordination, or information sharing gaps exist.

The Department's Entry/Exit Overstay Report for fiscal year 2016 revealed that, at the end of that year, there were 628,799 individuals who remained in the United States beyond their authorized period of stay and for whom departure from the United States could not be verified. The Department is directed to develop and report within 180 days of the date of enactment of this Act on a statistically sound metric for measuring the total nonimmigrant air and sea overstay population in the United States at a given time. The report should also describe the characteristics of suspected in-county overstays and detail how the Department will improve its collection and use of data sets necessary to develop a more

comprehensive in-country alien overstay estimate. GAO shall review the metric developed in this report and provide a preliminary briefing to the Committees on its review not later than 90 days after the report is provided to the Committees.

The Department is further directed to develop and publish a comprehensive in-country alien overstay enforcement and deterrence strategy not later than 240 days after the date of enactment of this Act. This strategy shall, at a minimum, establish a target and range of options for reducing the overstay population and detail the resources and assets that would be required to implement the strategy.

The Department shall also report within 180 days of the date of enactment of this Act on how to improve its collection and use of data sets necessary to develop an estimate for the entire population of those illegally present in the United States. GAO shall review this report and provide a preliminary briefing to the Committees on its review not later than 90 days after the report is provided to the Committees.

The Department's reliance on sourcing personal protective equipment, organizational clothing, and individual equipment from foreign manufacturers misses an opportunity to support the U.S. manufacturing economy while also enhancing security by using products made in America. The Secretary is directed to take immediate steps to increase the share of American-made products in its procurements and to provide a report to the Committees, not later than 180 days after the date of enactment of this Act, on any obstacles to the Department's ability to transition to procuring 100 percent American-manufactured goods. The report should also propose solutions to any such obstacles and detail progress the Department is making toward increasing its utilization of American goods. Additionally, the Department shall provide a report not later than 90 days after the date of enactment of this Act on DHS's compliance with the Buy American Act and Kissell Amendment, as detailed in the House report.

The agreement includes \$5,765,000, which is \$900,000 above the amount in the budget request, to enhance the Joint Requirements Council's (JRC) capacity for cross-component requirements analysis and development. DHS is directed to continue to provide quarterly briefings on the JRC to the Committees. DHS should consider the importance of maintaining independence between the requirements development and acquisition processes as part of this review. DHS is directed to continue to provide quarterly briefings on the JRC and shall brief the Committees on any reorganization of headquarters organizational units not later than 60 days before any such reorganization takes place.

The Department is directed to provide a briefing to the Committees, not later than 180 days after the date of enactment of this Act, on the extent of persecution and violence against religious minorities in Indonesia. The briefing shall include the manner in which the Department coordinates with the Departments of Justice and State to comply with sections 208 and 241(b)(3) of the Immigration and Nationality Act of 1952 and the regulations promulgated pursuant to section 2242(b) of the Foreign Affairs Reform and Restructuring Act of 1998.

The Department is encouraged to continue its efforts toward full implementation of the Plan to Support Increased Public Access to the Results of Research Funded published on December 27, 2016. The Department is directed to provide an update on progress made in future budget requests.

Coordination among DHS agencies and state, local, tribal, territorial, and foreign law enforcement agencies, to include state police crime labs, ensures the efficient use of resources and improves public safety outcomes. The Department should continue to provide assistance, as appropriate, to state police crime labs to ensure that federal requirements do not burden state resources or cause a backlog that slows investigations. The Department shall report annually on its use of and partnerships with state crime labs, including funding associated with such uses and partnerships, and should fully reimburse state crime labs for all provided services.

OFFICE OF POLICY

A total of \$40,524,000 is provided for the Office of Policy.

The agreement includes \$4,787,400 to accelerate the build-out of the Immigration Data Integration Initiative. This initiative continues departmental efforts directed by the Committees on Appropriations in prior years based on bipartisan, bicameral concerns about the inability of the Department to provide timely reporting of border security and immigration enforcement data.

OFFICE OF PARTNERSHIP AND ENGAGEMENT

A total of \$13,373,000 is provided for the Office of Partnership and Engagement.

The Blue Campaign, a department-wide initiative to combat human trafficking, has historically been operated by personnel detailed from components and funded through end-of-year contributions from components, an approach that is not appropriate for the program's long-term sustainment. The Fiscal Year 2017 DHS Appropriations Act included direct funding of \$819,000 for the Blue Campaign to support dedicated personnel, as requested, and to begin transitioning the program away from reliance on component contributions. Unfortunately, the fiscal year 2018 request proposed no direct funding for the program. The fiscal year 2018 bill again includes \$819,000, the full level authorized under [Public Law 115-125](#), in continued direct funding for personnel. DHS is directed to sustain the program at not less than its total fiscal year 2016 level of \$5,150,000 in fiscal year 2018 using component contributions to cover non-personnel program costs. DHS shall account for and propose full, direct funding for the program in the justification materials that accompany all future budget submissions, as directed in the explanatory statement accompanying [Public Law 115-31](#).

A directive is included under the heading for the Office of the Secretary for DHS to brief the Committees on the status of the ongoing DHS effort to review roles, responsibilities, and the potential reorganization of headquarters elements, which should include an assessment of the appropriate organizational placement for the Blue Campaign.

The Department is directed to assess ways it can better understand rural issues as they relate to the homeland security mission and how rural communities are impacted by the Department's decisions. Not later than 180 days after the date of enactment of this Act, the Department shall brief the Committees on this assessment, component best practices, and the potential advantages of establishing a rural advocate position at the department level.

OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES

A total of \$23,571,000 is provided for the Office for Civil Rights and Civil Liberties (OCRCL). Funding provided above the request is to accommodate the increased workload expected in fiscal year 2018 resulting from new executive orders. OCRCL shall maintain its independence as it continues to help departmental components ensure their compliance with civil rights and civil liberties laws and policies.

PRIVACY OFFICE

A total of \$8,464,000 is provided for the Privacy Office. Funding above the request is to accommodate an increased workload in fiscal year 2018 resulting from new immigration-related executive orders, policies, and programs. Further, the additional funds are available to ensure information and data released by the Department does not reveal the identity or personally identifiable information of non-citizens who may be survivors of domestic violence, sexual assault, stalking, human trafficking, or other crimes. The Privacy Office must ensure the Department's actions do not violate the Privacy Act, the Violence Against Women Act, or other laws. The Privacy Office is directed to provide a briefing to the Committees within 60 days of the date of enactment of this Act on the measures the Department will take to ensure all

record systems properly restrict information related to survivors of domestic violence, sexual assault, stalking, human trafficking, and other crimes.

MANAGEMENT DIRECTORATE

OPERATIONS AND SUPPORT

A total of \$710,297,000 is provided for Operations and Support. Within the total, \$227,516,000 is available until September 30, 2019, to include \$36,368,000 for the Chief Readiness Support Officer, \$188,217,000 for the Chief Information Officer (CIO), and \$2,931,000 for headquarters operations at the Nebraska Avenue Complex. Based on technical assistance provided by the Department, a reduction of \$5,047,000 has been distributed *H2546 within the account to reflect more realistic hiring projections for the remainder of the fiscal year.

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

IMMEDIATE OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

A total of \$6,770,000 is provided for the Immediate Office of the Under Secretary for Management.

The Secretary is reminded that the explanatory statement accompanying the Fiscal Year 2017 Homeland Security Appropriations Act directed the Department to establish a Public Complaint and Feedback System Working Group comprised of representatives of DHS components with public-facing operations. The purpose of the group should be to support the sharing of best practices and, as appropriate, the standardization of feedback mechanisms, processes, customer service metrics, and reporting across the Department. The working group was directed to:

1. Develop a DHS-wide "as-is" assessment of the various public complaint and feedback intake and resolution processes and systems currently in place, to include an evaluation of the public's awareness of how to successfully provide feedback to DHS, along with component-level policies, practices, and capabilities for providing timely responses, reporting results, and incorporating feedback into policy development and training;
2. Research best practices for public feedback intake, processing, resolution, and reporting, as well as for improving public awareness of the process;
3. Identify gaps and redundancies within each component's processes and systems;
4. Develop and disseminate guidance that communicates requirements for component-level public complaint and feedback intake and resolution systems, processes, and reporting capabilities;
5. Establish processes for centrally compiling and reporting component-level public complaint and feedback data at the department level; and
6. Determine whether aspects of the overall DHS public complaint and feedback process should be supported with headquarters resources.

Not later than 90 days after the date of enactment of this Act, the Department shall brief the Committees on the working group's findings and progress, including a plan and schedule for carrying out all of the activities described above. In addition, the Department shall continue to report to the Committees semiannually on the working group's progress until each of the assigned tasks are complete.

Within the amount recommended for the Office of the Chief Human Capital Officer (OCHCO) is \$4,200,000 to continue the Cybersecurity Internship Program. OCHCO is directed to ensure that these funds are fully used for the intended purpose and to update the Committees on the status of the program by September 30, 2018. This update should include the number of internship applications for the fiscal year 2018 cohort; the number of internships offered and accepted; the rate of acceptance; a description of the Department's efforts to publicize the availability of these internship opportunities, with a particular focus on outreach to underrepresented populations; and options for improving such outreach.

The Under Secretary for Management (USM) is directed to conduct a study on the feasibility of establishing an initiative to employ Native American veterans within the ranks of CBP, including the potential creation of a tribal-specific branch of the Border Patrol. Specifically, the study should evaluate how the hiring of Native American veterans could leverage tribal authorities to complement CBP authorities in support of the Border Patrol mission. In conducting this study, the USM should solicit input from tribes located along both the southern and northern borders. The results of this study shall be submitted to the Committees not later than 180 days after the date of enactment of this Act.

OFFICE OF THE CHIEF READINESS SUPPORT OFFICER

A total of \$71,105,000 is provided for the Office of the Chief Readiness Support Officer.

Effectively tracking, managing, and maintaining tactical communications assets requires appropriate governance programs and infrastructure. In lieu of related House report language, the Department shall brief the Committees not later than 60 days after the date of enactment of this Act on plans to modernize tactical communications and vehicles across the Department, including those directly affecting the missions of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the United States Secret Service.

Within 180 days of the date of enactment of this Act, DHS is directed to conduct a review of component fleet utilization and to provide OIG with supporting documentation on methods used for determining optimal fleet inventories and justification for any deviation from GSA's Federal Property Management Regulations.

OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER

A total of \$71,052,000 is provided for the Office of the Chief Human Capital Officer, which includes an additional \$10,000,000 for the Cyber Statutory Authority Program.

OFFICE OF THE CHIEF SECURITY OFFICER

A total of \$74,963,000 is provided for the Office of the Chief Security Officer, to include an increase of \$1,764,000 for Office of Personnel Management security clearance investigations.

OFFICE OF THE CHIEF PROCUREMENT OFFICER

A total of \$102,615,000 is provided for the Office of the Chief Procurement Officer including \$2,493,000 for the DHS Data Framework.

Based on required congressional notifications, it is evident that departmental components enter into contracts near the end of the third and fourth quarters of the fiscal year at a much higher rate than at other times throughout the year.

The Department's continued practice of awarding a large number of contracts late in the fiscal year remains concerning, particularly for contracts related to OMB object classes 25.1, 25.2, 25.3, and 26.

The Department has indicated that planned obligations by object class described in the annual Budget Appendix may not accurately predict actual spending during the budget year due to variances between the budget request and enacted appropriations. Planned and actual spending appear to vary more than would be expected, however, if it were due only to changes between requested and appropriated amounts, when appropriations are enacted, or changes in planning assumptions that emerge during execution.

Not later than 90 days after the date of enactment of this Act, the Department shall provide to the Committees revised spending plans for all Operations and Support accounts and the Coast Guard Operating Expenses account for each of these object classes, including planned contract obligations by fiscal quarter, as part of the quarterly obligation plans. For contracts in excess of \$1,000,000, the plan should also detail planned contract amounts, provide brief contract requirement descriptions, describe whether the contract is for a new requirement, and explain whether the contract will meet bona fide requirements for the current or next fiscal year. The Department will ensure the final obligation plan report for fiscal year 2018 includes data on actual contract awards and describes the factors behind any significant variances between the revised spending plan and actual contract awards.

OFFICE OF THE CHIEF FINANCIAL OFFICER

A total of \$63,734,000 is provided for the Office of the Chief Financial Officer (OCFO).

In keeping with past practice, annual budget justifications shall include the text and citation of all Department appropriations provisions enacted to date that are permanent law.

While the new Common Appropriations Structure provides additional financial flexibility, DHS shall continue to aggressively institute financial management policies and procedures, particularly as they relate to budget formulation.

In lieu of related House report guidance, the OCFO shall provide a briefing to the Committees on recommended periods of availability and PPA structures for DHS and component appropriations accounts within 45 days of the date of enactment of this Act.

OFFICE OF THE CHIEF INFORMATION OFFICER

A total of \$320,058,000 is provided for the Office of the Chief Information Officer (OCIO).

The OCIO is to be commended for its leadership in data center consolidation, which is enhancing the effectiveness, efficiency, and security of the DHS IT enterprise. The OCIO is further commended for its efforts to collaborate with the National Aeronautics and Space Administration to gain efficiencies by establishing IT operations centers at Data Center 1 and by encouraging other federal partners to co-locate at DHS data centers. The OCIO shall provide semiannual briefings on the execution of its major initiatives and investment areas, with the first such briefing to occur not later than 90 days after the date of enactment of this Act. These briefings shall include details regarding cost, schedule, and the transfer of systems to or from DHS data centers or external hosts. *H2547

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

A total of \$29,569,000 is provided for the Management Directorate for Procurement, Construction, and Improvements.

RESEARCH AND DEVELOPMENT

A total of \$2,545,000 is provided for the Management Directorate for Research and Development.

INTELLIGENCE, ANALYSIS, AND OPERATIONS COORDINATION

OPERATIONS AND SUPPORT

A total of \$245,905,000 is provided for Intelligence, Analysis, and Operations Coordination, of which \$77,915,000 is available until September 30, 2019.

The Department should continue increasing deployed field personnel at State and Major Urban Area Fusion Centers that provide outreach to critical infrastructure owners and operators in addition to leveraging relationships with state, local, tribal, and territorial stakeholders, state National Guard units, and other federal partners in support of the production of finished intelligence and raw intelligence reports. The Office of Intelligence and Analysis (I&A) shall continue to provide semiannual briefings to the Committees on the State and Local Fusion Centers program.

I&A shall include in future year budget requests for the classified budget the same level of detail required of other appropriations and PPAs.

The Department's Chief Intelligence Officer is directed to brief the Committees on the I&A expenditure plan for fiscal year 2018 within 60 days after the date of enactment of this Act. The plan shall include the following:

Details on actual and planned fiscal year 2018 expenditures and staffing allocations for each program as compared to fiscal years 2016 and 2017;

Data on all funded versus on-board positions, including federal FTE, contractors, and reimbursable and non-reimbursable detailees;

A plan for all programs and investments, including dates or timeframes for achieving key milestones;

The actual and planned allocation of funding within each PPA for individual programs and a description of the desired outcomes for fiscal year 2018; and

Similar information on items outlined in the classified annex accompanying this report.

OFFICE OF INSPECTOR GENERAL

OPERATIONS AND SUPPORT

A total of \$168,000,000 is provided for the OIG. When combined with funding provided by recent disaster supplemental appropriations bills, a total of \$203,000,000 will have been provided during fiscal year 2018 for the OIG. The agreement includes \$1,289,000, as requested, for advanced analytical capabilities required to carry out complex investigations into increasingly sophisticated acquisition fraud.

Of the amounts provided as emergency supplemental appropriations in [Public Law 115-123](#), the OIG is expected to obligate not less than \$7,000,000 during fiscal year 2018 for disaster-related investigations and audits. Of the amounts

provided by this Act, the OIG is directed to allocate not less than \$17,000,000 for disaster-related investigations and audits. The OIG is expected to include in future budget requests information that breaks down proposed expenditures by focus area and activity type.

The OIG shall continue its program of unannounced inspections of immigration detention facilities and publish the results of the inspections and other reports related to custody operations activities on its public website.

The OIG is responsible for conducting annual audits of DHS fleet management practices and shall make the results for non-law enforcement sensitive components publicly available.

TITLE I-ADMINISTRATIVE PROVISIONS-THIS ACT

Section 101. The bill continues and modifies a provision requiring the Secretary to submit the Future Years Homeland Security Program at the time of the budget submission for each fiscal year.

[Section 102](#). The bill continues a provision requiring the Chief Financial Officer to submit monthly budget execution and staffing reports within 30 days after the last day of each month.

Section 103. The bill continues a provision requiring the Inspector General to review grants and contracts awarded by means other than full and open competition and report the results to the Committees.

Section 104. The bill continues a provision directing the Secretary to require contracts providing award fees to link such fees to successful acquisition outcomes.

Section 105. The bill continues a provision requiring the Secretary, in conjunction with the Secretary of the Treasury, to notify the Committees of any proposed transfers from the Department of Treasury Forfeiture Fund to any agency at DHS. No funds may be obligated prior to such notification.

Section 106. The bill continues and modifies a provision related to the official travel costs of the Secretary and Deputy Secretary.

Section 107. The bill continues and modifies a provision requiring the Secretary to submit a report on visa overstay data and to post border security metrics on the Department's website.

TITLE II-SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

OPERATIONS AND SUPPORT

A total of \$11,485,164,000 is provided for Operations and Support, of which \$681,441,500 is made available until September 30, 2019, to provide flexibility in the year of execution. This amount includes increases above the request for the following: \$10,000,000 for recruitment and retention efforts; \$10,000,000 for small Unmanned Aerial Systems (UAS); \$10,000,000 for Border Patrol relocation incentives; \$3,000,000 for electronic geospatial information systems; \$20,000,000 for Border Patrol vehicles; \$30,500,000 for opioid detection; \$7,655,000 for 328 new CBP officers; \$23,000,000 for Port of Entry Technology and Facilities; and \$15,000,000 for UAS upgrades.

The amount includes a reduction below the request of \$204,352,000 for salaries and expenses based on technical assistance provided by CBP in March of 2018 indicating that final 2018 payroll costs would fall short of those included

in the request. These savings are redirected within CBP to enhance CBP-wide retention and recruitment activities as well as other operational requirements.

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

***H2548** Within 90 days of the date of enactment of this Act, CBP is directed to brief the Committees on a comprehensive, multi-year recruitment and retention strategy that includes: an analysis of the screening process for prospective staff, including polygraph examinations; current and planned hiring and retention initiatives executed by both federal and contract staff; options to address pay parity relative to other components and other federal law enforcement agencies; the potential use of special pays to improve retention; the use of incentives available through the Office of Personnel Management to recruit, relocate, and retain employees assigned to remote locations; and potential new career path enhancements for personnel who choose such locations. CBP is encouraged to work with community, local, and tribal colleges to assist with recruitment efforts. In addition, CBP should continue collaborating with the Department of Defense, as required by the Border Jobs for Veterans Act ([Public Law 114-68](#)), to facilitate the recruitment of personnel exiting the military.

While the staffing requirement for Office of Field Operations (OFO) CBP officers is well understood, CBP has not yet finalized a staffing model to inform the hiring of either Border Patrol agents or Air and Marine Operations (AMO) personnel. The budget request for new Border Patrol agents, in particular, was not supported by any analysis of workload and capability gaps across CBP that would be necessary to evaluate the benefits of the proposal as compared to other investments at CBP, such as hiring additional CBP officers at the ports of entry (POEs). CBP is directed to brief the Committees quarterly on its progress toward developing a comprehensive assessment of CBP-wide capability gaps, with the first briefing due not later than 60 days after the date of enactment of this Act.

Not later than 30 days after the end of each month, CBP shall post on its website a combined table of currency and major categories of drugs, including fentanyl, interdicted by OFO and the Border Patrol, including a separate accounting of Border Patrol drug interdictions at checkpoints. Reported quantities should be expressed using the same unit of measurement.

Prior to the completion of a Border Patrol staffing model that can allocate agents based on risk, the Border Patrol is directed to maintain not less than its previously determined minimal staffing presence of 2,212 agents along the northern border. CBP shall also take into special consideration directing a significant proportion of any overall increase in CBP officer positions funded in this Act to understaffed POEs in remote and rural locations.

As part of its personnel recruitment and retention efforts for hard-to-fill locations, CBP is directed to conduct a feasibility study on opportunities to help make high-speed Internet service options available at CBP-owned residential properties where they are currently limited or lacking. CBP shall prioritize particularly remote locations along the northern and southern borders for this effort and include in its analysis locations where high-speed Internet options are currently available, could potentially be made available through partnerships with nearby service providers, and where there are currently no nearby high-speed Internet providers. CBP shall consult with residents and their families throughout the course of the study and update the Committees on options for increasing the availability of services. Up to \$500,000 is made available in this Act to carry out the study.

CBP is directed to evaluate the charters, reporting structures, and standard operating procedures for the Border Patrol, OFO, and AMO and institute any changes necessary to ensure that CBP components are efficiently coordinating and that personnel and assets are deployed as efficiently and effectively as possible to combat cross-border threats. CBP shall brief the Committees on the results of this evaluation within 90 days of the date of enactment of this Act and quarterly thereafter.

In line with GAO's recommendations included in GAO-17-765T, CBP is directed to develop robust performance metrics for all deployed border security technologies; begin the collection of performance data to evaluate the individual and collective contributions of specific technologies; assess progress in fully deploying planned technologies; and determine when mission benefits from such deployments have been fully realized.

CBP is directed to work with counties along the U.S.-Mexico border to identify unimproved county roads that are predominately used by the Border Patrol and that provide critical access to the border region for the purpose of maintaining security. CBP is urged to incorporate the maintenance and repair of the identified high-priority access roads into its Tactical Infrastructure Maintenance and Repair program.

In lieu of direction in the House report, CBP shall provide a briefing on border security operations and technology operations and procurement, including but not limited to the following:

- 1.The results of the ongoing demonstration efforts and planned procurements for small unmanned aerial systems (UAS);
- 2.A review of fiber-optic technologies, to include the feasibility and potential benefits of incorporating them into border security systems;
- 3.An update on carrizo cane control efforts, as described in the House report;
- 4.Details of search and rescue efforts during fiscal year 2017, as described in the House report; and
- 5.The status of the field test and recapitalization plan for the Tethered Aerostat Radar System.

BORDER SECURITY OPERATIONS

The total includes \$4,395,843,000 for Border Security Operations. This amount includes increases above the request for the following: \$20,000,000 for vehicles; \$3,000,000 for the electronic geospatial information system, as detailed in the House report; and \$10,000,000 above the request for small UAS. Despite significant investments in hiring, retention and recruitment strategies, CBP estimates that the Border Patrol will lose more agents than will be gained in fiscal year 2018, and these reduced payroll costs are reflected in the bill.

TRADE AND TRAVEL OPERATIONS

The total includes \$4,314,242,000 for Trade and Travel Operations. This amount includes \$7,655,000 for 328 new CBP officers, reflecting the partial year costs of anticipated new CBP officers, \$23,000,000 for POE technology and facilities, and \$30,500,000 for opioid detection equipment and labs. The recommendation does not include the proposal to redirect fee revenue that currently supports the Brand USA program to CBP for its trade and travel activities; this proposal requires legal authorization that is not under the jurisdiction of the Committees.

Recent public dialogue on border security has focused on the flow of undocumented aliens and illicit drugs across the southern border of the United States between the POEs. As borne out by DHS data on the illicit movement of people and goods, however, border security investments must also be made at the POEs, where between 80 and 90 percent of hard drugs are interdicted. As compared to fiscal year 2016, seizures of hard narcotics in fiscal year 2017-including cocaine, methamphetamine, and fentanyl-have risen over 10 percent, with the seizure of fentanyl more than doubling at

the POEs.-In addition, the growth of illegal online marketplaces, notably those on the "dark web," make higher potency narcotics increasingly accessible to American consumers.

CBP is working to address this growing threat at its International Mail Facilities through the use of canines trained to detect opioids, the deployment of new non-intrusive inspection technologies, improved information sharing, and additional personnel, but-more work and investments are needed. In addition, the Department must better articulate the role and plans for expansion of the National Targeting Center (NTC), including how it will coordinate with and complement the work of the recently-announced National Vetting Center.

It is the role of the Committees to ensure that DHS comprehensively evaluates vulnerabilities at POEs; formulates strategic, risk-based goals to address those vulnerabilities; and makes investments accordingly. Within 180 days of the date of enactment of this Act, CBP is directed to produce a multi-year strategic plan for mitigating vulnerabilities and filling capability gaps at POEs while improving the flow of commerce. The plan shall include clear goals and metrics, an implementation schedule, and cost estimates. More specifically, the plan shall address the following:

(1) Measuring Border Security at the Ports of Entry:-Headquarters-driven definitions and metrics to measure success at POEs developed through a capability gap analysis process approved by the Executive Assistant Commissioner of OFO and informed by the Field Operations Directors.

(2) Focus Areas: A scope reflecting the full breadth of agency authorities and responsibilities at the POEs, including at a minimum the programs identified in the Fiscal Year 2017 Border Security Improvement Plan, along with the following:

- a.A counternarcotics strategy, to include e-commerce threats;
- b.A counter-network strategy;
- c.The biometric entry-exit system;
- d.Trade and travel facilitative programs, including the Automated Commercial Environment;
- e.Agricultural inspection programs; and
- f.Trusted traveler programs at air, sea, and land POEs.

(3) Associated Requirements: Accompanying requirements through fiscal year 2022, including:

- a. Life cycle cost estimates for all technology equipment categories, including procurement quantities and costs, and operations and maintenance costs; and
- b. Any new legal authorities necessary for implementing the plan.

Any analysis to assess and improve hiring practices and procedures should reflect and meet the needs of large U.S. international airports with high numbers of international tourist enplanements that do not share a contiguous land border with Mexico or Canada. Any resulting staffing decisions must be transparent and impartial.

CBP shall brief the Committees within 120 days of the date of enactment of this Act on how it allocates personnel between passenger and cargo inspection functions at maritime ports and on proposed solutions for addressing persistent staff shortages that lead to increased annual costs for such ports and affiliated local governments.

CBP's fee-for-service regime was originally meant to facilitate international passengers who depart or arrive from small airports. In some instances, however, fee-for-service has ***H2549** been used for many years by some medium-sized airports that have a consistently large volume of international passengers, despite failed attempts to receive POE designation. This situation is of particular concern because these airports' passengers are essentially charged twice for the same service—once through federal fees paid when their airline tickets are purchased, and again through the CBP fee-for-service costs that are charged directly to airports and inevitably passed on to passengers. To determine whether a fee-for-service airport can be designated as a POE, CBP relies on a series of Treasury Directives promulgated decades ago when the then-U.S. Customs Service was part of the Treasury Department. CBP is urged to address this issue by giving priority consideration to an application for POE status submitted by any commercial airport if such airport served at least 90,000 international passengers, not including those arriving through a preclearance location, during the previous calendar year.

The agreement directs CBP to consider modifying relevant policies and operations regarding small airport inspection services at general aviation facilities currently used by CBP for intermittent international clearance operations, and to work creatively with airports, including Green Bay-Austin Straubel International Airport, to facilitate international service in a manner consistent with CBP security and resource requirements and informed by these airports' fiscal constraints and existing facilities.

The fiscal year 2013 CBP Resource Optimization Report estimated that the deployment of automated scheduling and timekeeping solutions by OFO could return 158 CBP Officers and Agricultural Specialists to their frontline inspection and law enforcement duties. CBP shall evaluate commercially-available automated scheduling tools, brief the Committees on the results of the evaluation within 90 days of the date of enactment of this Act, and deploy such solutions if it is determined that their benefits outweigh their costs.

CBP is directed to consult with affected community members, industry representatives, and elected officials at all levels prior to making permanent changes to hours of service at POEs and to notify the Committees at least 30 days in advance of such changes.

CBP and the Food and Drug Administration (FDA) continue to collaborate through the Commercial Targeting and Analysis Center to enhance shrimp-related targeting and inspection processes to ensure that shrimp imported to the United States are safe. [Senate Report 114-264](#) directed CBP to carry out a shrimp safety pilot project, which is expected to suggest additional opportunities for enhanced CBP and FDA coordination to improve imported shrimp safety. CBP is directed to brief the Committees semiannually on these activities.

CBP shall continue timely tracking and reporting on Jones Act waivers and violations, notifying the Committees within two days of waiver requests and on the disposition of each waiver request and making this information available to the public on a quarterly basis.

Firearms and illicit monetary instruments continue to be smuggled from the U.S. into Mexico, fueling transnational criminal organization activities, including drug trafficking and violent crime. CBP shall continue to collaborate with domestic and international partners to identify and apprehend smugglers of firearms and undeclared monetary instruments greater than \$10,000, and shall report to Congress on any additional authorities or resources needed to stymie the flow.

CBP is directed to continue working with Great Lakes seaports, cruise vessel operators, and other Great Lakes Cruise Program stakeholders to develop a cruise passenger clearance plan for 2018 and thereafter. CBP shall continue using mobile onboard passenger clearance technology until such time as that plan has been implemented, and shall provide the Committees with a briefing, not later than 90 days after the date of enactment of this Act, detailing its stakeholder engagement efforts and outlining its plan and schedule for resolving this issue.

CBP is directed to develop a succession plan to ensure that at least one person of appropriate rank is located in each state at all times to enforce customs, immigration, and agricultural laws and regulations at U.S. POEs. If CBP determines that it is not practicable to meet this requirement, CBP shall notify the Committees in writing not later than 60 days before any staffing decision is finalized. Such notifications shall include a fulsome explanation of why the change is needed, an estimate of the number of passengers and amount of goods that would be diverted elsewhere during a lapse, and the resultant economic impact on the state.

The total includes \$10,000,000 for the Commercial Technology Innovation Program, through which new commercial technologies that may significantly improve POE operations are deployed along southwest border POEs. CBP is directed to brief the Committees on the performance of this program and any related pilots or initiatives not later than 90 days after the date of enactment of this Act.

CBP is encouraged to continue to work with the General Services Administration and OMB on the annual five-year land border POE construction plan, which should include plans to complete modernization of POEs along the northern border built prior to 1980, and provide the plan to the Committees upon its completion. In developing this plan, specific attention shall be paid to the health, safety, and welfare needs of CBP officers. CBP is also encouraged to increase awareness and use of the NEXUS program along the Canadian border, including through special enrollment events and the use of collaborative signage in cooperation with state transportation agencies. The five-year construction plan should also anticipate and reflect increased traffic that will result from higher rates of NEXUS participation.

The bill authorizes the obligation of funds for preclearance activities, including obligations in advance of reimbursement, as authorized by the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA). With Canada's adoption of companion legislation, CBP is expected to begin negotiation with the Canada Border Services Agency (CBSA) on expanding preclearance activities in Canada.

The Department is directed to prioritize implementation of expanded preclearance operations between the U.S. and Canada for land, marine, rail, and air entries, as outlined in the "Beyond the Border Action Plan." CBP shall collaborate closely with CBSA to ensure that plans for preclearance operations at Billy Bishop Toronto City Airport, Quebec City Jean Lesage International Airport, Montreal rail, and Rocky Mountaineer rail proceed with an understanding that operations must meet all terms and conditions of the agreement. CBP should continue to routinely reassess the security benefits of both existing and prospective preclearance agreements.

CBP is encouraged to continue prioritizing efforts to improve the accuracy and effectiveness of automated cargo processing for tractor trailers, including the proof-of-concept pilot at the World Trade Bridge Port of Entry in Laredo, Texas. Not later than 120 days after the date of enactment of this Act, CBP is directed to provide a report to the Committees on these efforts, including activities planned for fiscal year 2018 and the subsequent four fiscal years.

As license plate reader technology used to analyze vehicular traffic crossing land borders nears the end of its useful life, CBP should continue to improve land border integration by deploying the latest, most effective vehicle monitoring technologies.

A total of \$211,797,000 is provided for Targeting Operations. CBP's pre-arrival targeting capabilities have expanded rapidly, with base resources dedicated to these activities growing from \$51,950,000 in fiscal year 2013 to more than \$128,000,000 in fiscal year 2017. While the expansion of analytical capabilities at the NTC has been swift, the proliferation of new tools and corresponding contracts has shifted focus away from traditional trade, customs, and immigration law enforcement targeting activities. CBP should analyze and measure the benefits of current activities and enhancements to improve targeting against investments elsewhere within the agency and the Department. CBP shall

brief the Committees within 90 days of the date of enactment of this Act on current and proposed targeting metrics and milestones, impacts on frontline staffing requirements, and the proposed end state for these activities.

The total includes \$234,201,000 for the Office of Trade. This amount includes \$8,943,000 for additional staff and core trade mission enhancements, including improved data analysis and visualization capabilities to improve CBP's effectiveness within the global supply chain while also addressing mandates of TFTEA in a timely manner. CBP shall continue reporting on its trade enforcement activities, as detailed in [Senate Report 114-264](#), shall post as much detail from the report as is reasonable on its public website, and shall include details on the implementation of [Executive Order 13785](#), Establishing Enhanced Collection and Enforcement of Antidumping and Countervailing Duties and Violations of Trade and Customs Laws.

TFTEA made changes to the treatment of drawbacks, through which duties, taxes, and fees on certain imported merchandise can be refunded when the merchandise is subsequently exported or destroyed, or when substitute merchandise is exported in its place. Among those changes, certain U.S.-produced alcoholic beverages and paper products, as described in [Senate Report 114-264](#), became eligible for substitution as exports for unused merchandise drawback claims. CBP is directed to consult with the Alcohol and Tobacco Tax and Trade Bureau (TTB) and to clarify the requirements for recovering duties, taxes, and fees imposed under federal law (with emphasis on federal excise taxes) on imported alcohol products when alcohol produced in the United States and classified under the same eight or ten digit subheading of the Harmonized Tariff Schedule of the United States is exported as a substitute. This clarification should describe how CBP treats alcoholic beverages used as substitute merchandise for the drawback of federal excise taxes on unused merchandise when exported from TTB bonded facilities, where federal excise taxes have not been collected.

INTEGRATED OPERATIONS

The total includes \$1,065,979,000 for Integrated Operations, to include increases above the request of \$15,000,000 for UAS upgrades and \$3,000,000 for special pays for recruitment and retention of AMO personnel.

Due to the consolidated requirements and extended deployment and implementation schedule associated with the Spectrum Efficient National Surveillance Radar (SENSR) ***H2550** Program, low-flying aircraft detection coverage gaps along the northern border remain a national security threat. Within 180 days after the date of enactment of this Act, AMO is directed to provide the Committees with short-term deployment plans for low-flying aircraft detection along the northern border. These plans shall incorporate the anticipated implementation schedule for the SENSR program and acquisition and deployment schedules for interim technology or asset use.

CBP shall continue to evaluate the potential for using commercial service providers to provide pilots for UAS. In addition, CBP is directed to work with the Federal Aviation Administration to evaluate the feasibility and benefits of cross-certifying pilots to fly both manned aircraft and UAS.

In order to upgrade CBP's UAS fleet to a single configuration, \$15,000,000 is included above the request that shall be used only to perform configuration upgrades. Within 60 days of the date of enactment of this Act, CBP is directed to brief the Committees on the results of its evaluation of whether additional UAS flight hours are necessary to support border security operations.

MISSION SUPPORT

The total includes \$1,709,100,000 for Mission Support. This amount includes \$10,000,000 above the request for recruitment and retention efforts.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

A total of \$2,281,357,000 is provided for Procurement, Construction, and Improvements. This amount includes the following: \$445,000,000 for 25 miles of primary pedestrian levee fencing in Rio Grande Valley Sector, Texas; \$196,000,000 for primary pedestrian fencing in Rio Grande Valley Sector, Texas; \$251,000,000 for approximately 14 miles of secondary replacement barrier in San Diego Sector, California; \$445,000,000 for replacement of existing primary pedestrian fencing; \$38,000,000 for border barrier planning and design; \$10,000,000 for innovative towers; \$39,238,000 for Integrated Fixed Towers; \$41,955,000 for cross border tunnel threat; \$3,000,000 for nationwide situational awareness on handheld devices; \$87,193,000 for Remote Video Surveillance Systems; \$16,000,000 for agent portable surveillance systems; \$16,000,000 for linear ground detection systems; \$10,000,000 for small UAS; \$46,838,000 for Mobile Video Surveillance Systems; \$7,000,000 for Northern Border RVSS; \$9,000,000 for maritime detection projects on the Northern Border; \$49,738,000 for road construction, \$20,000,000 for unattended ground sensors; \$2,739,000 for tactical aerostats; \$8,000,000 for Mobile Surveillance Capability; \$34,000,000 for the Automated Commercial Environment; \$224,640,000 for opioid detection and non-intrusive inspection equipment; \$74,121,000 for additional light enforcement helicopters; \$8,573,000 for coastal interceptors; \$3,300,000 for FAA Next Generation capabilities; \$77,530,000 for multi-role enforcement aircraft; \$14,034,000 for a UH-60 medium lift helicopter; \$13,250,000 for tactical communications; \$1,200,000 for DOD-reuse; \$45,000,000 for a new Border Patrol Station; \$14,775,000 for OFO facilities; and \$16,433,000 for revenue modernization.

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

CBP is directed to work with federal and industry partners to evaluate the potential use of commercially developed, space-based technologies to provide persistent, real-time border surveillance and to brief the Committees on its findings within 120 days of the date of enactment of this Act.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

OPERATIONS AND SUPPORT

A total of \$6,993,975,000 is provided for Operations and Support, of which \$20,000,000 is made available until September 30, 2019, in support of activities authorized under [18 U.S.C. 2510-2522](#), and of which \$13,700,000 is made available until September 30, 2019, in support of the Visa Security Program and investigations abroad. The total includes \$10,596,000 to support the hiring of 65 additional investigative agents. Additionally, \$4,959,000 is provided for attorneys and associated staff to support the Homeland Security Investigations Law Division.

Funding is provided within this account to continue digitizing paper-based fingerprint records related to ICE's immigration fraud investigation mission. Within 90 days of the date of enactment of this Act, ICE shall brief the Committees on plans for this work, as well as the status of efforts to identify and refer to DOJ the individuals identified in Office of Inspector General Report OIG-16-130 titled "Potentially Ineligible Individuals Have Been Granted U.S. Citizenship Because of Incomplete Fingerprint Records."

ICE shall clearly articulate the total funding levels requested for vehicles and tactical communications equipment in future budget requests and shall brief the Committees within 60 days of the date of enactment of this Act on its recapitalization plans for these items. The briefing shall include an evaluation of a software solution to increase operational accountability and efficiency of communication systems and shall address recommendations in Office of Inspector General Report OIG-13-113 titled "DHS Needs to Manage its Communications Program Better."

ICE shall continue to reflect service-wide costs (SWC) in existing Mission Support sub-PPAs or through one or more new SWC sub-PPAs within the Mission Support PPA in all future budget requests, and shall provide separate budget estimates and detailed justifications for all SWC.

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

HOMELAND SECURITY INVESTIGATIONS

Domestic Investigations. A total of \$1,898,542,000 is provided for Domestic Investigations. ICE is directed to sustain enhancements provided in the fiscal year 2017 appropriations Act for programs and activities of congressional interest as directed in the explanatory statement accompanying [Public Law 115-31](#).

Funding is provided within the total to sustain fiscal year 2017 enhancements to the Child Exploitation Investigations Unit at the Cyber Crimes Center, along with an additional enhancement of not less than \$5,000,000. Funding is also provided to sustain fiscal year 2017 enhancements to the Angel Watch Center and continued implementation of International Megan's Law, along with an additional enhancement of not less than \$5,000,000. ICE is directed to brief the Committees on a plan for the expenditure of these funds not later than 60 days after the date of enactment of this Act.

The total includes \$2,000,000 for Homeland Security Investigations (HSI) to establish a pilot program to hire and train up to 10 Computer Forensics Analysts (CFAs) to support the Human Exploitation Rescue Operative ***H2551** (HERO) Corps' work on the above investigations. ICE is directed to report to the Committees not later than 180 days after the date of enactment of this Act on the development, implementation, planned milestones, funding, and staffing requirements for fiscal years 2018 and 2019 for this pilot. The report shall also address this pilot's potential for expansion to principal HSI domestic offices to support investigations related to child exploitation, opioid and fentanyl smuggling, and other cybercrimes.

ICE is directed to provide a briefing on options for establishing paid HERO apprenticeships not later than 30 days after the date of enactment of this Act. ICE should continue to train at least two classes of HEROs annually and should employ HERO graduates at ICE or help place them with other agencies or organizations with related missions, as appropriate.

The total includes not less than \$305,000 for promoting public awareness of the child pornography tip line and not less than \$15,770,000 for investigations of forced labor law violations, to include forced child labor. ICE is directed to continue to submit an annual report on expenditures and performance metrics associated with forced labor law enforcement activities.

ICE is directed to continue prioritizing efforts to investigate, remove, and prosecute individuals who have committed human rights abuses, including persecution, genocide, severe violations of religious freedom, torture, extrajudicial killing, use or recruitment of child soldiers, crimes against humanity, or war crimes.

ICE's Tactical Intelligence Center (TIC) plays an important role in combating the illicit movement of people and goods into the United States through the Gulf of Mexico and has a particular focus on maritime drug smuggling and transnational criminal networks. The Department is directed to evaluate whether it could better leverage the activities of other DHS components and other federal and non-federal entities in the region with related missions through the establishment of a Regional Intelligence Integration Center more broadly focused on the collection, analysis, and coordination of intelligence related to ICE's Gulf Coast enforcement mission.

International Investigations. The total includes \$169,178,000 for International Investigations, including \$1,286,000 for five HSI agents. This amount includes an increase above the request of \$18,000,000 to annualize the costs of prior-year expansions to the Visa Security Program (VSP) and to expand the program to new high priority locations. ICE shall continue to expand the VSP where operationally feasible at high-threat posts abroad and shall ensure that support for this sustained level of operations and growth is included in annual budget requests.

ICE shall allocate not less than \$5,300,000 for war crime investigations, including but not limited to training, transportation, and hiring of additional personnel at the Office of the Principal Legal Advisor Human Rights Law Section and the HSI Human Rights Violators and War Crimes Unit.

The report on the use of International Mobile Subscriber Identity (IMSI) catchers mandated in [Senate Report 114-264](#) was received December 28, 2017. While it addressed the use of IMSI catchers and similar technologies in general terms, it lacked the specificity directed in the reporting requirement. ICE is directed to provide specific details for each of the cases referenced in the report in which IMSI catchers and related technologies were used by ICE to apprehend an individual, and providing brief descriptions for each of the times IMSI catchers and related technologies were used to gather evidence relevant to a case against an apprehended individual. These details and descriptions should only provide information about the purpose or cause of the individuals' apprehension and how IMSI catchers were used. In no case should these descriptions contain personally identifiable information.

ENFORCEMENT AND REMOVAL OPERATIONS

The total includes \$4,110,337,000 for Enforcement and Removal Operations (ERO).

Between October 1, 2017, and the date of enactment of this Act, when the Department was operating under the terms of a continuing resolution (CR), ICE exceeded its annualized rate of funding for Custody Operations. During the period of any future CR, including any CR for fiscal year 2019, ICE is directed to manage its resources in a way that ensures it will not exceed the annualized rate of funding for the fiscal year. ICE is directed to update the Committees weekly on its rate of operations for Custody Operations to demonstrate how the agency is living within its means.

ICE officials have stated publicly that enforcement actions at sensitive locations-identified as schools, healthcare facilities, places of worship, religious or civil ceremonies or observances, and public demonstrations-should generally be avoided, and its policy requires either prior approval from an appropriate supervisory official or exigent circumstances necessitating immediate action. ICE is expected to continue to follow this policy and to work with state and local law enforcement officials to ensure that ICE administrative law enforcement activities do not affect the willingness of victims to report crimes, and to otherwise minimize any other interference with the investigation or prosecution of crimes at the state and local levels.

Within 90 days of the date of enactment of this Act, and monthly thereafter, the Director of ICE shall submit to the Committees a Secure Communities report, as described in [House Report 115-239](#), and make the information publicly available on its website.

The agreement provides not less than \$34,500,000, as requested, to support the authorized level of 257 full-time law enforcement specialists and officers at the Law Enforcement Support Center (LESC). ICE is directed to take steps to ensure that current LESO operations remain centralized at the current facility and are not unnecessarily duplicated in other parts of the country. ICE shall provide the Committees with a detailed spending plan for the use of LESO funds, including operations and staffing, not later than 60 days after the date of enactment of this Act. The Department is also directed to notify the Committees prior to the reallocation of any resources currently intended for LESO operations in Vermont; it is expected that no such reallocation will be made without Committee concurrence.

ICE is directed to ensure that the LESC has the resources and approvals necessary to fully utilize its recruitment incentives program and to include details about this program in the annual spending plan required in the above paragraph. The LESC is encouraged to utilize hiring campaigns and other outreach activities, including coordination with nearby community, technical, and state colleges and universities, as well as its available direct hiring authorities, to accelerate the hiring of qualified applicants.

Custody Operations. The total includes \$3,075,686,000 for Custody Operations.

Improvements to throughput in the immigration enforcement and adjudication continuum could reduce the average length of stay for detainees, ultimately requiring less detention funding and lowering the requirement for available detention space. ICE shall continue working with federal partners, including the Executive Office for Immigration Review (EOIR), to ensure that aliens are treated fairly while moving through the immigration adjudication process and shall provide quarterly briefings to the Committees. These briefings shall be provided by ICE and those partners and shall address the implementation of strategies to improve the efficiency and effectiveness of that process, including efforts to reduce detainees' average length of stay. The first such briefing shall be provided not later than 90 days after the date of enactment of this Act.

ICE is directed to comply with the requirements of [House Report 115-239](#) related to detention facility inspections; death-in-custody reporting; access to facilities; detainee locator information; changes to the current detention facility category and inspection framework; and compliance with the 2011 Performance Based National Detention Standards (PBNDS 2011) and Prison Rape Elimination Act requirements.

ICE shall provide a report not later than 90 days after the date of enactment of this Act detailing the number and type of detention contracts and Intergovernmental Service Agreements currently in effect and all costs associated with them. In addition, the Director of ICE shall continue to report to the Committees at least 30 days in advance of entering into any new or significantly modified detention contract or other detention agreement that does not meet or exceed PBNDS 2011, as revised in 2016, and which was in effect as of the date of enactment of this Act. Each report shall include a justification for why such contract or agreement requires different standards.

ICE is expected to comply with the direction provided in the Explanatory Statement accompanying [Public Law 115-31](#) related to detention contracts and is directed to develop a timeline detailing the steps the agency will take to recruit additional personnel required for negotiating detention contracts. ICE shall provide a briefing on this timeline not later than 60 days after the date of enactment of this Act.

The *Lyon v. ICE, et al.* Settlement Agreement required ICE to improve detainee telephone access in four detention facilities in Northern California. ICE is directed to ensure appropriate telephone access for detainees at all of its facilities, including contracted facilities, and to brief the Committees on the feasibility, benefits, and costs of adhering to some or all of the telephone access parameters of the settlement agreement at all facilities within 90 days of the date of enactment of this Act.

ICE shall adhere to the guidance specified in [House Report 115-239](#) regarding reporting of family separation incidents; verifying the location, status, and disposition of separated family members; and complying with its Parental Interests Directive.

ICE shall notify the Committees prior to releasing for budgetary reasons any individual who is in removal proceedings or who has a final order of removal. Any such notification will include an explanation of how ICE assessed the potential risk to the community by the release, the risk of absconding associated with the release, and all efforts taken by ICE or the Department to identify other funding sources for transfer to this account to avoid such release.

The Fugitive Operations Program and the Criminal Alien Program shall continue to prioritize the apprehension and removal of criminal aliens and individuals who pose a risk to national security or public safety, as described in [Executive Order 13768](#).

Fugitive Operations. ICE is directed to continue funding for at least ten Mobile Criminal Alien Teams to supplement immigration enforcement efforts that target at- ***H2552** large aliens with serious criminal records, to include sex offenders, drug traffickers, gang members, and other violent felons. Furthermore, ICE shall continue to allocate not less than \$10,000,000 to investigative and support activities required to identify and remove aliens who have overstayed their visas and shall brief the Committees semiannually on the results of these efforts.

Criminal Alien Program. The bill funds the 287(g) program at the requested level of \$24,321,000. As ICE expands the number of jurisdictions participating in this program, it must maintain rigorous processes to provide oversight of 287(g)-designated officers, make program transparency a high priority, and proactively address stakeholder concerns. The Office of State, Local, and Tribal Cooperation shall continue outreach and communications to public stakeholders, and ICE shall continue to require the establishment and regular use of steering committees for each jurisdiction, as specified in [House Report 115-239](#). ICE shall notify the Committees prior to implementing any significant changes to the 287(g) program, including any changes to authorized activities, training requirements, data collection, or selection criteria. Furthermore, ICE is directed to provide an annual report on the 287(g) program, as specified in [House Report 115-239](#). In addition, the OIG and the OCRCL shall continue to provide careful oversight of the program.

Within the total, \$2,000,000 is for continuing to provide information to jurisdictions on ICE detainees with sex offender or violent crime records who will reside in such jurisdictions after being released from ICE custody. ICE shall provide regular progress reports on this effort.

Alternatives to Detention. The total includes \$187,205,000 for the Alternatives to Detention (ATD) program to support a daily average of 79,000 participants, as requested. ICE is directed to explore with its ATD contractor the potential for applying some of the promising elements of the Family Case Management Program into the larger ATD program, such as introducing a Know Your Rights (KYR) program for new participants, and to brief the Committees on this and other feasible program improvements. With regard to introducing a KYR element, the briefing shall indicate at what stage of the enrollment process it would be most effective.

ICE shall continuously explore the use of innovative ATD models, and prioritize the use of detention alternatives, including ATD and release on parole or bond, for individuals and families who receive positive credible fear determinations and do not present a public safety or flight risk.

Within the total, \$3,000,000 is included for a pilot program to enable certain aliens on the non-detained docket to check in with ICE via self-service kiosks at ERO field offices. The pilot should reduce the time and resources that deportation officers devote to managing encounters and check-ins with applicable aliens, and allowing those officer resources to devote more time and effort to improving attendance at immigration hearings and compliance with removal orders.

ICE shall continue to provide performance reports to the Committees on the ATD program, as described in [House Report 114-668](#).

MISSION SUPPORT

A total of \$458,558,000 is provided for Mission Support, \$108,167,000 above the request. Included in the funding is \$84,000,000 for replacement vehicles and \$9,000,000 to address the facility maintenance backlog. Additionally,

\$6,000,000 is included to continue Immigration Data Improvement activities in support of enhancing operational transparency and strengthening resource allocation decisions.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

A total of \$81,899,000 is provided for Procurement, Construction, and Improvements (PC&I). Included in the total is \$29,000,000 to address the facility backlog. Because funding requested for financial systems modernization and other programs could execute more slowly than anticipated, ICE shall provide a briefing on an updated PC&I spending plan not later than 60 days after the date of enactment of this Act. ICE is also directed to continue providing semiannual briefings on TECS modernization efforts.

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

TRANSPORTATION SECURITY ADMINISTRATION

OPERATIONS AND SUPPORT

A total of \$7,207,851,000 is provided for Operations and Support (O&S). This amount is partially offset by \$2,470,000,000 in estimated aviation security fee collections that are credited to this appropriation, as authorized, resulting in a net appropriation of \$4,737,851,000. The bill provides funding availability through September 30, 2019, for O&S, consistent with the period of availability in prior years. However, the Transportation Security Administration (TSA) should plan for a single year of availability for O&S funds in fiscal year 2019.

TSA is directed to cease the practice of submitting budget requests that assume revenues that have not been authorized by law.

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

AVIATION SCREENING OPERATIONS

A total of \$4,949,502,000 is provided for Aviation Screening Operations.

The total includes \$77,000,000 above the request to maintain existing TSA staffing at airport exit lanes, as required by law. The total also includes \$151,764,000, as requested, for Canines. Combined with \$8,200,000 in carryover funding from fiscal year 2017, a total of \$159,964,000 is available for Canines in fiscal year 2018. TSA is expected to use carryover funds to continue its efforts to establish a third party canine certification program for air cargo services.

TSA is directed to brief the Committees within 90 days of the date of enactment of this Act on a multi-year plan to analyze and test perimeter intrusion detection and deterrence technologies in partnership with airports. The plan should include a sampling of airports and technologies to maximize the applicability of testing results for airports of varying sizes and risk profiles, with a particular focus on high-risk airports that currently have limited capabilities. The testing results should be made widely available to assist airports in meeting their Airport Security Plan requirements. Up to \$10,000,000 is made available within the total for Screening Technology Maintenance to begin implementing this plan. *H2553

With regard to remodeling and modernization efforts undertaken by an airport on an existing exit lane that TSA was responsible for monitoring on December 1, 2013, TSA shall continue to be responsible for monitoring the exit lane after the remodeling or modernization effort is completed.

As TSA continues to evolve its screening procedures from a one-size-fits all approach to an intelligence-driven, risk-based approach, it is expected to continue working with OIG to address vulnerabilities in risk-based security initiatives, including the PreCheck program.

TSA shall provide a notification within 10 days of any change to a private screening contract, including any new award under the Screening Partnership Program or a transition from privatized screening into federal screening.

TSA is encouraged to continue exploring collateral officer duties associated with behavioral detection and resolution procedures.

TSA's passenger screening canines play an important role in the effective and efficient screening of passengers through airport checkpoints. There is concern with the current availability of explosives detection canine teams at airport checkpoints and the unmet demand for additional canine teams throughout the U.S. transportation system. While the TSA canine training center at Joint Base San Antonio-Lackland is effective, it currently lacks the throughput needed to meet the demand for trained and deployed canines. TSA shall submit a report to the Committees, not later than 90 days after the date of enactment of this Act, on its canine requirements and a plan for expanding the program. The plan should propose ways to increase the throughput of canines, including passenger and cargo screening canines, at the Lackland location. The plan shall also detail funding and facilities requirements, new policies, and other resources necessary to execute this expansion.

To meet the increasing demand for explosives detection canines, TSA is directed to examine the feasibility of developing a dedicated breeding program. This assessment should consider cost, the length of time required to start a program, and a comparison between the quality of dogs that might come from such a breeding program and the current practice of acquiring dogs from international and domestic vendors. TSA shall also collaborate with other components to determine if any benefits could be derived from a department-wide breeding program. TSA shall brief the Committees on its findings not later than 180 days after the date of enactment of this Act.

OTHER OPERATIONS AND ENFORCEMENT

A total of \$1,389,091,000 is provided for Other Operations and Enforcement.

Given current threats to the aviation sector, the total includes \$45,000,000 above the request to sustain the Law Enforcement Officer Reimbursement Program. The total includes \$19,514,000 for the Federal Flight Deck Officer and Crew Training Program. Combined with \$4,367,000 in carryover funding from fiscal year 2017, a total of \$23,881,000 is available for this program in fiscal year 2018. The total also includes \$43,000,000 above the request to maintain 31 Visible Intermodal Prevention Response teams.

TSA is directed to continue efforts with its airport partners to strengthen programs to counter insider threats, such as more rigorous screening of employees prior to their accessing secure areas. TSA shall provide a briefing not later than 45 days after the date of enactment of this Act on these efforts and whether additional resources could enhance them. The briefing should specifically assess the feasibility of integrating additional qualified screening technology into the employee screening process.

The funding level for the Federal Air Marshals Service (FAMS) reflects TSA's inability to hire and backfill positions at the rate projected in the request. TSA shall continue to submit quarterly reports on FAMS mission coverage, staffing

levels, and hiring rates as directed in prior years. FAMS is directed to brief the Committees not later than 90 days after the date of enactment of this Act on efforts to better incorporate risk into its deployment decisions, in accordance with the recommendations outlined in GAO-16-582.

TSA shall provide quarterly briefings on its air cargo security investments, to include the metrics derived from recent tests and the mitigation strategies employed in response to covert test findings.

MISSION SUPPORT

A total of \$869,258,000 is provided for Mission Support.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

A total of \$167,314,000 is provided for Procurement, Construction, and Improvements.

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

AVIATION SCREENING INFRASTRUCTURE

The total includes \$151,023,000 for Aviation Screening Infrastructure. Within this amount is an increase of \$64,000,000 to accelerate the procurement and testing of computed tomography equipment as a part of TSA's broader effort to recapitalize the aging screening equipment fleet, enhance detection capabilities and performance, and more effectively counter emerging threats to aviation security. Combined with \$12,148,000 in carryover funding from fiscal year 2017, a total of \$76,148,000 is available for these efforts in fiscal year 2018.

The total also includes an increase of \$50,000,000 for TSA to begin to reimburse airports that incurred costs associated with the development of a partial or completed in-line baggage system prior to August 3, 2007. As directed in the explanatory statement accompanying [Public Law 114-113](#), TSA has validated project cost information submitted by airports to determine allowable and allocable expenses. TSA is directed to brief the Committees on its timeline and methodology for allocating the funds provided and next steps not later than 30 days after the date of enactment of this Act. The brief shall include a plan for how TSA will address the remaining balance of reimbursement claims in future budget requests.

TSA is directed to submit a detailed report on passenger and baggage screening, consistent with the reporting requirement in [Public Law 114-113](#), not later than 90 days after the date of enactment of this Act. The report shall include a useful description of existing and emerging technologies capable of detecting threats concealed on passengers and in baggage, as well as projected funding levels for the next five fiscal years for each technology identified in the report.

RESEARCH AND DEVELOPMENT

A total of \$20,190,000 is provided for Research and Development.

TSA is directed to brief the Committees not later than 90 days after the date of enactment of this Act on efforts by the Innovation Task Force to rapidly develop and deploy next generation screening solutions.

COAST GUARD

OPERATING EXPENSES

A total of \$7,373,313,000 is provided for Operating Expenses, including a transfer of \$24,500,000 from the Oil Spill Liability Trust Fund. The total amount includes \$503,000,000 for Coast Guard defense related activities, of which \$163,000,000 is for overseas contingency operations (OCO) and the global war on terrorism (GWOT) and may be allocated without regard to section 503 in title V of this Act. Within the amount provided, not less than \$25,000 shall be utilized for performance upgrades to the moribund Coast Guard website.

The Coast Guard has yet to complete a Manpower Requirements Analysis (MRA), as directed by section 2904 of the Coast Guard Authorization Act of 2015 ([Public Law 114-120](#)), to determine the size of the force needed. The Coast Guard is directed to complete the MRA not later than 120 days after the date of enactment of this Act.

Access to child care is critical to supporting Coast Guard families, particularly those assigned to remote Coast Guard stations. Of the amount recommended for Operating Expenses, \$1,000,000 is to increase the child care subsidy for Coast Guard families residing in areas with high costs of living. Within 90 days after the date of enactment of this Act, the Coast Guard shall brief the Committees on its plan to implement the increased subsidy. In addition, the Coast Guard is to conduct and report to the Committees the results of a survey of its personnel regarding the cost and availability of child care, as well as the effect of access to child care on retention.

The Coast Guard is urged to expand its participation in Partnership in Education programs to museums and schools with a focus on limnology and oceanographic programs that support science, technology, engineering, and math education.

Funding is provided to meet the air facility operation obligations laid out in section 208 of the Coast Guard Authorization Act of 2015 ([Public Law 114-120](#)).

The Coast Guard is directed to provide a business case analysis to the Committees, within 60 days after the date of enactment of this Act, for adopting the approach employed by the Department of Veterans Affairs to acquire the next-generation Electronic Health Records system.

In fiscal year 2017, \$6,000,000 was provided for the Fishing Safety Training Grants and Fishing Safety Research Grants programs, as authorized by section 309 of the Coast Guard Reauthorization Act of 2014 (***H2554** [Public Law 113-281](#)). The Coast Guard is directed to brief the Committees on the programs not later than 60 days after the date of enactment of this Act and to request funding for the programs in future budget requests. The Coast Guard should continue to collaborate with the National Institute of Occupational Safety and Health on fishing safety research, and shall submit the report required by [Senate Report 114-264](#) without delay. That report shall include a notice of funding availability, a schedule for grant awards, and metrics to measure impact and effectiveness.

Based on recent reporting pursuant to [Public Law 94-254](#), the Coast Guard is experiencing an increase in costs that will result in diminished resources for other statutory missions. The Coast Guard shall appropriately account for these needs in future budget requests.

The Coast Guard is directed to appropriately budget to support the Arctic Program Office in order to adequately address the challenges inherent to the growing mission in that region.

The Coast Guard is not procuring enough small boats annually to meet its acquisition objective. Not later than 30 days after the date of enactment of this Act, the Coast Guard shall provide a report detailing small boat purchases, leases, repairs, and service life replacements planned for fiscal year 2018.

Minor construction projects funded from the Operating Expenses appropriation can be combined with depot level maintenance projects for the sake of administrative and economic efficiency. The Coast Guard is directed to provide a report to the Committees not later than 45 days after the date of enactment of this Act detailing such projects along with any fiscal year 2018 sustainment, repair, replacement, or maintenance projects that will cost more than \$2,000,000. This report shall be updated and included in future congressional budget justification materials.

The Coast Guard is urged to expedite planning for facility and equipment upgrades necessary for service life extensions of Fast Response Cutters (FRC) and other vessels at the Coast Guard Yard at Curtis Bay in Baltimore, Maryland. The nearest travel lift of sufficient size and capacity to service the FRC is in Hampton Roads, Virginia. Transporting the travel lift between Hampton Roads and Baltimore is a costly and time consuming procedure that removes the lift from service during transport. The Coast Guard is to develop a plan for acquiring necessary equipment and making physical modifications to wharves or other parts of the Coast Guard Yard facility to accommodate FRCs and other vessels there and is to request sufficient resources for these improvements.

The Coast Guard shall notify the Committees prior to making any changes to the type or number of its command and control aircraft, or making changes to the flight hours of such aircraft.

Not later than 180 days after the date of enactment of this Act, the Coast Guard shall provide a report to the Committees detailing the feasibility, costs, and benefits of transitioning to the use of bromine-free systems aboard National Security Cutters (NSC), FRCs, or Offshore Patrol Cutters (OPC).

In establishing homeports for new vessels in the northeast United States, the Coast Guard is directed to partner with the National Oceanic and Atmospheric Administration and the Navy, as appropriate, to leverage existing assets and new investments at Naval Station Newport.

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

OVERSEAS CONTINGENCY OPERATIONS/GLOBAL WAR ON TERRORISM

Funding for Coast Guard OCO/GWOT activities is provided directly through the Operating Expenses appropriation instead of through the Navy's Operation and Maintenance account. The Coast Guard shall brief the Committees not later than 30 days after the date of enactment of this Act on any changes to OCO amounts expected during fiscal year 2018 and on projected transition costs expected in fiscal year 2019 to support OCO.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

A total of \$13,397,000 is provided for Environmental Compliance and Restoration (EC&R). The Coast Guard is directed to include in its annual budget justification materials a list of the activities projected to be funded by the amounts requested under this heading and an updated backlog report for EC&R projects that includes an explanation of how the amount requested will impact this documented backlog.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

A total of \$2,694,745,000 is provided for Acquisition, Construction, and Improvements. The Coast Guard is directed to continue to provide quarterly briefings to the Committees on all major acquisitions, consistent with the direction in the explanatory statement accompanying [Public Law 114-4](#).

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

***H2555 VESSELS**

To the maximum extent practicable, the Coast Guard is directed to utilize components that are manufactured in the United States when contracting for new vessels. Such components include: auxiliary equipment, such as pumps for shipboard services; propulsion equipment including engines, reduction gears, and propellers; shipboard cranes; and spreaders for shipboard cranes.

The Coast Guard shall be exempted from the administration's current acquisition policy that requires the Coast Guard to attain the total acquisition cost for a vessel, including long lead time materials (LLTM), production costs, and postproduction costs, before a production contract can be awarded.

Survey and Design-Vessels and Boats. The total includes \$4,500,000 to support survey and design. To enhance icebreaking capacity on the Great Lakes, \$3,000,000 is included for survey and design work to support the acquisition of an icebreaker that is at least as capable as the USCGC MACKINAW (WLBB-30).

National Security Cutter. The total includes \$1,241,000,000 for the NSC program. This amount includes \$540,000,000 for the construction of a tenth NSC, \$95,000,000 to be made immediately available to contract for LLTM for an eleventh NSC, and \$540,000,000 for the construction of the eleventh NSC. Crewing concepts initiated by the Coast Guard that underpinned the assumption that 12 High Endurance Cutters could be replaced with 8 NSCs have proven unworkable.

Offshore Patrol Cutter. The recommendation includes \$500,000,000 for the OPC, consistent with the budget request. These funds will provide for production of OPC1, LLTM for OPC2, program activities, test and evaluation, government furnished equipment, and training aids.

Fast Response Cutter. The Coast Guard program of record calls for 58 FRCs, of which 44 have been ordered and 26 have been delivered and are in service today. The recommendation provides \$340,000,000 for six FRCs, four of which are for the current program of record and two of which are to initiate replacement of the 110-foot Island Class Cutters supporting U.S. Central Command in Southwest Asia.

Polar Ice Breaking Vessel. The recommendation includes \$19,000,000, consistent with the budget request, to maintain the accelerated acquisition schedule established in fiscal year 2017 for a new class of Polar Icebreakers. These funds will be used to request proposals and award contracts for detailed design and options for future vessel construction.

The Coast Guard is directed to initiate a service life extension project to rehabilitate and restore the critical systems onboard the heavy icebreaker POLAR STAR. Increased efforts shall be made during maintenance availability periods to rehabilitate major systems and accelerate contracting for this work to the greatest extent possible. In carrying out such efforts, the Coast Guard is encouraged to address the rehabilitation and replacement of old and obsolete systems that are in poor material condition and may impair crew readiness or safety.

Inland Waterways and Western Rivers Cutters. The Coast Guard's fleet of inland river tenders range in size from 65 to 160 feet and were commissioned between 1944 and 1990. This fleet, which has an average age of 52 years, helps ensure the integrity of the structures, beacons, and buoys that support the vital U.S. Marine Transportation System. In

addition to age concerns and equipment obsolescence issues, the fleet presents other challenges, including the presence of asbestos and lead paint, which raise concerns about crew health. The recommendation provides \$25,000,000 above the request to accelerate the acquisition of a new Waterways Commerce Cutter.

AIRCRAFT

HC-130J Conversion/Sustainment. The total includes \$100,600,000 for the HC-130J aircraft program. This amount is \$95,000,000 above the request for the procurement of one HC-130J aircraft.

MH-60T Conversion/Sustainment. The bill supports efforts to recapitalize MH-60T aircraft. The Coast Guard is directed to brief the Committees, not later than 90 days after the date of enactment of this Act, on options for extending the lifespan of its MH-60T aircraft, including associated costs and timelines for each option.

HC-27J Conversion/Sustainment. The total includes \$18,000,000 above the request for the procurement of an HC-27J training simulator to be located at the Coast Guard Aviation Training Center.

SHORE FACILITIES

The total includes \$134,500,000 for Shore Facilities and Aids to Navigation. The Commandant is directed to provide to the Committees, at the time of each budget submission, a list of approved but unfunded Coast Guard priorities and the funds needed for each.

Not later than 180 days after the date of enactment of this Act, the Coast Guard shall submit to the Committees a report on a plan to provide communications throughout the entire Coastal Western Alaska Captain of the Port zone to improve waterway safety and to mitigate close calls, collisions, and other dangerous interactions between large ships and subsistence hunter vessels. The report should also include: any shore infrastructure improvements necessary to fulfill such a plan; an explanation of the feasibility of establishing a vessel traffic service that covers the region using existing resources or public-private partnerships; and a timeline of when funding is needed to implement these improvements.

The Coast Guard has considered establishing anchorages in the Hudson River and has completed an Advanced Notice of Proposed Rulemaking. After receiving comments, the Coast Guard is conducting a full Ports and Waterways Safety Assessment to best determine whether and how to proceed. Prior to any proposal to establish these anchorages, the Coast Guard shall brief the Committees on the results of the assessment and its plans regarding the anchorages.

Major Construction; Housing; ATON; and Survey & Design. The total includes \$32,400,000 above the request to address the top housing priority on the Coast Guard's Unfunded Priority List.

Major Acquisition System Infrastructure. The total includes \$8,000,000 for infrastructure associated with the procurement of an HC-27J training simulator and \$19,100,000 to address the top Major Acquisition System Infrastructure priorities on the Coast Guard's Unfunded Priority List.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

A total of \$29,141,000 is provided for Research, Development, Test, and Evaluation.

Disruptions to Global Positioning System (GPS) signals can cause severe problems for ship navigation, port security, and situational awareness. In recent years, incidents of GPS tampering have disrupted the flow of commerce within ports by blocking the signals needed for crane operators to locate and move goods. When these signals are blocked, the

delays associated with the manual location of containers can all but shut down port operations. Therefore, \$500,000 is provided for the Coast Guard to conduct digital forensics research and testing on devices meant to jam or otherwise interfere with GPS signals.

The Coast Guard continues to face challenges with respect to conducting maritime surveillance necessary to support its statutory missions related to marine safety, security, and protection in the Pacific Ocean. To address this concern, up to \$5,000,000 is made available within the total amount to conduct a full maritime domain awareness pilot study and assessment to determine the efficacy of using low-cost, commercially available technology solutions, in combination with or on existing fleet platforms, to enhance maritime domain awareness. This effort should test technology solutions across the fleet, including with the Coast Guard Auxiliary if applicable. The Coast Guard is encouraged to consider systems that have been used by small, remote Pacific Island states and other technologies with little or no logistics funding tail. The Coast Guard shall brief the Committees not later than 60 days after the date of enactment of this Act on its approach to carrying out this study. The briefing shall include a timeline for the development of a concept of operations and business case analysis, as well as a plan for industry engagement and technology demonstration.

As the Coast Guard's only functional heavy icebreaker, the POLAR STAR, reaches the end of its service life, a potential gap may emerge with respect to the Coast Guard's polar icebreaker capability before new heavy icebreaking vessels can be acquired. To help address that potential gap, up to \$5,000,000 is made available within the total to examine whether the Coast Guard's statutory requirements could be met by existing vessels using short-term procurement strategies.

In fiscal year 2017, Congress provided \$18,000,000 for the Coast Guard to test and evaluate the use of long range/ultra-long endurance UAS in support of the Department's needs, particularly intelligence, surveillance, and reconnaissance in source and transit zones. The Coast Guard is directed to fulfill the related briefing requirement in the explanatory statement accompanying [Public Law 115-31](#) and directs the Coast Guard to allocate such fiscal year 2018 sums as may be necessary to continue this long range/ultra-long endurance UAS effort.

UNITED STATES SECRET SERVICE

OPERATIONS AND SUPPORT

A total of \$1,915,794,000 is provided for Operations and Support. Of the funds provided, \$39,692,000 is made available until September 30, 2019. Included in the total is: \$6,000,000 for a grant related to missing and exploited children investigations; \$5,482,000 for the James J. Rowley Training Center; \$5,710,000 for Operational Mission Support; \$18,000,000 for protective travel; and \$4,500,000 for National Special Security Events (NSSE).

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

The total amount includes the following increases above the request: \$9,866,000 to implement new overtime payment authority for agents and officers; \$18,778,000 for basic and advanced computer forensics training for state and local law enforcement officers, judges, and prosecutors in support of the United States Secret Service (USSS) mission; \$2,000,000 for additional hiring; and \$5,000,000 for retention efforts. The Secret Service shall provide periodic briefings to the Committees on the demand for computer forensics training and should identify appropriate resources to support it in future budgets.

The bill sustains the fiscal year 2017 funding level of \$2,366,000 for forensic and investigative support related to missing and exploited children within the Domestic and International Field Operations PPA and \$6,000,000 for grants

related to investigations of missing and exploited children within the Support for Missing and Exploited Children Investigations PPA.

In addition, the bill provides \$4,500,000, as requested, to defray costs specific to Secret Service execution of its statutory responsibilities to direct the planning and coordination of NSSEs. An administrative provision in the Act prohibits the use of funds to reimburse any federal department or agency for its participation in an NSSE. The USSS is directed to provide semiannual briefings, beginning not later than 180 days after the date of enactment of this Act, on the use of NSSE funds.

In lieu of House report language on Secret Service protection operations, the USSS is directed to submit a report to the Committees, not later than 90 days after the date of enactment of this Act, and annually thereafter, detailing expenditures of funds for the purpose of providing protection in accordance with each of the categories listed in [18 U.S.C. 3056\(a\)](#) during the course of any travel.

The USSS is directed to: (1) brief the Committees within 90 days after the date of enactment of this Act on its progress toward correcting deficiencies identified in GAO-16-288 related to salaries and benefits cost data, and on its protection operations, as described in [House Report 115-239](#); (2) brief the Committees within 180 days of enactment of this Act on its strategic human capital plan for 2018 through 2022 and on efforts to enhance perimeter security using emerging technologies, including fiber-optic sensors; and (3) provide quarterly updates to the Committees on progress in securing a replacement presidential limousine, including any updates to the anticipated delivery schedule.

The USSS is also directed to renew its efforts to cultivate a professional workforce that adheres to high standards, both on-duty and off-duty, through consistent and effective training and oversight.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

A total of \$90,480,000 is provided for Procurement, Construction, and Improvements. The total amount includes an increase above the request of \$12,150,000 for new armored vehicles and \$14,300,000 for continued work on the White House Crown fence.

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

The USSS is directed to provide a briefing, not later than 60 days after the date of enactment of this Act, on an investment and management plan for Information Integration Technology Transformation for fiscal years 2018-2020.

RESEARCH AND DEVELOPMENT

A total of \$250,000 is provided for research and development.

TITLE II-ADMINISTRATIVE PROVISIONS-THIS ACT

Section 201. The bill continues a provision regarding overtime compensation.

Section 202. The bill continues a provision allowing CBP to sustain or increase operations in Puerto Rico with appropriated funds.

Section 203. The bill continues and modifies a provision, making permanent a prohibition on the transfer of aircraft and related equipment by CBP from its inventory unless certain conditions are met.

Section 204. The bill continues a provision regarding the availability of passenger fees collected from certain countries.

Section 205. The bill continues and modifies a provision allowing CBP access to certain reimbursements for preclearance activities.

Section 206. The bill continues a provision prohibiting individuals from importing prescription drugs from Canada.

Section 207. The bill continues a provision regarding the waiver of certain navigation and vessel-inspection laws.

Section 208. The bill continues a provision preventing the establishment of new border crossing fees at land ports of entry.

Section 209. The bill continues a provision allowing the Secretary to reprogram and transfer funds within and into "U.S. Immigration and Customs Enforcement-Operations and Support" to ensure the detention of aliens prioritized for removal.

Section 210. The bill continues a provision prohibiting the use of funds provided under the heading "U.S. Immigration and Customs Enforcement-Operations and Support" to continue a delegation of authority under the 287(g) program if the terms of an agreement governing such delegation have been materially violated.

Section 211. The bill continues a provision prohibiting the use of funds provided under the heading "U.S. Immigration and Customs Enforcement-Operations and Support" to contract with a facility for detention services if the facility receives less than "adequate" ratings in two consecutive performance evaluations.

Section 212. The bill continues a provision requiring the submission of a report related to erroneous financial obligations by U.S. Immigration and Customs Enforcement.

Section 213. The bill continues a provision waiving a subsistence payment limitation for certain employees related to certain hurricanes, and authorizing the Secretary to provide reimbursements at an increased lodging rate associated with such subsistence expenses.

Section 214. The bill continues a provision clarifying that certain elected and appointed officials are not exempt from federal passenger and baggage screening.

Section 215. The bill continues a provision directing TSA to deploy explosives detection systems based on risk and other factors.

Section 216. The bill continues a provision authorizing TSA to use funds from the Aviation Security Capital Fund for the procurement and installation of explosives detection systems or for other purposes authorized by law.

Section 217. The bill continues a provision prohibiting the use of funds in abrogation of the statutory requirement for TSA to monitor certain airport exit points.

Section 218. The bill continues a provision prohibiting funds made available by this Act for recreational vessel expenses, except to the extent fees are collected from owners of yachts and credited to this appropriation.

Section 219. The bill continues a provision under the heading "Coast Guard-Operating Expenses" allowing up to \$10,000,000 to be reprogrammed to or from Military Pay and Allowances.

Section 220. The bill continues a provision requiring the Commandant of the Coast Guard to submit a future-years capital investment plan.

Section 221. The bill continues a provision prohibiting the use of funds to reduce the Coast Guard's Operations Systems Center mission or staff.

Section 222. The bill continues a provision prohibiting the use of funds to conduct a competition for activities related to the Coast Guard National Vessel Documentation Center.

Section 223. The bill continues a provision allowing the use of funds to alter, but not reduce, operations within the Civil Engineering program of the Coast Guard. *H2557

Section 224. The bill continues a provision related to the allocation of funds for Overseas Contingency Operations/ Global War on Terrorism.

Section 225. The bill includes a new provision related to continuation pay for certain members of the Coast Guard.

Section 226. The bill continues a provision allowing the Secret Service to obligate funds in anticipation of reimbursement for personnel receiving training.

Section 227. The bill continues a provision prohibiting the use of funds by the Secret Service to protect the head of a federal agency other than the Secretary of Homeland Security, except when the Director has entered into a reimbursable agreement for such protection services.

Section 228. The bill continues a provision allowing the reprogramming of funds within "United States Secret Service-Operations and Support".

Section 229. The bill continues a provision allowing funds made available within "United States Secret Service-Operations and Support" to be available for travel of employees on protective missions without regard to the limitations on such expenditures.

Sec. 230. A new provision is included designating the uses of certain amounts under "U.S. Customs and Border Protection-Procurement, Construction, and Improvements", limiting the use of certain amounts under such account for previously deployed fencing designs, and prohibiting the use of funds to construct a border barrier in the Santa Ana National Wildlife Refuge.

Sec. 231. A new provision is included requiring the Secretary to submit a risk-based plan for improving security along the borders of the United States.

TITLE III-PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

OPERATIONS AND SUPPORT

A total of \$1,482,165,000 is provided for Operations and Support, of which \$219,429,000 is for the Office of Biometric Identity Management (OBIM).

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

To better align NPPD resources under the Common Appropriations Structure, the total reflects a realignment to Operations and Support of \$1,680,000 requested within Procurement, Construction, and Improvements. This realignment will ensure that funds are provided in the proper account for the stated purpose.

Language is included in this explanatory statement under Federal Emergency Management Agency (FEMA)-Federal Assistance directing the submission of a report on the types of assistance across components that are available to state, local, tribal, and territorial (SLTT) governments. Furthermore, NPPD and FEMA are directed to brief the Committees, not later than 60 days after the date of enactment of this Act, on the potential benefits and costs of establishing a joint program office to enhance coordination of these activities.

CYBERSECURITY

The total includes \$722,908,000 for Cybersecurity. This amount includes \$9,516,000 for the Multi-State Information Sharing and Analysis Center to support its updated requirement for fiscal year 2018 and an increase above the request of \$4,963,000 to support the new Election Infrastructure Security Initiative (EISI).

Cyber Readiness and Response. The agreement includes a total of \$243,992,000 for the National Cybersecurity and Communications Integration Center (NCCIC), including \$173,909,000 for Computer Emergency Response Teams (CERT) and \$17,000,000 for enhanced training, malware analysis, safety systems vulnerability analysis, incident response, and assessments of Industrial Control Systems in emerging sectors and subsectors. In light of current threats, the agreement restores the proposed reduction of \$6,814,000 for planning and exercises.

NPPD shall brief the Committees not later than 60 days after the date of enactment of this Act on its assessment of election infrastructure vulnerabilities and its work with election officials to prevent cyber intrusions.

Of the total provided, \$3,000,000 is for the establishment of pilot programs to explore and evaluate the most effective methods for cybersecurity information sharing, focusing on regional information sharing; communications and outreach; training and education; and research and development for the improvement of SLTT government capabilities and capacity. NPPD is directed to provide a report on the results of each pilot not later than 270 days after its completion.

The NCCIC is directed to continue providing technical assistance to other federal agencies, upon request, on preventing and responding to data breaches involving unauthorized access to personally identifiable information.

GAO-17-163 made several recommendations designed to ensure that the NCCIC is adhering to its nine implementing principles under the National Cybersecurity Protection Act. Specifically, the report noted that the NCCIC had yet to determine whether those implementing principles are applicable to its eleven statutory cybersecurity functions and had yet to establish performance metrics for the principles. Not later than 90 days after the date of enactment of this Act, NPPD shall brief the Committees on its specific plans to address these GAO recommendations.

Cyber Infrastructure Resilience. The total includes \$14,393,000 for cybersecurity education and awareness, of which \$4,300,000 is to continue the Cybersecurity Education and Training Assistance Program.

Federal Cybersecurity. The total includes \$102,681,000 for Continuous Diagnostics and Mitigation (CDM), of which \$8,901,000 is an increase above the budget request to accelerate deployment of CDM to federal departments and agencies. NPPD is directed to provide a briefing to the Committees on the current CDM program acquisition strategy and schedule not later than 30 days after the date of enactment of this Act.

The total includes \$287,226,000 for the National Cybersecurity Protection System (NCPS), which protects federal networks and data from cyber intrusions. NPPD is directed to continue to work closely with federal departments and agencies as they participate in the NCPS and to provide semiannual briefings to the Committees, beginning not later than 30 days after the date of enactment of this Act, on any obstacles that arise with regard to such participation.

GAO-16-294 found that NPPD is not fully utilizing the capability of NCPS to detect potentially malicious activity entering or exiting computer systems on the ".gov" network. The total includes \$3,000,000 for pilot programs to help address the GAO report's related recommendation and to comply with the mandate in the Cybersecurity Act of 2015 ***H2558** to conduct regular assessments of advanced protective technologies through pilots. The pilots should be conducted in collaboration with the National Institute of Standards and Technology and other appropriate entities.

Not later than 120 days after the date of enactment of this Act, NPPD and FEMA shall brief the Committees on the types of grant assistance, technical assistance, and formal ongoing engagement available to SLTT government entities, including law enforcement agencies, for the purpose of protecting their cyber networks. Within 240 days of the date of enactment of this Act, NPPD shall provide an assessment to the Committees of the overall effectiveness of this assistance and outreach in improving cybersecurity capacity and performance at non-federal levels of government. The Department may provide technical assistance and support to SLTT entities related to the purchase of commercial software capable of protecting the integrity of government information and networks against intrusions.

The fiscal year 2017 National Defense Authorization Act ([Public Law 114-328](#)) required DHS to provide Congress with a departmental cybersecurity strategy. In light of recent cyber events, DHS is expected to accelerate the completion of this strategy and to continue to engage with relevant public and private stakeholders to help prevent and mitigate future cyber intrusions.

INFRASTRUCTURE PROTECTION

A total of \$194,216,000 is provided for Infrastructure Protection.

Infrastructure Capacity Building. The total includes \$16,199,000 for the Office of Bombing Prevention (OBP). This funding will sustain needed training, information sharing, and awareness programs for SLTT and private sector entities related to trends in terrorist utilization of explosives. The funding will also provide for analysis of current counter-explosives capabilities and identification of capability gaps. NPPD should explore how coordination with the National Guard on training could be further enhanced.

The total includes \$2,000,000 for the Technology Development and Deployment Program to identify requirements for NPPD; for community-level critical infrastructure protection and resilience; and to rapidly develop, test, and transition technologies that address such requirements.

Sector Risk Management. The total includes \$1,121,000 for EISI.

EMERGENCY COMMUNICATIONS

The total includes \$118,456,000 for Emergency Communications, of which \$1,785,000 is for the EISI and \$2,000,000 is to continue National Emergency Communications Plan development projects.

NPPD is directed to include in the next Biennial Report to Congress on Emergency Communications the status of interoperability planning for public safety communications systems. Because achieving interoperability among these systems is challenged by separate planning efforts for different kinds of systems (such as alert and warning, next generation 911, and broadband), the report should specifically identify what gaps exist among such systems. Furthermore, NPPD is directed to share information with FEMA on critical interoperable communications gaps in order to better inform grant award decision making.

INTEGRATED OPERATIONS

The total includes \$142,663,000 for Integrated Operations.

Cyber and Infrastructure Analysis. The total includes \$18,650,000 for the National Infrastructure Simulation and Analysis Center; \$1,350,000 for the EISI; and, \$2,000,000 for evaluating utility grid resiliency using real and simulated experimentation to test technologies, train operators, and quantify impacts and risks. The results of these evaluations should also inform how NPPD employs response tactics and prioritizes future investments.

Stakeholder Engagement and Requirements. The total includes \$1,679,000 for software assurance and \$2,000,000 to enhance supply chain security.

OFFICE OF BIOMETRIC IDENTITY MANAGEMENT

OBIM is directed to continue briefing the Committees on a semiannual basis on its workload, staffing levels, modernization efforts, and improvements in the sharing of appropriate identity information between DHS and other departments and agencies, including through the implementation of Unique Identity and the information systems discussed below. The information sharing briefs should specifically address capability gaps and strategies to close them.

As development of the Homeland Advanced Recognition Technology (HART) system continues, OBIM is expected to closely coordinate with TSA, CBP, the Department of Defense (DOD), the Department of Justice, the Department of State, the intelligence community, and other relevant agencies to standardize and appropriately share biometric information. In particular, OBIM shall continue to work with DOD to implement interim solutions to expand interagency biometric data-sharing and ingest legally shareable data from DOD's Automated Biometric Identification System (ABIS) into IDENT/HART for appropriate use by components. Additionally, as directed in prior Committee reports, OBIM shall continue to coordinate with TSA to ensure that TSA's Technology Infrastructure Modernization systems are appropriately integrated with HART.

OBIM shall incorporate the latest proven biometric technologies, including advanced facial recognition, in its ongoing enhancements to the IDENT/HART system and ensure the needs of stakeholders are addressed.

FEDERAL PROTECTIVE SERVICE

A total of \$1,476,055,000 is made available for the Federal Protective Service (FPS). This funding is generated by collections of security fees from federal agencies based on security services provided by FPS.

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

FPS, in conjunction with the Department and OMB, shall provide a report to the Committees on a quarterly basis, beginning not later than 90 days after the date of enactment of this Act, describing its progress toward developing a sustainable funding model that will adequately address FPS resource shortfalls and long-term needs in order to fulfill mission responsibilities.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

A total of \$414,111,000 is provided for Procurement, Construction, and Improvements.

The amount provided for this appropriation by PPA is as follows:

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CYBERSECURITY

The total includes \$362,167,000 for Cybersecurity. The total reflects a realignment of \$58,557,000 from Operations and Support for the National Cybersecurity Protection System, as requested. The total includes an additional \$61,801,000 to support acceleration of CDM capabilities to a broader set of non-CFO Act agencies and to accelerate mobile/cloud computing visibility across the ".gov" domain. Also included in the total is \$500,000 to further the design and implementation of the backup site for DHS cyber and communications programs.

BIOMETRIC IDENTITY MANAGEMENT

No new funding is included for HART due to delays in the acquisition schedule.

INFRASTRUCTURE PROTECTION

In response to information provided by the Department, \$1,680,000 is realigned to the Operations and Support appropriation for the Infrastructure Protection Gateway.

RESEARCH AND DEVELOPMENT

A total of \$15,126,000 is provided for Research and Development.

The amount provided for this appropriation by PPA is as follows:

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The total includes \$2,000,000 for cooperative resilient ports efforts with federal research and development organizations, including the U.S. Army Corps of Engineers (USACE), and \$2,000,000 is for cooperative efforts with USACE for data analytics related to vulnerability and consequence assessments.

NPPD is encouraged to collaborate with other federal research and development organizations on the review, evaluation, and optimization of Internet protocol gateways to make critical infrastructure more secure and resilient and to prevent or mitigate cybersecurity threats.

OFFICE OF HEALTH AFFAIRS

OPERATIONS AND SUPPORT

A total of \$121,569,000 is provided for Operations and Support.

The amount provided for this appropriation by PPA is as follows:

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On October 6, 2017, the Department notified the Committees that it intended to use its authority under section 872 of the Homeland Security Act to consolidate the Domestic Nuclear Detection Office (DNDO), the Office of Health Affairs (OHA), and a number of activities and personnel from other components into a new Countering Weapons of Mass Destruction (CWMD) Office, effective December 5, 2017. Because of the challenges associated with transitioning to new Treasury accounts in the middle of a fiscal year, however, DHS did not propose the transfer of OHA and DNDO funding into new CWMD Office accounts. As a consequence, OHA and DNDO will continue to operate and be funded as separate components during fiscal year 2018.

An administrative provision is included in title V of this Act to permit DHS to begin executing funds through new CWMD appropriations accounts beginning on October 1, 2018, but only subsequent to the enactment of legislation explicitly authorizing the establishment of such an Office.

In January 2018, the Assistant Secretary for CWMD briefed the Committees on a procurement action made to resource a pilot program in support of state and local law enforcement and first responders. However, neither OHA nor DNDO requested funding in any budget for this activity, nor had the offices developed any goals, objectives, or criteria for success prior to embarking on this new pilot. In the future, the Department is expected to follow the acquisition management process, as defined in DHS Management Directive 102-01, and to include such programs in its budget justification materials to Congress. While emerging requirements may necessitate agencies to shift funds in the year of execution, all components of DHS must adhere to section 503 reprogramming and transfer conditions. If a new requirement is addressed through a reprogramming that falls below the section 503 notification threshold, all components must still adhere to program management principals and an acquisition management process that yields transparency and efficiency.

Language is included in this explanatory statement under FEMA-Federal Assistance directing the submission of a report on the types of assistance across DHS components available to SLTT governments.

CHEMICAL AND BIOLOGICAL READINESS

The total includes \$79,130,000 for the Chemical and Biological Readiness PPA. This amount includes: \$1,250,000 to continue investments in biodetection technology enhancements; \$800,000 to continue the development of a comprehensive exercise, workshop, and technical assistance program for food, agriculture, and veterinary preparedness; and \$500,000 to continue implementing the voluntary anthrax vaccine program for emergency responders.

INTEGRATED OPERATIONS

The total includes \$9,400,000 for Integrated Operations. This amount includes an increase above the request of \$8,000,000 to continue support for the National Biosurveillance Integration Center, as authorized by [Public Law 110-53](#). Not later than 90 days after the date of enactment of this Act, the Department shall submit a five-year strategic plan that outlines NBIC's proposed capabilities, objectives, a roadmap to achieving those objectives, and performance metrics by which to measure success. NBIC is encouraged to continue its engagement in support of a visualization tool

that incorporates data from state and local entities that can serve as a bio-preparedness tool for emergency response, emergency management, and law enforcement at all levels of government.

FEDERAL EMERGENCY MANAGEMENT AGENCY

OPERATIONS AND SUPPORT

A total of \$1,030,135,000 is provided for Operations and Support.

The amount provided for this appropriation by PPA is as follows:

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***H2560** MITIGATION

The total includes \$36,141,000 for Mitigation. This amount includes not less than \$8,758,000 for the National Earthquake Hazards Reduction Program and not less than \$9,186,000 for the National Dam Safety Program.

PREPAREDNESS AND PROTECTION

The total includes \$131,981,000 for Preparedness and Protection.

FEMA is directed to provide detailed justification for all technical assistance activities anticipated through Preparedness and Protection for fiscal year 2020. The justification shall include a clear description of each program's intent and metrics to demonstrate whether the program is achieving this intent.

FEMA is encouraged to consider whether support for the Emergency Management Assistance Compact would be more appropriately provided separately from the technical assistance category.

[Public Law 114-32](#) required FEMA's National Advisory Council to complete its recommendations on the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation Act not later than December 16, 2017. Within 30 days of the completion of these recommendations, FEMA shall brief the Committees on the recommendations identified and its plans to implement them.

RESPONSE AND RECOVERY

The total includes \$229,587,000 for Response and Recovery.

The Administrator is urged to require all federal agencies participating in the response to a presidentially-declared disaster to follow and implement anti-human trafficking preventive measures to ensure that post-disaster displaced populations do not become targets for human trafficking.

MISSION SUPPORT

The total includes \$476,009,000 for Mission Support, including an increase of \$5,600,000 for critical technical refreshes to FEMA's current financial management system.

FEMA is expected to remain focused on its cybersecurity and information technology modernization efforts and to ensure the Committees are informed of any significant changes to program schedules or cost.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

The total includes \$85,276,000 for Procurement, Construction, and Improvements.

The amount provided for this appropriation by PPA is as follows:

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OPERATIONAL COMMUNICATIONS/INFORMATION TECHNOLOGY

The total includes \$12,018,000 for Operational Communications/Information Technology, which supports the Integrated Public Alert and Warning System.

CONSTRUCTION AND FACILITY IMPROVEMENTS

The total includes \$44,519,000 for Construction and Facility Improvements, of which \$39,744,000 is for the Mount Weather Emergency Operations Center.

MISSION SUPPORT ASSETS AND INFRASTRUCTURE

The total includes \$28,739,000 for Mission Support Assets and Infrastructure, of which \$8,698,000 is for Financial Systems Modernization efforts.

FEDERAL ASSISTANCE

A total of \$3,293,932,000 is provided for Federal Assistance.

The amount provided for this appropriation by PPA is as follows:

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GRANTS

The total includes \$3,018,731,000 for Grants. FEMA grantees shall continue to provide reports on their use of funds, as determined necessary by the Secretary.

Within 60 days after the date of enactment of this Act, FEMA is directed to consult with SLTT stakeholders regarding the factors and data included in the current risk formula, methods for including known evolving threats, and specific processes for adjudicating formula concerns expressed by applicants. Such concerns include, but are not limited to: proximity to non-contiguous high-risk states and territories; occurrences of soft targets; sinkhole subsidence before infrastructure damage; potential impacts caused by electromagnetic pulses; ballistic missile threats; amounts of critical infrastructure; and command and control capabilities. FEMA shall brief the Committees on the results of this outreach.

FEMA, in cooperation with NPPD, DNDO, OHA, I&A, and other components as appropriate, is directed to provide a report, not later than 90 days after the date of enactment of this Act, detailing the types of grant funding, technical assistance, resources, program support, and any other types of assistance that are currently available to SLTT

governments. The report shall include the purpose of each type of assistance, a list of all agencies or components that serve as subject matter experts in awarding assistance, and what capability gap the assistance is trying to fill. Not later than 30 days after the report is delivered to the Committees, FEMA in conjunction with NPPD, DNDO, OHA, I&A, and other components as appropriate, shall brief the Committees on how assistance is coordinated among the components, how it applies to national-level capability gaps, and future plans for strategic coordination of assistance. In determining strategic coordination, FEMA and the components should seek assistance from stakeholders, such as the National Homeland Security Consortium, which represents multiple disciplines, and the International City/County Management Association, which has subject matter expertise in performance metrics for government programs.

FEMA and NPPD are directed to brief the Committees, not later than 60 days after the date of enactment of this Act, on the potential benefits and costs of establishing a joint program office.

FEMA is directed to submit a report to the Committees, not later than 90 days after the date of enactment of this Act, on its efforts *H2561 through grants and training to address the unique challenges faced by first responders related to the shipment of crude oil by rail. The report shall describe the effectiveness of current training programs and any need for additional training or curriculum improvements.

State Homeland Security Grant Program. The total includes \$507,000,000 for the State Homeland Security Grant Program, of which \$85,000,000 is for Operation Stonegarden and \$10,000,000 is for nonprofit organizations.

Urban Area Security Initiative. The total includes \$630,000,000 for the Urban Area Security Initiative (UASI), of which \$50,000,000 is for nonprofit organizations. Consistent with the 9/11 Act, FEMA shall conduct risk assessments for the 100 most populous metropolitan statistical areas prior to making UASI grant awards. It is expected that UASI funding will be limited to urban areas representing up to 85 percent of the cumulative national terrorism risk to urban areas and that resources will continue to be allocated in proportion to risk.

National Predisaster Mitigation Fund. The total includes \$249,200,000 for Predisaster Mitigation. Predisaster Mitigation prevents loss of life and leads to significant savings by mitigating risks, reducing damage from future disasters, and lowering flood insurance premiums. This funding level is an opportunity to advance capital projects ready for investment that will reduce risks.

Flood Hazard Mapping and Risk Analysis Program. The total includes \$262,531,000 for the Flood Hazard Mapping and Risk Analysis Program. This funding level will allow FEMA to accelerate improvements to efforts to make flood risk maps more accurate, including by accelerating light detection and ranging mapping efforts.

Emergency Food and Shelter Program. The total includes \$120,000,000 for the Emergency Food and Shelter Program (EFSP). Not later than 120 days after the date of enactment of this Act, FEMA shall submit to the Committees a plan to ensure EFSP aligns with overarching federal strategies to meet the needs of hungry and homeless people. In order to provide the Committees and the public with the data necessary to ensure financial responsibility, the plan shall outline the oversight procedures and metrics used to ensure effective implementation.

EDUCATION, TRAINING, AND EXERCISES

The total includes \$275,201,000 for Education, Training, and Exercises. This amount includes \$8,000,000 for Continuing Training Grants, of which \$3,000,000 is for rural first responder training. The total also includes \$42,900,000 for the United States Fire Administration and full funding for the State Fire Training Grants program.

FEMA is encouraged to continue to work with institutions offering graduate level programs to address cybersecurity needs of rural communities and their intersection.

DISASTER RELIEF FUND

A total of \$7,900,720,000 is provided for the Disaster Relief Fund (DRF), of which \$7,366,000,000 is designated as being for disaster relief for major disasters pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEMA shall brief the Committees on recommendations for modifying the disaster declaration process to better focus federal assistance on events during which SLTT capabilities are truly overwhelmed or lives and property are at risk. The briefing shall include an assessment of the suitability of the per capita indicator, consideration of severe local impacts of disasters, FEMA's ongoing analysis of the disaster deductible model, and any other policy changes FEMA is considering.

Disaster mitigation structures such as seawalls are deemed public infrastructure if they are owned by a SLTT government, unless clear ownership by a SLTT government cannot be established. FEMA is encouraged to consider making Public Assistance and Individual Assistance grant funding available for repairs to disaster mitigation structures to the fullest extent allowed by the Stafford Act.

NATIONAL FLOOD INSURANCE FUND

A total of \$203,500,000 is provided for the National Flood Insurance Fund.

Not later than 90 days after the date of enactment of this Act, FEMA shall brief the Committees on efforts underway to implement the Consumer Option for an Alternative System to Allocate Losses Act ([Public Law 112-141](#)), related to flood insurance reform and modernization, and shall detail all ongoing collaboration with the National Oceanic and Atmospheric Administration.

FEMA is encouraged to consider how to better leverage partnerships with public-private, higher education, not-for-profit, and other institutions with expertise in the Community Rating System program through competitive grant programs or other incentives.

FEMA is encouraged to maximize public awareness and interaction when mapping or remapping an area to ensure maps most accurately reflect real-time, local conditions.

FEMA is urged to implement the recommendations of the Technical Mapping Assistance Council's 2015 and 2016 Annual Reports, which recommended transitioning to structure-specific flood risk analysis, incorporating high-resolution topographic data into flood risk maps, and better communicating current and future flood risk to property owners. FEMA should coordinate with state agencies and other experts that have developed mapping expertise and models that can be useful in FEMA's efforts to understand future conditions.

TITLE III-ADMINISTRATIVE PROVISIONS-THIS ACT

Section 301. The bill continues a provision limiting expenses for administration of grants.

Section 302. The bill continues a provision specifying timeframes for certain grant applications and awards.

Section 303. The bill continues a provision specifying timeframes for information on certain grant awards.

Section 304. The bill continues a provision that addresses the availability of certain grant funds for the installation of communications towers.

Section 305. The bill continues and modifies a provision allowing reimbursement for the costs of providing humanitarian relief to unaccompanied alien children and to alien adults and their minor children to be an eligible use for certain Homeland Security grants.

Section 306. The bill continues and modifies a provision requiring a report on the expenditures of the DRF.

Section 307. The bill includes a new provision permitting certain waivers to SAFER grant program requirements.

Section 308. The bill continues a provision providing for the receipt and expenditure of fees collected for the Radiological Emergency Preparedness Program, as authorized by [Public Law 105-276](#).

TITLE IV-RESEARCH, DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

OPERATIONS AND SUPPORT

A total of \$108,856,000 is provided in discretionary appropriations for Operations and Support for E-Verify.

The Department, in consultation with the Department of Labor, is directed to review options for addressing the problem of unavailability of H-2B visas for employers that need workers to start work late in a semiannual period of availability and to report to the Committees on these options not later than 120 days after the date of enactment of this Act. Additionally, USCIS is directed to brief the Committees on specific actions, if any, that the agency is taking to reduce the backlog of asylum applications while ensuring that asylum applicants are properly reviewed for eligibility and for security purposes.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

A total of \$22,657,000 is provided in discretionary appropriations for Procurement, Construction, and Improvements for E-Verify.

FEDERAL LAW ENFORCEMENT TRAINING CENTERS

OPERATIONS AND SUPPORT

A total of \$254,000,000 is provided for Operations and Support, of which \$62,701,000 is made available until September 30, 2019, for materials and support costs related to federal law enforcement basic training.

The Federal Law Enforcement Training Centers (FLETC) shall brief the Committees on a long-term housing plan for each of its training campuses, to include any needs for new leasing agreements; current and potential construction projects; related future year budgetary impacts; and how FLETC can best prepare to meet the demands of component hiring initiatives. FLETC is also directed to continue its progress toward identifying and integrating data that support an analytical strategy for the most effective use of its resources. In addition, FLETC shall demonstrate in its budget justification materials how facility-use data helps its leadership make evidence-based resource decisions.

SCIENCE AND TECHNOLOGY

OPERATIONS AND SUPPORT

A total of \$331,113,000 is provided for Operations and Support.

The amount provided for this appropriation by PPA is as follows:

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***H2562** LABORATORY FACILITIES

The total includes \$150,116,000 for Laboratory Facilities. The total fully restores funding for laboratories proposed for closure, including continued operational costs of \$44,315,000 for the National Biodefense Analysis and Countermeasures Center (NBACC); \$1,900,000 for the Chemical Security Analysis Center (CSAC); and \$3,400,000 for the National Urban Security Technology Laboratory (NUSTL). The total also fully funds National Bio and Agro-defense Facility (NBAF) operations, in accordance with the Department's life cycle cost estimate.

DHS retains responsibility for completing construction of NBAF. DHS is directed to maintain the ability to readily execute the Management, Operations, and Research Support contract through the end of fiscal year 2018 if DHS or USDA determine that its utilization would expedite or enhance NBAF's ability to be fully operational by December 31, 2022.

The fiscal year 2019 budget request proposes the continued funding of NBACC operations and includes a change in the business funding model to maintain and operate the laboratory, under which S&T and the Federal Bureau of Investigation would share budgetary responsibility of NBACC's National Bioforensic Analysis Center (NBFAC). This cost-sharing arrangement would result in a more efficient operational model and ensure this national capability remains available to help defend the United States against bioterrorism threats. Further details on the long-term strategy for NBACC, including NBFAC, should be included in the report required by [Public Law 115-91](#).

ACQUISITION AND OPERATIONS ANALYSIS

The total includes \$46,245,000 for Acquisition and Operations Analysis. This amount includes \$3,000,000 for the Office of Standards; \$3,773,000 for Joint Requirements Council (JRC) Support; \$2,396,000 for Operational Test and Evaluation; and \$5,364,000 for Systems Engineering and Research.

S&T is encouraged to continue to make its department-wide perspective and technical expertise available to the JRC and USM to support efforts to determine component capability gaps, the maturity of technologies that could fill such gaps, and the feasibility of cross-component solutions.

S&T is encouraged to explore a systems engineering research partnership with the U.S. Army Corps of Engineers that could streamline acquisition through modeling and simulation.

MISSION SUPPORT

The total includes \$134,752,000 for Mission Support. This amount includes realignments from other S&T PPAs for the Compliance Assurance Program Office, which provides support and oversight to ensure DHS-funded activities are compliant with relevant international agreements, federal regulations, DHS policies, and related standards and guidance.

RESEARCH AND DEVELOPMENT

A total of \$509,830,000 is provided for Research and Development (R&D). S&T is directed to continue to prioritize applied research activities that provide innovative solutions to DHS, its components, and their primary stakeholders. To promote unity of effort and cross-component commonality, S&T should remain the central component for DHS research, including research for other components. The Secretary is directed to notify the Committees not less than 60 days in advance of any reduction, discontinuation, or transfer of any R&D activity currently being performed by S&T.

The amount provided for this appropriation by PPA is as follows:

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RESEARCH, DEVELOPMENT, AND INNOVATION

The total includes \$469,330,000 for Research, Development, and Innovation (RD&I).

Funding is provided to continue prior-year research and development activities at S&T laboratories, including for Bio-Threat Characterization, which is funded at \$18,427,000; Bio-Forensics R&D, which is funded at \$5,682,000; CSAC R&D, which is funded at \$4,393,000; Multifunction Detectors, which is funded at \$3,099,000; Explosives and Radiation/Nuclear Attack Resiliency, which is funded at \$5,000,000; and Foreign Animal Disease Vaccines, Diagnostics, and Countermeasures, which is funded at \$15,496,000.

Funding is also provided for new and other prior-year research and development activities, including for the Next Generation Cyber Infrastructure Apex Program, which is funded at \$14,000,000; Opioids/Fentanyl, which is funded at \$6,000,000; Cyber for Critical Infrastructure and Cyber for Physical Systems, which are funded at \$14,815,000; Modeling and Simulation Apex Engine, which is funded at \$3,876,000; Enabling Unmanned Aerial Systems (UAS) Technologies, which is funded at \$4,000,000; Explosives Threat Assessment, which is funded at \$18,200,000; Cargo and Port of Entry Security programs, which are funded at \$31,326,000; the Silicon Valley Innovation Program, which is funded at \$10,000,000; Canine Explosives Detection, which is funded at \$8,269,000; Partnership Intermediary Agreements, which is funded at \$3,000,000; and Aviation Cybersecurity, which is funded at \$3,000,000.

Within funding provided for the activities in the previous paragraph, up to \$3,000,000 is for a pilot program to utilize university-based high performance computing capacity and biological expertise to develop novel methodologies for foreign animal disease research in support of the mission of NBAF; up to \$10,000,000 is to expand simulation-based cyber event gaming tools for critical infrastructure sectors, including the energy sector; up to \$6,000,000 is to explore technology and methods for detecting opioids and fentanyl, including advanced container scanning systems with three-dimensional views; up to \$1,582,000 is to continue collaboration with the Department of Energy on Cybersecurity of Energy Delivery Systems; up to \$5,000,000 is to conduct advanced research using high resolution magnification to examine emerging semiconductor technologies (including microchips, light emitting diodes, batteries, and processors) to improve cybersecurity by detecting potential structural defects that could allow the unintended manipulation of hardware; up to \$2,000,000 is for maritime unmanned aerial systems sensors and studies; up to \$6,100,000 is for research and development related to data visualization and emerging analytics that can enhance non-intrusive inspection equipment algorithms and for interactive graph visualization to better identify criminal activity while expediting processing; up to \$2,500,000 is to continue development of thermoplastic composite materials that reduce costs and improve intrusion sensor integration for cargo containers in response to Presidential Determination No. 2017-09; and up to \$3,000,000 is for scientifically validated canine mobile sensing technology for explosives detection, to be developed in collaboration with academia, that integrates best scientific practices in genetics, genomics, breeding, olfaction, behavior, training, physiology, and metrology.

S&T is directed to brief the Committees not later than 60 days after the date of enactment of this Act on the proposed allocation of RD&I funds. The briefing shall address the planned use of funding provided above the request, including plans related to S&T laboratories and for new or continued collaboration with other relevant federal partners, academia, and the private sector.

Not later than 90 days after the date of enactment of this Act, S&T shall submit a plan for establishing the pilot program for foreign animal disease research directed above.

S&T is encouraged to leverage cyber-event gaming tools that have proven successful for the financial sector in improving cybersecurity among key operators and decision makers.

Funding for Opioids/Fentanyl is made available by providing the amount requested for Real-time BioThreat Awareness.

It is expected that the technologies developed in collaboration with DOE on Cybersecurity of Energy Delivery Systems will ultimately be transitioned to industry for commercialization and deployment of more resilient electric grid components and systems. S&T is encouraged to utilize large scale electric power transmission test facilities and to actively collaborate with operational utility providers.

In carrying out Modeling and Simulation Apex Engine and Explosive Threat Assessment research activities, S&T is encouraged to collaborate with U.S. Army Corps of Engineers laboratories and to utilize high performance computing.

To the greatest extent practicable, funds for Enabling UAS Technologies should be used to harness the resources and expertise at the S&T Small UAS demonstration site, the Federal Aviation Administration (FAA) UAS Center of Excellence, and the FAA UAS test sites.

S&T is encouraged to coordinate its Biofutures activities with the National Oceanic and Atmospheric Administration's Emerging Toxins Program.

S&T is directed to prioritize collaborations with qualified research universities in support of developing new approaches on critical border security research topics to enhance the security of the U.S. land and maritime borders.

S&T, in collaboration with NPPD and FEMA, is directed to test and evaluate technologies that utilize high bandwidth, portable, high frequency radio, antennas, and communication systems within a small footprint to provide reliable and interoperable communications capabilities for critical facilities and infrastructure during emergencies. S&T shall report its findings to the Committees not later than 120 days after the date of enactment of this Act.

S&T is directed to place an increased focus on technology transfer, which can lower the cost of new security-related technology development and ensure that investments in ***H2563** research and development benefit the economy and the manufacturing base. Expanding the availability of highly-qualified manufacturers can save money for the taxpayer and the Department and more quickly deliver solutions and equipment to end users.

Funding is provided for S&T to engage a Partnership Intermediary or Intermediaries, as defined in [15 U.S.C. 3715](#), to support the Department's ability to seek out, assess, and engage non-traditional small business vendors as part of the Department's development and acquisition efforts. Intermediaries should have a successful history of leveraging external networks and using innovative means to identify and recruit small businesses and manufacturers to partner with the Department on innovative solutions and technologies. This effort should include, but should not be limited to, providing technology assessments and design reviews for the Department's development efforts. The Office of the

Chief Procurement Officer is directed to issue policy guidance allowing contracting officers to obligate funding for such partnerships.

UNIVERSITY PROGRAMS

A total of \$40,500,000 is provided for University Programs. Due to funding constraints, the fiscal year 2018 budget proposed to eliminate one Center of Excellence (COE) and to not re-compete two other COEs. The total provided for University Programs enables S&T to fund 10 COEs and continue its current COE program. S&T shall notify the Committees prior to eliminating any COEs. S&T is encouraged to prioritize collaborations with qualified research universities to support critical research topics in priority areas, including maritime security, cross-border threat screening, unmanned systems, counterterrorism, emerging analytics, cybersecurity, first responder safety, and critical infrastructure.

DOMESTIC NUCLEAR DETECTION OFFICE

OPERATIONS AND SUPPORT

A total of \$54,664,000 is provided for Operations and Support.

On October 6, 2017, the Department notified the Committees that it intended to use its authority under section 872 of the Homeland Security Act to consolidate DNDO, OHA, and a number of activities and personnel from other components into a new CWMD Office, effective December 5, 2017. Because of the challenges associated with transitioning to new Treasury accounts in the middle of a fiscal year, however, DHS did not propose the transfer of OHA and DNDO funding into new CWMD Office accounts. As a consequence, OHA and DNDO will continue to operate and be funded as separate components during fiscal year 2018.

An administrative provision is included in title V of this Act to permit DHS to begin executing funds through new CWMD appropriations accounts beginning on October 1, 2018, but only subsequent to the enactment of legislation explicitly authorizing the establishment of such an Office.

Language is included in this explanatory statement under OHA-Operations and Support directing OHA and DNDO to adhere to the DHS acquisition management process.

Language is included in this explanatory statement under FEMA-Federal Assistance directing the submission of a report on the types of assistance across DHS components available to SLTT governments.

PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

A total of \$89,096,000 is provided for Procurement, Construction, and Improvements, including \$2,000,000 above the request to accelerate the procurement of two Radiation Portal Monitor systems to initiate testing in the rail environment.

The amount provided for this appropriation by PPA is as follows:

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RESEARCH AND DEVELOPMENT

A total of \$145,661,000 is provided for Research and Development, including \$1,500,000 above the request for research and development efforts related to active neutron interrogation systems.

The amount provided for this appropriation by PPA is as follows:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

DNDO "red teams" test and evaluate radiation and nuclear detection capabilities to identify and remediate deficiencies in technique, equipment, training, and performance. DNDO shall brief the Committees semiannually on its findings from red team activities.

FEDERAL ASSISTANCE

A total of \$46,019,000 is provided for Federal Assistance, including \$1,500,000 above the request to support DNDO's state and local Preventive Radiological and Nuclear Detection (PRND) programs.

DNDO shall expand support provided to state and local governments to assess, plan for, and build capabilities to manage their radiological and nuclear preparedness postures, to include supporting the development of Threat Hazard Identification and Risk Assessments and State Preparedness Reports. In addition, DNDO shall provide implementation support to the PRND Baseline Capability Framework currently under development.

TITLE IV-ADMINISTRATIVE PROVISIONS-THIS ACT

Section 401. The bill continues a provision allowing USCIS to acquire, operate, equip, and dispose of up to five vehicles under certain scenarios.

Section 402. The bill continues a provision prohibiting USCIS from granting immigration benefits unless the results of background checks are completed prior to the granting of the benefits and the results do not preclude the granting of the benefits.

Section 403. The bill continues a provision limiting the use of A-76 competitions by USCIS.

Section 404. The bill continues a provision making immigration examination fee collections totaling up to \$10,000,000 explicitly available for Immigrant Integration grants.

Section 405. The bill continues a provision authorizing the Director of FLETC to distribute funds for incurred training expenses.

Section 406. The bill continues a provision directing the FLETC Accreditation Board to lead the federal law enforcement training accreditation process to measure and assess federal law enforcement training programs, facilities, and instructors.

Section 407. The bill continues a provision allowing the acceptance of transfers from government agencies into "Federal Law Enforcement Training Center-Procurement, Construction, and Improvements".

Section 408. The bill continues a provision classifying FLETC instructor staff as inherently governmental for certain considerations.

TITLE V-GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFER OF FUNDS)

Section 501. The bill continues a provision directing that no part of any appropriation shall remain available for obligation beyond the current year unless expressly provided.

Section 502. The bill continues a provision providing authority to merge unexpended balances of prior appropriations with new appropriation accounts, to be used for the same purpose, subject to reprogramming guidelines.

Section 503. The bill continues a provision limiting reprogramming authority for funds within an appropriation and providing limited authority for transfers between appropriations. All components funded by the Department of Homeland Security Appropriations Act, 2018, must comply with these transfer and reprogramming requirements.

The Department must notify the Committees on Appropriations prior to each reprogramming of funds that would reduce programs, projects, activities, or personnel by ten percent or more. Notifications are also required for each reprogramming of funds that would increase a program, project, or activity by more than \$5,000,000 or ten percent, whichever is less. The Department must submit these notifications to the Committees on Appropriations at least 15 days in advance of any such reprogramming.

For purposes of reprogramming notifications, "program, project, or activity" is defined as an amount identified in the detailed funding table located at the end of this statement or an amount directed for a specific purpose in this statement. Also for purposes of reprogramming notifications, the creation of a new program, project, or activity is defined as any significant new activity that has not been explicitly justified to the *H2564 Congress in budget justification material and for which funds have not been appropriated by the Congress. For further guidance when determining which movements of funds are subject to section 503, the Department is reminded to follow GAO's definition of "program, project, or activity" as detailed in the GAO's A Glossary of Terms Used in the Federal Budget Process. Within 30 days of the date of enactment of this Act, the Department shall submit to the Committees a table delineating PPAs subject to section 503 notification requirements, as defined in this paragraph.

Limited transfer authority is provided to give the Department flexibility in responding to emerging requirements and significant changes in circumstances, but is not primarily intended to facilitate the implementation of new programs, projects, or activities that were not proposed in a formal budget submission. Transfers may not reduce accounts by more than five percent or increase accounts by more than ten percent. The Committees on Appropriations must be notified 30 days in advance of any transfer.

To avoid violations of the Anti-Deficiency Act, the Secretary shall ensure that any transfer of funds is carried out in compliance with the limitations and requirements of section 503(b). In particular, the Secretary should ensure that any such transfers adhere to the opinion of the Comptroller General's decision in the Matter of: John D. Webster, Director, Financial Services, Library of Congress, dated November 7, 1997, with regard to the definition of an appropriation subject to transfer limitations.

The Department shall submit notifications on a timely basis and provide complete explanations of the proposed reallocations, including detailed justifications for the increases and offsets, and any specific impact the proposed changes would have on the budget request for the following fiscal year and future-year appropriations requirements. Each notification submitted to the Committees should include a detailed table showing the proposed revisions to funding and FTE-at the account, program, project, and activity level-for the current fiscal year, along with any funding and FTE impacts on the budget year.

The Department shall manage its programs, projects, and activities within the levels appropriated, and should only submit reprogramming or transfer notifications in cases of unforeseeable and compelling circumstances that could not

have been predicted when formulating the budget request for the current fiscal year. When the Department submits a reprogramming or transfer notification and does not receive identical responses from the House and Senate Committees, it is expected to reconcile the differences before proceeding.

The Department is not to submit a reprogramming or transfer notification after June 30 except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property. If an above-threshold reprogramming or a transfer is needed after June 30, the notification should contain sufficient documentation as to why it meets this statutory exception.

Deobligated funds are also subject to the reprogramming and transfer limitations and requirements set forth in section 503.

Section 503(f) authorizes the Secretary to transfer up to \$20,000,000 to address immigration emergencies after notifying the Committees of such transfer at least five days in advance.

Section 504. The bill continues a provision by reference, prohibiting funds appropriated or otherwise made available to the Department to make payment to the Working Capital Fund (WCF), except for activities and amounts allowed in the President's fiscal year 2018 budget request. Funds provided to the WCF are available until expended. The Department can only charge components for direct usage of the WCF and these funds may be used only for the purposes consistent with the contributing component. Any funds paid in advance or for reimbursement must reflect the full cost of each service. The Department shall submit a notification prior to adding a new activity to the fund or eliminating an existing activity from the fund. For activities added to the fund, such notifications shall detail the source of funds by PPA. In addition, the Department shall submit quarterly WCF execution reports to the Committees that include activity level detail.

Section 505. The bill continues a provision providing that not to exceed 50 percent of unobligated balances from prior-year appropriations for each Operations and Support appropriation, the Coast Guard's Operating Expenses appropriation, and amounts for salaries and expenses in the Coast Guard's Reserve Training and Acquisition, Construction, and Improvements accounts, shall remain available through fiscal year 2018, subject to section 503 reprogramming requirements.

Section 506. The bill continues a provision that deems intelligence activities to be specifically authorized during fiscal year 2018 until the enactment of an Act authorizing intelligence activities for fiscal year 2018.

Section 507. The bill continues a provision requiring notification to the Committees at least three days before DHS executes or announces grant allocations; grant awards; contract awards, including contracts covered by the Federal Acquisition Regulation; other transaction agreements; letters of intent; task or delivery orders on multiple contract awards totaling \$1,000,000 or more; a task or delivery orders greater than \$10,000,000 from multi-year funds; or sole-source grant awards. Notifications shall include a description of the project or projects or activities to be funded and the location, including city, county, and state. If the Secretary determines that compliance would pose substantial risk to health, human life, or safety, an award may be made without prior notification but the Committees shall be notified within 5 full business days after such award or letter is issued.

Section 508. The bill continues a provision prohibiting all agencies from purchasing, constructing, or leasing additional facilities for federal law enforcement training without advance notification to the Committees.

Section 509. The bill continues a provision prohibiting the use of funds for any construction, repair, alteration, or acquisition project for which a prospectus, if required under chapter 33 of title 40, United States Code, has not been approved.

Section 510. The bill continues a provision that includes and consolidates by reference prior-year statutory provisions related to a contracting officer's technical representative training; sensitive security information; and the use of funds in conformance with section 303 of the Energy Policy Act of 1992.

Section 511. The bill continues a provision prohibiting the use of funds in contravention of the Buy American Act.

Section 512. The bill continues a provision regarding the oath of allegiance required by section 337 of the Immigration and Nationality Act.

Section 513. The bill continues a provision prohibiting funds for the Principal Federal Official during a Stafford Act declared disaster or emergency, with certain exceptions.

Section 514. The bill continues a provision that precludes DHS from using funds in this Act to carry out reorganization authority. This prohibition is not intended to prevent the Department from carrying out routine or small reallocations of personnel or functions within components, subject to section 503 of this Act. This section prevents large-scale reorganization of the Department, which should be acted on legislatively by the relevant congressional committees of jurisdiction. Any DHS proposal to reorganize components that is included as part of a budget request will be considered by the Committees.

Section 515. The bill continues a provision prohibiting funds for planning, testing, piloting, or developing a national identification card.

Section 516. The bill continues a provision directing that any official required by this Act to report or certify to the Committees on Appropriations may not delegate such authority unless expressly authorized to do so in this Act.

Section 517. The bill continues a provision prohibiting the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba into or within the United States.

Section 518. The bill continues a provision prohibiting funds in this Act to be used for first-class travel.

Section 519. The bill continues a provision prohibiting the use of funds to employ illegal workers as described in Section 274A(h)(3) of the Immigration and Nationality Act.

Section 520. The bill continues a provision prohibiting funds appropriated or otherwise made available by this Act to pay for award or incentive fees for contractors with below satisfactory performance or performance that fails to meet the basic requirements of the contract.

Section 521. The bill continues and modifies a provision to make permanent a requirement that the Secretary ensure screening of passengers and crews for transportation and national security purposes are consistent with applicable laws, regulations, and guidance on privacy and civil liberties.

Section 522. The bill continues a provision prohibiting the use of funds to enter into a federal contract unless the contract meets requirements of the Federal Property and Administrative Services Act of 1949 or chapter 137 of title 10 U.S.C., and the Federal Acquisition Regulation, unless the contract is otherwise authorized by statute without regard to this section.

Section 523. The bill continues and modifies a provision providing \$41,800,000 for financial systems modernization activities, which the Secretary may transfer between appropriations for the same purpose after notifying the Committees at least 15 days in advance.

Section 524. The bill continues a provision requiring DHS computer systems to block electronic access to pornography, except for law enforcement purposes.

Section 525. The bill continues a provision regarding the transfer of firearms by federal law enforcement personnel.

Section 526. The bill continues a provision regarding funding restrictions and reporting requirements related to conferences occurring outside of the United States.

Section 527. The bill continues a provision prohibiting funds to reimburse any federal department or agency for its participation in a National Special Security Event.

Section 528. The bill continues a provision requiring a notification, including justification materials, prior to implementing any structural pay reform that affects more than 100 full-time positions or costs more than \$5,000,000.

Section 529. The bill continues a provision directing the Department to post on a public website reports required by the Committees *H2565 on Appropriations unless public posting compromises homeland or national security or contains proprietary information.

Section 530. The bill continues and modifies a provision authorizing minor procurement, construction, and improvements under Operations and Support accounts and U.S. Coast Guard-Operating Expenses appropriations, as specified.

Section 531. The bill continues a provision related to the Arms Trade Treaty.

Section 532. The bill includes a new provision to authorize discretionary funding for primary and secondary schooling of dependents in areas in territories that meet certain criteria. The provision provides limitations on the type of eligible funding sources.

Section 533. The bill continues a provision requiring the Department to provide specific reductions in proposed discretionary budget authority commensurate with revenue assumed in the budget request from fees that have not been authorized prior to the beginning of the budget year.

Section 534. The bill continues a provision providing \$41,000,000 for "Federal Emergency Management Agency-Federal Assistance" to reimburse extraordinary law enforcement personnel overtime costs for protection activities directly and demonstrably associated with a residence of the President that is designated for protection.

Section 535. The bill includes a new provision providing authority for the Department to establish Common Appropriations Structure accounts for the Coast Guard beginning on October 1, 2018.

Section 536. The bill includes a new provision providing authority for the Department to establish new appropriations accounts for the CWMD Office and for the Cybersecurity and Infrastructure Security Agency beginning on October 1, 2018, but only subsequent to the enactment of legislation explicitly authorizing the establishment of such Office.

Section 537. The bill includes a new provision to extend existing authority vested with the Commandant to use expedited hiring authority to recruit and appoint highly qualified individuals to the acquisition workforce through fiscal year 2018.

Section 538. The bill continues and modifies a provision extending other transactional authority for the Department through fiscal year 2018.

Section 539. The bill continues and modifies a provision rescinding unobligated balances from specified programs.

Section 540. The bill continues and modifies a provision rescinding unobligated balances made available to the Department when it was created in 2003.

Section 541. The bill continues and modifies a provision rescinding lapsed balances made available pursuant to section 505 of this Act.

Section 542. The bill continues and modifies a provision rescinding specified funds from the Treasury Forfeiture Fund.

Section 543. The bill includes a new provision related to flood protection systems.

Section 544. The bill includes a new provision regarding certain limits on premium pay funded, either directly or through reimbursement, by the "Federal Emergency Management Agency-Disaster Relief Fund" during calendar year 2017.

***H2609 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 complied 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, 2016-2018.

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.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

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 regions, 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 ***H2610** President's budget submission for fiscal year 2019, proposed for the implementation of 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 activities funded in the Department of the Interior, Environment, and Related Agencies Appropriations Act. The Committees remind the agencies funded in this Act that these 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 one budget activity, budget line-item, or program area, to another within any appropriation funded in this Act. In cases where either the House or 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 constitutes the reallocation of funds, including unobligated balances, from one construction, land acquisition, or forest legacy project to another such project.

A reprogramming shall also consist of any significant departure from the program described in the agency's budget justifications. This includes proposed reorganizations, especially those of significant national or regional importance, even without a change in funding. Any change to the organization table presented in the budget justification shall be subject to this requirement.

The Committees are aware that agencies funded by this Act are currently working to implement [Executive Order 13781](#), 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 Committees' consideration. The Committees are also aware of reports that agencies funded by this Act may be weighing additional organizational changes during the remainder of this fiscal year. Agencies are reminded that this agreement continues longstanding General Guidelines for Reprogramming that require agencies funded by this Act to submit reorganization proposals for Committee review prior to their implementation. It is noted that such reprogramming guidelines apply to proposed reorganizations, workforce restructure, reshaping or transfer of functions presented in the budget justifications, or bureau-wide downsizing, especially those of significant national or regional importance, and include closures, consolidations, and relocations of offices, facilities, and laboratories presented in the budget justifications. In addition, no agency shall implement any part of a reorganization that modifies regional or State boundaries for agencies or bureaus that were in effect as of the date of enactment of this Act unless approved consistent with the General Guidelines for Reprogramming procedures specified herein. Any such reprogramming request submitted to the Committees on Appropriations shall include a description of anticipated benefits, including anticipated efficiencies and cost-savings, as well as a description of anticipated personnel impacts and funding changes anticipated to implement the proposal.

General Guidelines for Reprogramming.-

(a) A reprogramming should be made only when an unforeseen situation arises, and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage.

(b) Any project or activity, which may be deferred through reprogramming, shall not later be accomplished by means of further reprogramming, but instead, funds should again be sought for the deferred project or activity through the regular appropriations process.

(c) Except under the most urgent situations, reprogramming should not be employed to initiate new programs or increase allocations specifically denied or limited by Congress, or to decrease allocations specifically increased by the Congress.

(d) Reprogramming proposals submitted to the House and Senate Committees on Appropriations for approval shall be considered approved 30 calendar days after receipt if the Committees have posed no objection. However, agencies will be expected to extend the approval deadline if specifically requested by either Committee.

Criteria and Exceptions.-A reprogramming must be submitted to the Committees in writing prior to implementation if it exceeds \$1,000,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs or projects, whichever amount is less, with the following exceptions:

(a) With regard to the tribal priority allocations of the Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE), there is no restriction on reprogrammings among these programs. However, the Bureaus shall report on all reprogrammings made during a given fiscal year no later than 60 days after the end of the fiscal year.

(b) With regard to the EPA, the Committees do not require reprogramming requests associated with the States and Tribes Partnership Grants, or up to a cumulative total of \$30,000,000 from carryover balances among the individual program areas delineated in the Environmental Programs and Management account. No funds, however, shall be reallocated from individual Geographic Programs.

Assessments.-"Assessment" as defined in these procedures shall refer to any charges, reserves, or holdbacks applied to a budget activity or budget line item for costs associated with general agency administrative costs, overhead costs, working capital expenses, or contingencies.

(a) No assessment shall be levied against any program, budget activity, subactivity, budget line item, or project funded by the Interior, Environment, and Related Agencies Appropriations Act unless such assessment and the basis therefor are presented to the Committees on Appropriations in the budget justifications and are subsequently approved by the Committees. The explanation for any assessment in the budget justification shall show the amount of the assessment, the activities assessed, and the purpose of the funds.

(b) Proposed changes to estimated assessments, as such estimates were presented in annual budget justifications, shall be submitted through the reprogramming process and shall be subject to the same dollar and reporting criteria as any other reprogramming.

(c) The Committees direct that each agency or bureau which utilizes assessments shall submit an annual report to the Committees which provides details on the use of all funds assessed from any other budget activity, line item, subactivity, or project.

(d) In no case shall contingency funds or assessments be used to finance projects and activities disapproved or limited by Congress, or to finance programs or activities that could be foreseen and included in the normal budget review process.

(e) New programs requested in the budget should not be initiated before enactment of the bill without notification to, and the approval of, the Committees on Appropriations. This restriction applies to all such actions regardless of whether a formal reprogramming of funds is required to begin the program.

Quarterly Reports.-All reprogrammings between budget activities, budget line-items, program areas, or the more detailed activity levels shown in this agreement, including those below the monetary thresholds established above, shall be reported to the Committees within 60 days of the end of each quarter and shall include cumulative totals for each budget activity, budget line item, or construction, land acquisition, or forest legacy project.

Land Acquisitions, Easements, and Forest Legacy.-Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of [Public Law 91-646](#)), unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures.

Land Exchanges.-Land exchanges, wherein the estimated value of the Federal lands to be exchanged is greater than \$1,000,000, shall not be consummated until the Committees have had a 30-day period in which to examine the proposed exchange. In addition, the Committees shall be provided advance notification of exchanges valued between \$500,000 and \$1,000,000.

Budget Structure.-The budget activity or line item structure for any agency appropriation account shall not be altered without advance approval of the House and Senate Committees on Appropriations.

Fiscal Year 2019 Process.-Historically, the Interior, Environment, and Related Agencies Appropriations Act has not included reprogramming direction in bill language. However, this historical practice is not consistent with the majority of other Appropriations subcommittees' bills. Therefore, the Committees plan to consider including bill language in fiscal year 2019. The agencies are therefore strongly encouraged to work collaboratively with the Committees to develop language in order to avoid any barriers to implementation.

TITLE I-DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

Bureau of Land Management Directives.-The Bureau is reminded of the importance of the directives included in [House Report 115-238](#) not addressed herein, as well as the new directives in this explanatory statement, including the front matter.

The agreement provides \$1,166,043,000 for Management of Lands and Resources. Within this amount, the agreement includes an additional \$50,000,000 for deferred maintenance. The Committees direct that the Bureau provide a report no later than October 1, 2018, on the projects to be funded with this funding. The Committees also note that there is \$5,465,000 in unobligated balances in the Construction appropriation, which was discontinued in fiscal year 2014. To augment the new funds for deferred maintenance, the Bureau is directed to utilize these Construction funds for deferred maintenance projects and to submit a reprogramming request to the Committees, as necessary, to fully obligate the prior year balances in fiscal year 2018.

In addition to the funding allocation table at the end of this explanatory statement, the agreement includes the following instructions:

Wild Horses and Burros.-The Committees are extremely disappointed that the Department has failed to provide a comprehensive plan, as directed by the Consolidated Appropriations Act, 2017 ([P.L. 115-31](#)) to address ***H2611** the fast-rising costs of the Wild Horse and Burro program and overpopulation of wild horses and burros on the range. The failure to address these problems is irresponsible and will result in irreparable damage to the landscape and the welfare of the animals protected by the Wild Free-Roaming Horse and Burro Act. The Committees reiterate their belief that there is no one solution to the problems with this program, and that Congress and the Administration must work together to correct them. Until the Department provides a comprehensive plan and any corresponding legislative proposals to the appropriate authorizing committees, the Committees will maintain the existing prohibitions and reduce the resources available for the program. Reprogramming requests will only be considered for urgent needs. At a minimum, the Committees expect a science-based, detailed plan that 1) reduces the complexity and cost of contracting policies and procedures; 2) eliminates unnecessary environmental reviews; 3) simplifies and expands the use of partnerships and cooperative agreements; 4) identifies statutory and regulatory barriers to implementing the plan; and 5) has the goal of reducing costs while improving the health and welfare of wild horses and burros, and the range. The Committees direct the Department to provide the report within 30 days of enactment of this Act.

Greater Sage-grouse.-The agreement provides \$60,000,000 for greater sage-grouse and related sage-steppe conservation activities. This is equal to the amount of base funding provided in fiscal year 2017. The Bureau is encouraged to continue working with States and other interested entities on the existing sage-grouse conservation plans and to improve the condition of the sage-steppe ecosystem.

Energy and Minerals.-The agreement provides sufficient funding, within the total made available, to complete the next cluster of legacy well remediation. Congress is closely following the litigation regarding the Waste Prevention,

Production Subject to Royalties, and Resource Conservation regulation and directs the Bureau to provide a report on the costs and staffing needs associated with it, within 30 days of enactment of this Act, to help the Committees prepare for the fiscal year 2019 appropriations process.

Onshore Orders #3 and #4.-The Committees are aware that the Bureau is working with affected industries and other interested stakeholders regarding these Orders and expect that the Bureau will expeditiously resolve any remaining issues consistent with current law.

Required Reports.-The Bureau is reminded that the reports to Congress required by [42 U.S.C. 15924\(e\)](#) are due on February 1 annually, and therefore is directed to submit the reports for 2016 and 2017 no later than 30 days after the date of enactment of this Act.

Realty and Ownership Management.-The agreement provides \$1,000,000 for surveys along the Red River in Oklahoma and Texas.

Chaco Canyon Regional Management Plan.-The Bureau is directed to continue its collaborative work with the Bureau of Indian Affairs in the Greater Chaco Canyon area and to maintain current management practices surrounding Chaco Culture National Historical Park while a new resource management planning process to protect cultural and historical resources is completed.

Rio Puerco Watershed.-The Bureau is encouraged to continue supporting the Rio Puerco Watershed Committee's work to identify and implement projects to restore the watershed.

Resource Management Planning.-The agreement provides \$60,125,000 for resource management planning, which is \$8,000,000 above the fiscal year 2017 level. The Bureau is directed to focus these additional resources on greater sage-grouse, sage-steppe, and other high priority conservation areas.

Committee Directives.-The Bureau is directed to continue to follow the directions included in the explanatory statement accompanying the Consolidated Appropriations Act, 2017 ([P.L. 115-31](#)) related to Cooperative Efforts in Alaska, Tribal Coordination, and Red River Land Ownership. The Bureau also is directed to comply with the timelines required in the Alaska National Interest Land Conservation Act (ANILCA) and complete environmental reviews, after local consultation and subsistence impact reviews, as it relates to the consideration of the application for the road from Dalton Highway to the Ambler Mining District, as well as continue the directions included in the explanatory statement accompanying the Consolidated Appropriations Act, 2016 ([P.L. 114-113](#)) related to placer mining.

Soda Ash.-The Committees are concerned about maintaining the United States' global competitiveness in the production of natural soda ash. The United States contains approximately 90 percent of the world's natural soda ash deposits, while many international competitors are producing synthetic soda ash using more energy and generating higher emissions than natural soda ash production. Therefore, the Committees expect the Bureau to consider using its authority to reduce the Federal royalty rate for soda ash to 2 percent.

LAND ACQUISITION

The bill provides \$24,916,000 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. Further instructions are contained under the Land and Water Conservation Fund heading in the front of this explanatory statement.

The Committees note that almost none of the fiscal year 2017 land acquisition funding for the Bureau has been spent through the first quarter of fiscal year 2018, and are concerned about delays in project completions. The Committees expect all projects, particularly those in project areas identified by Congress in this report and in previous fiscal years, to be completed as expeditiously as possible.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

OREGON AND CALIFORNIA GRANT LANDS

The agreement provides \$106,985,000 for Oregon and California Grant Lands, to be distributed as displayed in the funding allocation table at the end of this explanatory statement.

RANGE IMPROVEMENTS

The agreement provides \$10,000,000 to be derived from public lands receipts and Bankhead-Jones Farm Tenant Act lands grazing receipts.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The agreement provides an indefinite appropriation estimated to be \$24,595,000 for Service Charges, Deposits, and Forfeitures.

MISCELLANEOUS TRUST FUNDS

The agreement provides an indefinite appropriation estimated to be \$24,000,000 for Miscellaneous Trust Funds.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The bill provides \$1,279,002,000 for Resource Management. All programs and activities, including youth programs and cooperative recovery grants, are funded at the amounts proposed in the budget request to the Congress unless otherwise specified below or in the table at the end of this division. The Service is expected to comply with the instructions and requirements at the beginning of this division, in addition to the following:

Endangered Species Act (ESA).-The Committees support and reiterate the guidance and directives beginning on page 12 of [House Report 115-238](#), aimed at improving and increasing collaboration with States and other partners in all stages of ESA implementation. Such collaboration ensures lasting conservation success and upholds the integrity of the ESA, which is premised upon the Federal Government working with the States and other partners to recover species and subsequently remove Federal protections.

As the Service indicated in its fiscal year 2017 budget request, "Given the growing number of listed species-limited resources force the Recovery Program to make difficult tradeoffs among these activities including 5-year reviews, developing recovery plans, implementing recovery actions, delisting and downlisting, all of which are necessary to achieve recovery." Such tradeoffs have led to backlogs of 837 species (53 percent) without a current 5-year review, and 49 species awaiting downlisting or delisting, and have contributed to a common sentiment that, once a species is put on the list, it doesn't come off. Such sentiment has made for reluctant State and local partners, adding further strain to the Service's

budget and making recovery more difficult. Though the Service is to be commended for having made progress on these backlogs in recent *H2612 years, it cannot eliminate these backlogs without additional help.

Flexibilities already inherent in the ESA allow the Service to collaborate and benefit from partner expertise and on-the-ground conservation, and the Service, to its credit, already does a considerable amount of that in some regions. But the Committees also recognize that several States and non-governmental partners have indicated a willingness to increase their involvement when the Federal Government is a willing and equal partner. The aim of this fiscal year 2018 appropriation is twofold: 1) to foster a more open, transparent, and collaborative ESA process; and 2) to begin to shift the workload by incentivizing increased involvement by States and other partners in activities such as species status assessments, and recovery planning and implementation, so the Service can prioritize the ESA responsibilities that are inherently Federal.

Ecological Services.-The agreement provides \$247,825,000 for programs and activities within Ecological Services, as discussed below.

Listing.-The agreement provides \$18,818,000 for status assessments, listings, critical habitat determinations, and related activities. Bill language funding limitations are consolidated under one cap.

The Committees urge the Service to avoid entering into any multi-species settlement agreement unless the State and local governments where the species are located are a party to that agreement.

The Service is urged to continue to follow the guidance contained in [House Report 114-170](#) regarding the yellow-billed cuckoo.

The Service is directed to develop a plan to improve transparency of the underlying data it uses to make determinations for species listings and de-listing activities before the end of fiscal year 2018, including details on how the Service will publish data and materials used in listing determinations on the Internet and improve what is currently available on www.regulations.gov and the Service website.

The Committees expect the Service to work with the States to develop a more reasonable policy whereby the Service's regulatory assurance criteria include responsible land management commitments by private landowners, as described in further detail in [House Report 115-238](#).

The Committees are concerned that the Service has not fully incorporated traditional Tribal knowledge in its implementation of the ESA. When appropriate, the Committees expect the Service to make every effort to incorporate traditional knowledge in ESA decisions. The Committees also expect the Service to engage in additional outreach to Tribal governments in circumstances where traditional knowledge may provide valuable information, including for species like the northern sea otter. The Service should brief the Committees on its efforts regarding traditional knowledge within 60 days of enactment of this Act.

Planning and Consultation.-The agreement provides \$105,579,000 for project permitting and consultation activities. A program increase of \$2,500,000 is included to avoid permitting delays and to achieve compliance with other statutes, and should be apportioned in accordance with workload needs nationwide rather than by region. Funding for all other program elements within this subactivity are restored to the fiscal year 2017 enacted levels, including \$4,000,000 for Gulf Coast restoration. Because the Committees have provided substantial resources for Gulf Coast restoration, the Service is expected to move forward with project reviews in a timely manner. The Service is also encouraged to evaluate establishing a reimbursement policy to recover costs for work required by statute for projects funded by future disaster settlements.

The Committees support the continuation of collaborative efforts in the Pacific Northwest with the National Marine Fisheries Service, the Washington Department of Fish and Wildlife, and affected Tribes that will result in the completion of all Puget Sound hatchery program consultations by the Fall, 2018.

The Service is encouraged to place a priority on providing technical assistance to partners making good faith efforts to develop and implement responsible habitat conservation plans as authorized by the ESA.

The Service is urged to address consultations and permitting of public and private projects related to the Preble's meadow jumping mouse as one of the highest priorities.

Conservation and Restoration.-The agreement provides \$32,396,000 for conservation and restoration activities. Funding for all program elements within this subactivity are restored to the fiscal year 2017 enacted levels.

The Service is expected to focus Candidate Conservation funding on the annual Candidate Notice of Review as required by the ESA, providing technical assistance to States and others, and developing agreements that provide regulatory certainty to landowners. The Service should look to its other programs and its partners to fund and implement conservation activities on the ground. The Service is commended for its efforts in the Southeast to work with States and others to preclude the need to list many of the hundreds of species recently petitioned for listing, and is expected to expand this model nationwide.

Recovery.-The agreement provides \$91,032,000 for activities in support of the recovery and delisting of threatened and endangered species, with continued funding for the following program elements at or above the fiscal year 2017 enacted levels: Bay Delta, \$1,659,000; white nose syndrome, \$2,000,000; State of the Birds, \$3,000,000; and the wolf-livestock loss demonstration program, \$1,000,000. States with de-listed wolf populations shall continue to be eligible for funding, provided that those States continue to meet the eligibility criteria contained in [Public Law 111-11](#).

General program activities are funded at \$74,000,000. The Service is expected to focus the funds on inherently Federal activities such as recovery plan approvals, the backlog of five-year reviews, status changes, and associated collaboration with States and other partners. An additional \$4,373,000 is provided to propose and finalize rules for the backlog of species with completed 5-year reviews that recommend delisting and downlisting.

In developing and implementing recovery plans, the Service is directed to make full use of its authority under section 4(f)(2) of the ESA to "procure the services of appropriate public and private agencies and institutions, and other qualified persons." While recovery plan approval and delisting decisions ultimately rest with the Service and make collaboration essential to success, plan development and implementation are not inherently Federal. Species recovery is a shared responsibility that does not default to the Fish and Wildlife Service. Where able partners are willing to increase or lead these efforts, the Service is expected to shift to supportive roles through technical assistance and cost-shared grants.

To expand partnerships through cost-shared grants, the agreement includes program increases within the Cooperative Endangered Species Conservation Fund and State and Tribal Wildlife Grants. In addition, \$5,000,000 is provided in Resource Management for Recovery Challenge matching grants to enhance and increase partnerships with agencies and organizations implementing highest priority recovery actions as prescribed in recovery plans, and in particular for genetically-sound breeding, rearing, and reintroduction programs. Longstanding partnerships, including for the northern aplomado falcon, California condor, and Steller's eider, should be funded at not less than \$2,000,000 and partner contributions should be not less than their current amounts. The remaining funds should be dedicated to new partnerships and should require a 50:50 match, which may include in-kind services. Unless an affected State is a partner on the project, none of the funds may be awarded to a project until the project partners have consulted with such State. The Service is strongly encouraged to transfer similar recovery plan implementation partnerships to Recovery Challenge

grants in future budget requests, so that all other Recovery funds in the Resource Management account are prioritized to ensure accomplishment of inherently Federal functions.

The Service is urged to work with the State of Utah on a mutually agreeable plan to recover the Utah prairie dog, as discussed in [House Report 115-238](#).

The Committees are aware that the Service is currently undertaking a required status review of the American Burying Beetle to determine whether listing as an endangered species is still warranted. Within funds provided, the Service is directed to propose a rule by the end of the fiscal year to delist or downlist the American Burying Beetle should the status review make a finding that delisting or downlisting is warranted.

The Committees acknowledge the important roles that science and Federal wildlife biologists have in the Service's decisions to recover species. The Service's Science program is directed to initiate a study not later than 90 days after the date of enactment of this Act, through a qualified independent entity such as the Smithsonian Institution, to determine whether or not animals currently classified as red wolves and Mexican gray wolves are taxonomically valid species and subspecies designations, respectively. The study shall include publication of a scientific literature review, including genetic research, not later than one year after the date of enactment of this Act and, if the literature is inconclusive, shall include any additional necessary research and publication not later than three years after the date of enactment of this Act. In the meantime, the Service's Recovery program is reminded of its legal mandate to cooperate to the maximum extent practicable with the States, especially when there has been conflict between species and private property owners. As such, the Service is directed to continue working closely with the North Carolina Wildlife Resources Commission on management of red wolves in fiscal year 2018.

The Service should seek the most current science as it works to implement the agreement between the United States and the Russian Federation on management of the Alaska-Chukotka Polar Bear Population. The Service is expected to consult with and incorporate traditional knowledge from Alaska Native Organizations on matters related to subsistence hunting, and to work with Alaska Native Organizations and other wildlife management organizations with expertise in subsistence hunting to implement a civil-based, co-management regime.

Habitat Conservation.-The agreement provides \$65,008,000 for habitat conservation programs, of which \$51,633,000 is for the Partners for Fish and Wildlife program and ***H2613** \$13,375,000 is for the Coastal Program. All program elements within these two subactivities are restored to fiscal year 2017 enacted levels, except as discussed in the opening paragraph, including \$1,285,000 for fisheries enhancement. The Chesapeake Bay Nutria Eradication Project is funded at \$1,725,000.

National Wildlife Refuge System.-The agreement provides \$486,757,000 for the National Wildlife Refuge System and maintains subactivities and program elements at fiscal year 2017 enacted levels, except where identified in the opening paragraph or described below.

Wildlife and Habitat Management.-The agreement includes: \$2,835,000 to manage subsistence fishing and hunting; \$10,000,000 for invasive species, including \$75,000 for the Chesapeake Bay Nutria Eradication Project; \$1,500,000 for the Pacific Remote Islands Marine National Monument; and \$196,089,000 for general program activities which includes the absorption of the former Healthy Habitats and Populations initiative.

The agreement supports the directive in [House Report 114-632](#) instituting signage on any individual refuge where trapping occurs and establishing guidance to be included in the refuge manual. Until the Committees are notified in writing that all directives are complied with, \$2,000,000 of the funding provided for Wildlife and Habitat Management is not available for obligation.

The Service is reminded of the directive contained in [House Report 115-238](#) regarding the Comprehensive Everglades Restoration Plan.

The Service is expected to follow the directive from previous fiscal years that prohibits a caribou hunt on Kagalaska Island and efforts to remove cattle on Chirikof and Wosnesenski Islands in the State of Alaska.

Visitor Services.-The agreement includes \$2,000,000 for the youth program. Funding has been provided to continue the Urban Wildlife Refuge Partnership program at the fiscal year 2017 enacted level and to support efforts to promote conservation in urban areas. The Committees encourage the Service to consider prioritizing funding for a new visitor center at the Canaan Valley National Wildlife Refuge. The Service is directed to brief the Committees on options for preserving historic aircraft located within the World War II Valor in the Pacific National Monument on Atka Island in Alaska within 90 days of enactment of this Act. The Committees encourage the Service to work with local stakeholders and consider prioritizing enhancements at the Wheeler National Wildlife Refuge in its internal budget processes-including new trails, visitor center exhibits, and other infrastructure priorities-to improve the visitor experience for the increasing number of visitors at the refuge.

Conservation Planning.-The Service is encouraged to work with affected landowners to address concerns about the acquisition boundary for Bitter Creek National Wildlife Refuge, as discussed in [House Report 115-238](#).

The agreement directs the Service to approve the establishment of the Green River National Wildlife Refuge in the Green River Bottoms area near the confluence of the Green River and Ohio River in Henderson County, Kentucky. The refuge should consist of approximately 24,000 acres-to be acquired from willing landowners. The Service should partner with other stakeholders on establishment of the refuge and look for opportunities related to environmental mitigation for interstate bridge construction projects in the area. The Service is directed to wait to establish final boundaries of the refuge until the new I-69 interstate bridge corridor is selected. Within 120 days of the date of enactment of this Act, the Service is directed to report to the Committees on its progress toward establishment of the refuge.

Refuge Maintenance.-The agreement includes \$42,901,000 to reduce the backlog of deferred maintenance and \$649,000 to continue the Youth Conservation Corps. The Service is encouraged to consider prioritizing repairs of water control structures at the Don Edwards San Francisco Bay National Wildlife Refuge.

Conservation and Enforcement.-The agreement provides \$141,290,000 for other conservation and enforcement programs as described below.

Migratory Bird Management.-The agreement provides \$48,421,000 to continue all Migratory Bird Management programs at or above fiscal year 2017 enacted levels, including: \$2,000,000 for aviation safety; \$350,000 to manage bird-livestock conflicts; and \$3,424,000 to expedite permits. The Service is commended for its efforts to work with landowners to reduce black vulture predation on livestock.

Law Enforcement.-The agreement provides \$77,053,000 to continue all law enforcement programs at fiscal year 2017 enacted levels and includes a \$2,000,000 increase for wildlife inspectors at ports currently without personnel, in order to deter illegal activities and to ensure that legal trade is not significantly slowed because of a lack of Service personnel. Wildlife trafficking enforcement activities continue to be funded at \$7,500,000, which may also be used as needed to supplement inspections. The Service is directed to enforce illegal logging violations pursuant to the Lacey Act. From within general program activities, funding is provided to continue the Service's work with the Indian Arts and Crafts Board to combat international trafficking of counterfeit arts and crafts and to conduct criminal investigations of alleged violations of the Indian Arts and Crafts Act.

The Committees support efforts outlined in [House Report 115-238](#) for the Service to collaborate with U.S. Customs and Border Protection on the Automated Commercial Environment (ACE).

International Affairs.-The agreement provides \$15,816,000 and continues all program elements at the fiscal year 2017 enacted levels, including \$550,000 to support the Arctic Council.

As outlined in [House Report 115-238](#), the Committees encourage the Service to continue to work with stakeholders to address their concerns related to international trade in wood and wood products and advance efforts to develop a domestic electronic permitting system and an electronic form for data collection to expedite processing of licit imports and exports of these products.

The Committees recognize the Service's work with Mexico and Central American nations and urge the continuation of these international partnerships.

Within 150 days of enactment of this Act, the Committees expect the report directed in [House Report 115-238](#) on the CITES permitting process for live plants and the analysis of actions that could create efficiencies.

Fish and Aquatic Conservation.-The agreement provides \$164,627,000 for fish and aquatic conservation programs and maintains subactivities and program elements at fiscal year 2017 enacted levels, except where identified in the opening paragraph or described below. The Service is expected to continue its tradition of improving freshwater subsistence, commercial, and recreational fishing since 1871.

National Fish Hatchery System Operations.-The agreement provides \$55,822,000 and includes: \$550,000 to implement the Great Lakes Consent Decree; \$1,430,000 for the national wild fish health survey program; \$1,475,000 to continue mass marking salmonids in the Pacific Northwest; and \$1,200,000 for the Aquatic Animal Drug Approval Partnership. None of the funds may be used to terminate operations or to close any facility of the National Fish Hatchery System. None of the production programs listed in the March 2013 National Fish Hatchery System Strategic Hatchery and Workforce Planning Report may be reduced or terminated without advance, informal consultation with affected States and Tribes.

The Service is expected to continue funding mitigation hatchery programs via reimbursable agreements with Federal partners. Future agreements should include reimbursement for production, facilities, and administrative costs. The Service is expected to ensure that its costs are fully reimbursed before proposing to reduce or redirect base funding.

Maintenance and Equipment.-The agreement provides \$22,920,000 which includes \$13,249,000 to reduce the deferred maintenance backlog, and, in addition to amounts provided in the Construction account, funding should continue to be allocated to facilities with the most severe health and safety deficiencies across the System as a whole, rather than by region. All other funds should continue to be allocated as in prior years and should include mitigation hatcheries as needed to supplement reimbursable funds.

Habitat Assessment and Restoration.-The agreement provides \$33,987,000, which includes \$13,998,000 for the National Fish Passage Program, \$3,000,000 to implement the Klamath Basin Restoration Agreement, and \$5,000,000 to implement the Delaware River Basin Conservation Act (DRBCA). Within 90 days of enactment of this Act, the Service is directed to brief the Committees on its efforts related to the DRBCA. The Service is directed to be transparent with its partners regarding Federal costs for program coordination and administration of the National Fish Habitat Action Plan.

Population Assessment and Cooperative Management.-The agreement provides \$30,150,000 which includes \$9,554,000 for subsistence fisheries management and \$15,635,000 for general program activities, of which \$489,000 is for the Lake Champlain sea lamprey program.

Aquatic Invasive Species.-The agreement includes \$21,748,000 for aquatic invasive species programs, of which: \$1,000,000 is to help States implement plans required by the National Invasive Species Act (NISA); \$1,566,000 is for NISA coordination; \$3,088,000 is to implement subsection 5(d)(2) of the Lake Tahoe Restoration Act; \$10,400,000 is for controlling Asian carp in the Mississippi and Ohio River Basins and preventing them from entering and establishing in the Great Lakes, including \$2,000,000 to expand and perfect the combined use of contract fishing and deterrents to extirpate Asian carp, where already established; and \$2,000,000 is to prevent the spread of quagga and zebra mussels.

The Committees support efforts to address threats to aquatic invasive species and direct the Service to continue to make available competitive grant funding for projects to eliminate invasive species, including Asian carp, quagga and zebra mussels, and variable-leaf watermilfoil. The Service should continue to support research, monitoring, and mitigation efforts, as well as efforts to disseminate such work, in all regions.

Cooperative Landscape Conservation.-The agreement provides \$12,988,000 for cooperative landscape conservation, of which \$1,000,000 is for the Gulf Coast ecosystem. The Committees recognize the disparate levels of partner support across the States and expect the Service to focus funding where partnerships are strong. ***H2614**

Science Support.-The agreement provides \$17,267,000 for the Science Support program and includes \$931,000 to restore the Gulf Coast ecosystem, and \$3,500,000 for white-nose syndrome in bats. The Service should continue to co-lead and implement the North American Bat Monitoring Program with other Federal, State, and non-governmental partners. The Service is expected to partner with Cooperative Research Units whenever possible.

General Operations.-The agreement provides \$143,240,000 for general operations and includes funding for central office operations, regional office operations, and Service-wide bill paying at the requested levels. The National Fish and Wildlife Foundation is funded at the fiscal year 2017 enacted level. A one-time program increase of \$4,300,000 is provided for annual maintenance needs of the National Conservation Training Center (NCTC). The Committees understand this funding will fully address backlog maintenance at NCTC.

CONSTRUCTION

The bill provides \$66,540,000 for Construction and includes a one-time increase of \$50,000,000 for the backlog of deferred maintenance principally at national fish hatcheries and national wildlife refuges. The Service is directed to provide a spend plan to the Committees within 120 days of enactment of this Act for the additional deferred maintenance funding. The detailed allocation of funding by activity is included in the table at the end of this explanatory statement. For line-item construction, the Service is expected to follow the project priority list in the table below. When a construction project is completed or terminated and appropriated funds remain, the Service may use those balances to respond to unforeseen reconstruction, replacement, or repair of facilities or equipment damaged or destroyed by storms, floods, fires and similar unanticipated events.

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LAND ACQUISITION

The bill provides \$63,839,000 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. Further instructions are contained under the Land and Water Conservation Fund heading in the front of this explanatory statement.

In a time when budgetary constraints allow for only a limited number of new land acquisition projects, the Committees are encouraged by programs that leverage public/private partnerships for land conservation like the Highlands Conservation Act, which has a record of more than a 2 to 1 ratio in non-Federal matching funds. Therefore, the Committees include \$10,000,000 for the Highlands Conservation Act Grants and direct the Fish and Wildlife Service to work with the Highlands States regarding priority projects for fiscal year 2018.

The Committees recognize there are concerns regarding the acquisition and management of easements in some States. Any uncertainty about the scope of management responsibilities among stakeholders and agencies should be addressed by engaging in a constructive dialogue and reaching a unified solution that honors the rights of individual landowners while implementing sound conservation practices. Therefore, in lieu of the House directive, the Service is strongly encouraged to begin this dialogue and brief the Committees within 60 days of enactment of this Act on the challenges of the Service harmonizing current easement laws and regulations with landowners and State governments with options to resolve these challenges.

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COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The bill provides \$53,495,000 to carry out section 6 of the Endangered Species Act of 1973, of which \$33,857,000 is to be derived from the Cooperative Endangered Species Conservation Fund and \$19,638,000 is to be derived from the Land and Water Conservation Fund. The detailed allocation of funding by activity is included in the table at the end of this explanatory statement. The Service is directed to lift the artificial caps and apportion funds to Habitat Conservation Plans (HCPs) based on need in order to increase on-the-ground conservation and eliminate unobligated balances. The agreement includes a program increase of \$2,000,000 in traditional conservation grants in order to foster increased partner involvement in recovery plan development and implementation, which is offset by a decrease in HCP planning assistance grants due to a lack of demand.

NATIONAL WILDLIFE REFUGE FUND

The bill provides \$13,228,000 for payments to counties from the National Wildlife Refuge Fund.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The bill provides \$40,000,000 for the North American Wetlands Conservation Fund. The Service is directed to follow the guidance in [House Report 115-238](#).

NEOTROPICAL MIGRATORY BIRD CONSERVATION FUND

The bill provides \$3,910,000 for the Neotropical Migratory Bird Conservation Fund.

MULTINATIONAL SPECIES CONSERVATION FUND

The bill provides \$11,061,000 for the Multinational Species Conservation Fund. The detailed allocation of funding by activity is included in the table at the end of this explanatory statement.

STATE AND TRIBAL WILDLIFE GRANTS

The bill provides \$63,571,000 for State and Tribal Wildlife Grants. The detailed allocation of funding by activity is included in the table at the end of this explanatory statement. All three grant programs shall place the highest priority on species included in *H2615 the most recent Candidate Notice of Review so as to preclude the need to list such species under the ESA.

States and Tribes receiving funds through this program are encouraged to work with private landowners and organizations representing agriculture, conservation science, and waterfowl habitat enhancement to provide wetland habitat for at-risk shorebirds, waterfowl, raptors and other species.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The agreement provides \$2,477,969,000 for the Operation of the National Park System and includes requested fixed costs. The detailed allocation of funding by program area and activity is included in the table at the end of this division.

Operation of the National Park System.-The bill does not support reductions proposed in the budget request that would diminish visitor services and reduce park and program operations system-wide.

Within Resource Stewardship, the Committees have restored all proposed reductions to Everglades restoration efforts and to complete restoration projects at newly established park units. The recommendation also includes \$3,000,000 to continue zebra and quagga mussel containment, prevention, and enforcement in western water bodies, and \$500,000 for cave and karst ecosystem research. The agreement continues the directive provided within the Visitor Services line item contained in [House Report 115-238](#). The reduction from fiscal year 2017 within Park Protection is for non-recurring expenses related to the Presidential Inauguration. The agreement includes \$5,000,000 to support timely aviation fleet replacement by the Washington, DC area U.S. Park Police aviation unit which supports law enforcement and public safety in the national capital region. Within Facility Operations and Maintenance, the Committees have accepted the Service's proposal to eliminate the Flex Park program in order to focus resources on critical park operations and programs. The agreement retains funding increases provided within the Consolidated Appropriations Act, 2017 to address deferred maintenance needs and provides an additional \$15,000,000 to address cyclic maintenance needs, an additional \$10,000,000 for repair and rehabilitation projects, and an additional \$10,000,000 for project planning. These funds are supplemented by \$23,000,000 provided within the Centennial Challenge matching grant program account dedicated to funding joint public-private investments in parks. Increases within Park Support are to address new responsibilities and critical needs at park units including but not limited to Freedom Riders, Castle Mountains, and Birmingham Civil Rights units. The recommendation also restores proposed reductions to park units including the Manhattan Project National Historical Park and Honouliuli units, and the Partnership Wild and Scenic River program. Each are funded at the fiscal year 2017 enacted level. Funding for the Roosevelt-Campobello International Park is also maintained at the fiscal year 2017 enacted level.

Quagga and Zebra Mussel Control.-The Committees remain concerned about the spread of quagga and zebra mussels in the West and have provided \$3,000,000 for continued containment, prevention, and enforcement efforts.

Eastern Legacy Study (Lewis and Clark Trail Study).-The Eastern Legacy Study, authorized to determine the feasibility of extending the Lewis and Clark National Historic Trail, is now four years overdue. The Committees direct the Service to complete the study expeditiously.

Mississippi National River and Recreation Area.-The agreement maintains the directive related to the Mississippi National River and Recreation Area contained in [House Report 115-238](#).

Elwha Water Facilities.-The agreement includes the directive related to the Elwha Water Facilities contained in [House Report 115-238](#).

Natchez Visitor Reception Center.-The Committees understand that the Service is engaged in discussions with Natchez, MS over accepting a donation of the Natchez Visitor Reception Center and encourage the Service to reach agreement on such donation in a timely fashion.

National Park Service Local Hire Implementation.-Within 90 days of enactment of this Act, the Committees direct the Service in cooperation with other relevant agencies to provide a report on numbers of employees hired in Alaska with the authorities under the Alaska National Interest Lands Conservation Act (ANILCA).

Blackstone River Valley National Historical Park.-The agreement includes requested funding for the Blackstone River Valley National Historical Park with the expectation that the Service will continue to make funds available to the local coordinating entity to maintain staffing and capacity to assist in management of the park as authorized in [Public Law 113-291](#).

Cape Lookout National Seashore.-As the Service reviews the Cape Lookout National Seashore's Off-Road Vehicle Management Plan, the Committees expect the Service to adopt the least restrictive land use option that allows adequate access to the Seashore while maintaining sufficient protections for wildlife and natural resources.

National Trails System.-In preparation for the National Trails System's 50-year anniversary in 2018, the Committees urge the Service to make funding the construction and maintenance of national trails a priority.

Biscayne National Park.-The agreement maintains the directive related to Biscayne National Park contained in [House Report 115-238](#).

Everglades Restoration.-The Committees note the progress made toward restoration of the Everglades ecosystem and continue to support this multi-year effort to preserve one of the great ecological treasures of the United States.

Vicksburg National Military Park.-The agreement maintains the directive related to Vicksburg National Military Park contained in [House Report 115-238](#).

Arlington Memorial Bridge.-The Committees commend the Department for its efforts, working with bipartisan Federal, State, and local leaders, to secure \$227,000,000 to rehabilitate the Arlington Memorial Bridge, a historic and critical transportation link in the nation's capital. As awarded, the design-build contract will save \$35,000,000 and accelerate the project's completion by 18 months. Major construction is scheduled to begin later in 2018.

Ozark National Scenic Riverways.-The Service is directed to work collaboratively with affected parties to ensure that implementation of the General Management Plan for the Ozark National Scenic Riverways addresses the concerns of affected stakeholders including, but not limited to, local communities and businesses.

St. Anthony Falls Lock.-The agreement includes the directive related to St. Anthony Falls Lock contained in [House Report 115-238](#).

Yosemite Medical Clinic.-The agreement maintains the directive related to the Yosemite Medical Clinic contained in [House Report 115-238](#).

Director's Order 21.-Within 90 days of enactment of this Act, the Service shall report to the Committees on steps it has taken or plans to take in fiscal year 2018 to implement [Public Law 113-291](#).

Oklahoma City National Memorial & Museum.-The Committees direct the Service to provide a report within 30 days of enactment of this Act indicating what funds have been allocated to the Memorial and options to provide the remaining authorized amount.

Alaska Hunting and Trapping.-The Committees are aware that the National Park Service intends to initiate a rulemaking process that will consider changes to the final rule published October 23, 2015, related to hunting and trapping in National Preserves in Alaska. This will include identifying ways to address recreational hunting and fishing cooperation, consultation, and communication with State of Alaska wildlife managers. The Committees expect the Service to complete the review in a timely manner.

NATIONAL RECREATION AND PRESERVATION

The agreement provides \$63,638,000 for National Recreation and Preservation with the following specific directives:

Natural Programs.-The Committees maintain funding for Natural Programs, including the Chesapeake Gateways and Trails program and Rivers, Trails and Conservation, at the fiscal year 2017 enacted level.

Cultural Programs.-The Committees provide \$25,062,000 for Cultural Programs, an increase of \$500,000 above the enacted level. The increase is provided for grants to nonprofit organizations or institutions pursuant to [20 U.S.C. 4451\(b\)](#). The Committees direct the Department to consider funding the Northwest Coast arts program as outlined by the memorandum of agreement between the Institute of American Indian Arts and the Sealaska Heritage Institute. Funding for the Native American Graves Protection and Repatriation Grant Program and the Japanese American Confinement Site Grant Program is maintained at the fiscal year 2017 enacted level.

Heritage Partnership Program.-The agreement provides \$20,321,000 for the Heritage Partnership Program. The Committees continue to encourage individual heritage areas to develop plans for long-term sufficiency. The Committees commend the Alliance of National Heritage Areas, in response to Congressional direction, for developing an allocation model that maintains core services of more established areas while proposing additional resources to newer areas. The Committees note this progress and direct the Service to work with heritage areas to further develop consensus toward a sustainable funding distribution. As this effort continues, the Committees expect the Service to distribute funds in the same manner as fiscal year 2017 with the increase above the enacted level to be equally distributed to Tier I areas or Tier 2 areas currently receiving the minimum funding levels of \$150,000 and \$300,000 respectively.

Muscle Shoals National Heritage Area.-The Committees encourage the continued partnership between the Muscle Shoals Regional Center and the University of North Alabama.

National Heritage Area Feasibility Study.-The Committees understand that the Service has no intent to initiate or conduct a feasibility study to establish a national heritage area in Baca, Bent, Crowley, Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueblo counties, Colorado. In the event the Service alters its intentions, the Committees direct the Service to notify the Committees 120 days in advance of initiating such a study. ***H2616**

American Battlefield Protection Program Assistance Grants.-Funding is provided at the fiscal year 2017 enacted level. The Committees recognize the importance of public-private partnerships to maintain the preservation of America's battlefields and urge the Service to give priority to projects with broad partner support. The Committees continue to encourage the timely review and processing of grants.

HISTORIC PRESERVATION FUND

The agreement provides \$96,910,000 for the Historic Preservation Fund. Within this amount, \$48,925,000 is provided for grants to States and \$11,485,000 is provided for grants to Tribes. The recommendation also includes \$13,500,000 for competitive grants of which \$500,000 is for grants to underserved communities and \$13,000,000 is for competitive grants to document, interpret, and preserve historical sites associated with the Civil Rights Movement. The agreement also includes \$5,000,000 for competitive grants to Historically Black Colleges and Universities (HBCUs) and \$13,000,000 for the Save America's Treasures competitive grant program for preservation of nationally significant sites, structures, and artifacts. The agreement also provides \$5,000,000 for preservation grants to revitalize historic properties of national, State, and local significance. Grants shall be made available to States, local governments, Tribes, or community non-profit organizations for making sub-grants to eligible projects. Priority shall be given to applicants with a demonstrated capacity for allocating similar awards for preservation of such sites. Prior to execution of these funds, the Service shall submit a spend plan to the Committees on Appropriations of the House and Senate.

CONSTRUCTION

The agreement provides \$359,704,000 for Construction with the following specific directive:

Line Item Construction.-The agreement provides \$137,011,000 for line item construction and maintenance including \$129,011,000 for line item construction projects in the fiscal year 2018 budget request as revised by the Service and provided to the House and Senate Committees on Appropriations on July 25, 2017, and shown in the table below. A general program increase of \$138,000,000 above the request is provided to address only longstanding deferred maintenance and major construction related requirements of the Service. General management planning has been provided an additional \$1,860,000 above the request in order to facilitate the completion of recently authorized special resource studies. The Committees direct the Service to provide no later than 60 days after enactment of this Act an operating plan for allocation of funds. Requests for reprogramming will be considered pursuant to the guidelines in the front of this explanatory statement.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

LAND ACQUISITION AND STATE ASSISTANCE

The bill provides \$180,941,000 for Land Acquisition and State Assistance. 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 Committees understand that donation projects, such as the Vicksburg National Military Park listed on the NPS project list for fiscal year 2018, are eligible to be funded from the amounts included for donation projects. Funds provided for recreational access are available to close gaps in national trails, including the Ice Age, North Country, and New England National Scenic Trails. The Committees urge the Service to consider geographic distribution to ensure that investments for the trail system are reflected in project prioritization. Further instructions are contained under the Land and Water Conservation Fund heading in the front of this explanatory statement.

The Committees continue to support the American Battlefield Protection Program (ABPP) and are aware of the increased workload and associated delays in grant processing due to the program's expanded mission to include Revolutionary War and War of 1812 sites and additional historic preservation reviews. Therefore, the bill provides \$10,000,000 for ABPP grants and \$252,000 is provided from within acquisition management to ensure the timely awarding of grants.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

CENTENNIAL CHALLENGE

The agreement provides \$23,000,000 for the Centennial Challenge matching grant program. The program provides dedicated Federal funding to leverage partnerships for signature projects and programs for the national park system. The Committees expect these funds to be used by the Service to address projects which have a deferred maintenance component in order to alleviate the sizeable deferred maintenance backlog within the national park system. A one-to-one matching requirement is required for projects to qualify for these funds. The Service is urged to give preference to projects that demonstrate additional leveraging capacity from its partners. From amounts in the Centennial Challenge account, the Committees encourage the Department to make \$3,000,000 available for critical programs and projects, pursuant to 54 U.S.C. 1011 Subchapter II, subject to terms and conditions outlined in Title VI of [Public Law 114-289](#).

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The bill provides \$1,148,457,000 for Surveys, Investigations, and Research of the U.S. Geological Survey (USGS, or the Survey). This includes additional, one-time funding for the purchase of equipment, infrastructure related projects, and deferred maintenance that should not be considered programmatic increases and for which the Committees expect a detailed spend plan within 180 days of enactment of this Act. The detailed allocation of funding by program area and activity is included in the table at the end of this explanatory statement.

Congressional Budget Justification.-The Committees direct the Survey to include in future justifications base funding and program descriptions for any subactivity, program, project, or study proposed for increases or reductions.

Ecosystems.-The agreement provides \$157,732,000, and does not include reductions for program terminations proposed in the budget request for Status and Trends and the Wildlife Program. The Survey is directed to formulate a transition plan with the Smithsonian Institution regarding the curation of the Institution's collection for which the Survey is currently responsible.

The agreement also includes an increase of \$500,000 from within available funds to address white-nose syndrome in bats. The Committees are aware of the work the Survey is performing in critical landscapes such as the Arctic, Puget Sound, California Bay Delta, Everglades, Great Lakes, Columbia River, and the Chesapeake Bay, and expect this work to continue. The Terrestrial, Freshwater, and Marine Environments program is funded as reported in [House Report 115-238](#), and species-specific fisheries and Asian carp funding are maintained at fiscal year 2017 enacted levels. The Committees understand certain programs are nearing completion; therefore, the Survey is directed to report back to the Committees within 180 days of enactment of this Act on anticipated balances of such programs.

Land Resources.-The agreement provides \$152,499,000, which includes \$93,094,000 for the National Land Imaging activity. Within these funds, Landsat 9 is fully funded at a program level of \$26,200,000; satellite operations receive \$52,337,000; National Civil Applications Center receives \$4,847,000; and the AmericaView State grant program receives \$1,215,000.

The Committees accept the proposed budget structure changes with the understanding that the work previously funded in the fiscal year 2017 structure will continue at fiscal year 2017 enacted levels and that the Survey will continue to track and provide information on funding within the Land Change sub- ***H2617** lines. The Committees provide funding for the eight regional science centers and grant awards should be made at the negotiated annual agreement levels. The Survey is directed to provide notification to the Committees as the grants are awarded in full. As a result of the budget restructure, \$5,025,000 is provided so that work previously funded under the old budget structure will continue within the Land Change Science subactivity.

Energy, Minerals, and Environmental Health.-The agreement provides \$102,838,000 for Energy, Minerals, and Environmental Health, including \$1,000,000 toward the domestic mineral base survey and \$4,700,000 for the implementation of Secretarial Order 3352. As a result of the budget restructure, \$1,477,000 is provided for work previously funded at this level in fiscal year 2017 and now funded under the Mineral and Energy Resources subactivity. The Committees accept the \$2,457,000 reduction proposed in the budget due to the completion of reports as required by the Energy Independence and Security Act of 2007 (P.L. 110-140). The Committees expect geologic and biologic research to continue under the new budget restructure.

The Committees continue geophysical and remote sensing activities at the enacted funding levels and direct the Survey to continue this work following the requirements outlined in the Consolidated Appropriations Act, 2017 (P.L. 115-31). The Committees also expect low permeability reservoir assessments to continue at the 2017 enacted level and that the Survey will continue to abide by the directive outlined in [Public Law 115-31](#) concerning consultation with State geological surveys.

The agreement provides \$12,398,000 for toxic substances hydrology. The Committees support the Survey's comprehensive research on cyanobacterial harmful algal blooms and provide an increase of \$1,350,000 over the fiscal year 2017 enacted level for this effort.

Natural Hazards.-The agreement provides \$178,613,000 for the Natural Hazards Program, including \$83,403,000 for earthquake hazards. Within this funding, \$12,900,000 is provided for continued development of an earthquake early warning (EEW) system and for the first limited public rollout of ShakeAlert, and an additional \$10,000,000 is provided for capital costs associated with the buildout of the EEW. Within 60 days of enactment of this Act, the Survey is directed to provide to the Committees an updated Technical Implementation Plan for the ShakeAlert Production System, including revised cost estimates and timelines. Additionally, \$5,000,000 is provided for necessary upgrades and replacement equipment at the USGS National Earthquake Center and seismic stations that make up the Advanced National Seismic System (ANSS).

The agreement includes \$800,000 for the Central and Eastern U.S. Seismic Network (CEUSN). The Committees continue \$1,000,000 for regional seismic networks and expect the Survey to allocate funds according to the same methodology used in fiscal year 2017. The agreement includes \$1,400,000 for the adoption of seismic stations currently deployed as part of the Earthscope USArray project. The Committees direct the Survey to consult with the National Science Foundation (NSF) on acquiring these seismic stations beginning in fiscal year 2019 and to brief the Committees within 60 days of enactment of this Act on the progress of these discussions and the plan to acquire the stations. The Committees understand the adoption of the seismic and geodetic stations currently deployed as part of the USArray project, along with the ANSS investments in seismic monitoring, could contribute to a monitoring network similar to the earthquake early warning system currently under development for the west coast and encourage the Survey to consider this effort once the west coast system is close to completion.

The agreement provides \$42,621,000 for volcano hazards, which includes \$1,000,000 for next-generation lahar detection systems and \$13,000,000 for the repair and upgrade of analog systems on high-threat volcanos, including \$12,500,000 to update the instrumentation that is currently not in compliance with the National Telecommunication and Information Administration (NTIA) radio spectrum guidelines.

The agreement provides an additional \$1,500,000 for new lahar detection instrumentation and telecommunications equipment to address significant lahar threats and meet National Volcano Early Warning System (NVEWS) standards.

The Committees are concerned about the potential landslide risk to communities and direct the Survey to report back within 180 days of enactment of this Act identifying specific areas of the country that are at the highest risk.

Water Resources.-The agreement provides \$217,554,000 for Water Resources, with \$59,927,000 directed to activities associated with the Cooperative Matching Funds. Increases include an additional \$1,000,000 for groundwater resource studies in the Mississippi River Alluvial Plain; \$1,500,000 for streamgages; and \$300,000 to begin research on shallow and fractured bedrock terrain.

The National Groundwater Monitoring Network is funded at the fiscal year 2017 enacted level of \$3,600,000. The agreement includes funding for the streamgage on transboundary rivers at \$120,000. The Committees direct the Survey to partner with local Tribes and other Federal agencies as necessary in the area to develop a water quality strategy for the transboundary rivers impacted by mining activities. Within 180 days of enactment of this Act, the Survey is directed to report back to the Committees on the necessary work needed to collect, analyze, and assess the hydrologic, water-quality, and ecological data needed to document baseline conditions and assess potential mining-related impacts.

Core Science Systems.-The agreement provides \$116,302,000, which includes \$23,000,000 for 3D Elevation Program (3DEP) National Enhancement and \$7,722,000 for Alaska Mapping and Map Modernization.

Facilities.-The agreement includes \$120,091,000 for facilities, deferred maintenance and capital improvement. Within these amounts, \$11,772,000 is included for the Menlo Park facility transition. The Committees have almost doubled the funding for deferred maintenance with the expectation the Survey will be able to make much needed facility improvements. The Committees understand that a report on the National Wildlife Health Center's infrastructure needs is nearing completion and expect the report to be provided to the Committees within 60 days of enactment of this Act.

BUREAU OF OCEAN ENERGY MANAGEMENT

OCEAN ENERGY MANAGEMENT

The bill provides \$171,000,000 for Ocean Energy Management to be partially offset with the collection of rental receipts and cost recovery fees totaling \$56,834,000, for a net discretionary appropriation of \$114,166,000. The bill does not include a rescission of funds to cover the anticipated shortfall from the loss of revenue, but the Committees are monitoring the continued decline in rental receipts. The Bureau is reminded to review the directives contained in the front matter of this explanatory statement. The agreement includes the following additional guidance:

Five-year lease plan.-The request for the Bureau's efforts to initiate a new five year offshore leasing program is fully funded and the Committees encourage an expeditious and thorough review.

Offshore Revenues.-The Committees do not approve of the proposal in the budget request to divert outer continental shelf oil and gas revenues from Gulf of Mexico coastal communities. The Committees direct the Department to distribute revenues from Gulf of Mexico operations in a manner consistent with the Gulf of Mexico Energy Security Act of 2006 (P.L. 109-432).

Offshore Wind Energy Development.-The Committees understand that the Bureau is continuing to work in North Carolina with local stakeholders, industry, and State task forces and that there will be no lease sales for offshore areas in North Carolina during fiscal year 2018.

Renewable Energy.-The Bureau should continue to follow the direction under this heading in [Senate Report 114-281](#) concerning offshore wind energy and working cooperatively with the Department of Energy and coastal States.

BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

The bill provides \$186,411,000 for Offshore Safety and Environmental Enforcement to be partially offset with the collection of rental receipts, cost recovery fees and inspection fees totaling \$77,871,000 for a net discretionary appropriation of \$108,540,000. The bill does not include a rescission of funds to cover the anticipated shortfall from the loss of revenue, but the Committees are monitoring the continued decline in rental receipts.

OIL SPILL RESEARCH

The bill provides \$14,899,000 for Oil Spill Research.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The bill provides \$115,804,000 for the Office of Surface Mining Reclamation and Enforcement (OSMRE) Regulation and Technology account. Within this amount, the bill funds regulatory grants at \$68,590,000, equal to the fiscal year 2017 enacted level.

Approximate Original Contours.-When appropriate, the Committees encourage OSMRE to discontinue cases related to Approximate Original Contour policies and regulations when OSMRE has lost the initial administrative court case on the merits of the case.

ABANDONED MINE RECLAMATION FUND

The bill provides \$139,672,000 for the Abandoned Mine Reclamation Fund. Of the funds provided, \$24,672,000 shall be derived from the Abandoned Mine Reclamation Fund and \$115,000,000 shall be derived from the General Fund.

The agreement provides \$115,000,000 for grants to States and Indian Tribes for the reclamation of abandoned mine lands in conjunction with economic and community development and reuse goals. Consistent with fiscal year 2017, \$75,000,000 shall be distributed in equal amounts to the three Appalachian States with the greatest amount of unfunded needs and \$30,000,000 shall be distributed in equal amounts to the three Appalachian States with the subsequent greatest amount of unfunded needs. Grants shall be distributed to States with the same goals, intent and direction as in fiscal year 2017.

The Committees believe that Tribes can also contribute to the success of the pilot and provide \$10,000,000 for grants to federally recognized Indian Tribes to be distributed for the same goals, intent and purpose as the ***H2618** grants to States. Eligible grant recipients for the \$10,000,000 are limited to Tribal governmental entities who may subcontract project-related activities as appropriate.

Coal Act.-The Committees believe OSMRE should avoid taking any action that would place in jeopardy the mandatory benefits for eligible United Mine Workers of America (UMWA) health beneficiaries, including those who receive benefits because of the Consolidated Appropriations Act, 2017 ([P.L. 115-31](#)), as well as mandatory funds provided to States and Indian Tribes. It has also been brought to the attention of the Committees that certain businesses in rural areas may face job losses because of affiliate liability for healthcare that is unrelated to the benefits enacted in the Consolidated Appropriations Act, 2017 ([P.L. 115-31](#)). Given the disproportionate impact of job losses in rural areas, the Committees are concerned about those job losses. The Committees urge stakeholders to find a solution that would both avoid job losses in rural areas and is consistent with other potential needs for the mandatory funds overseen by OSMRE.

BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$2,411,200,000 for Operation of Indian Programs. The Bureaus are expected to execute their budgets in accordance with the justification submitted to the Congress, except as otherwise directed below or in the funding allocation table at the end of this report. The table has been expanded to include additional lines for the Bureau of Indian Education and Public Safety and Justice. The Bureaus are reminded of the guidance and reporting requirements contained in [House Report 115-238](#) that should be complied with unless specifically addressed to the contrary herein, as explained in the front matter of this explanatory statement. The Committees also expect the timely submission of reporting requirements as contained in [House Report 115-238](#) and as outlined in this explanatory statement. The agreement includes requested fixed costs and transfers except where discussed below, and the following details and instructions.

The Committees are concerned about the addition of several programs to the Government Accountability Office's 2017 high risk list (GAO-17-317). The inclusion of these programs to this list indicate there are several challenges to overcome in order to improve the Federal management of programs that serve Tribes and their members. The Committees stand ready to work with the Bureaus to implement the necessary GAO recommendations.

Tribal Government.-The agreement provides \$317,967,000 for Tribal government programs, of which \$1,120,000 is for new Tribes including those recognized during fiscal year 2018 beyond those contemplated in the budget request. The Committees expect the Bureau to efficiently administer the Tribal recognition process and strongly encourage action on pending requests. The Small and Needy Tribes program is funded at \$4,448,000, ensuring that all Tribes receive the maximum base level provided by the Bureau to run Tribal governments.

Road maintenance is funded at \$34,653,000 and includes \$1,000,000 to improve the condition of unpaved roads and bridges used by school buses transporting students, and \$1,000,000 for road maintenance in support of implementing the NATIVE Act ([P.L. 114-221](#)). The Bureau is directed to report back to the Committees within 60 days of enactment of this Act on how the Bureau plans to allocate the funds provided in the bill and the progress being made to implement the GAO recommendations outlined in the report GAO-17-423.

The Committees are aware that in some areas along the border, including the areas of the Tohono O'odham Nation in Arizona, and the Blackfeet Nation in Montana, U.S. Customs and Border Protection (CBP) and Tribes work together on border security. The Committees have included bill language to support the transfer of funds from CBP to BIA, in consultation with affected Tribes, for the reconstruction or repair of BIA owned roads needed as a result of cooperative security efforts on the U.S. border.

The Committees are concerned about the Consolidated Tribal Government Program internal transfer of \$1,733,000 and have not agreed to any changes from the fiscal year 2017 enacted level of \$75,429,000 for this program. The Bureau is directed to report back to the Committees within 30 days of enactment of this Act with a description of the number of Tribes that use this program and how increases for this program compare to others that offer similar services.

Human Services.-The agreement provides \$161,063,000 for human services programs and includes funding to continue the Tiwahe initiative at the fiscal year 2017 enacted level. The Bureau is directed to report back to the Committees within 90 days of enactment of this Act on the performance measures being used to monitor and track the Tiwahe initiative's effectiveness in Indian Country. The Committees are aware of the pressing needs women and children

face in domestic violence situations; therefore, the Committees expect at least \$200,000 from human services activities be used to support women and children's shelters that are serving the needs of multiple Tribes or Alaska Native Villages in the areas served by the Tiwahe pilot sites.

The Committees are concerned about the funding distribution for welfare assistance and direct the Bureau to report back to the Committees within 30 days of enactment of this Act on how this funding would be distributed.

Trust-Natural Resources Management.-The agreement provides \$204,202,000 for natural resources management programs and includes \$390,000 to continue the Seminole and Miccosukee water study as requested. The agreement includes \$355,000 in the Tribal Management Development Program (TMDP) for fisheries activities previously funded within the Forestry program. Future funding requests should reflect the transfer of this activity to TMDP.

It is the Committees' understanding that the Bureau has entered into cooperative agreements with the Ahtna Intertribal Resource Commission and the Kuskokwim River Inter-Tribal Fisheries Commission, and with other organizations interested in establishing similar agreements; therefore, it is the Committees' expectation that within the funding provided for the Tribal Management Development Program (TMDP), pilot projects and programs for Alaska subsistence will continue.

Consistent with treaty and trust obligations, the Committees direct the Bureau to work with at-risk Tribes to identify and expedite the necessary resources to address the resiliency needs of Tribal communities.

Within the amounts provided for Fish, Wildlife, and Parks, the agreement continues \$545,000 for substantially producing Tribal hatcheries in BIA's Northwest Region currently not receiving annual BIA hatchery operations funding. This funding should be allocated in the same manner as in fiscal year 2017 but should be considered base funding in fiscal year 2018 and thereafter.

The Department of the Interior is expected to promote and expand the use of agreements with Indian Tribes to protect Indian trust resources from catastrophic wildfire, insect and disease infestation, or other threats from adjacent Federal lands, as authorized by law. The Committees direct the Bureau to coordinate with the Office of Wildland Fire to submit a report describing how the Department determines the use of wildfire suppression and rehabilitation resources and prioritizes Indian forest land, the title to which is held by the United States in trust.

The Bureau is directed to enter into a formal partnership with local Tribes and the United States Geological Survey to help develop a water quality strategy for transboundary rivers.

The Committees expect that Tribes east of the Mississippi River who have resource challenges also receive appropriate funding.

Trust-Real Estate Services.-The agreement provides \$129,841,000 for real estate services. All program elements within this subactivity are continued at fiscal year 2017 enacted levels plus fixed costs and transfers, except where discussed below.

The following line items each receive a \$500,000 program increase: land title and records offices; land records improvement-regional; and regional oversight. The Bureau is expected to distribute the program increases to regional offices to address administrative backlogs for Trust Real Estate Services programs. As discussed in [House Report 115-238](#), the Committees expect an update on the status of outstanding conveyances by September 2018, and an update on what the Bureau will be changing in its operations policy to ensure backlogs and documentation-related rejections do not occur in the future.

Alaska Native programs are funded at \$1,470,000 to support a program level of \$450,000 for the ANCSA Historical Places and Cemetery Sites Program.

A program increase of \$3,000,000 is included for the plugging of abandoned wells not under Bureau of Land Management authority. The Committees direct the BIA to conduct an inventory of wells for which the BIA is responsible to reclaim, including cost estimates for submission to the Committees within 180 days of enactment of this Act.

The Committees direct the Secretary, or his designee, to work with the Lower Elwha Klallam Tribe to identify appropriate lands in Clallam County, Washington, to satisfy the requirements of section 7 of the Elwha River Ecosystem and Fisheries Restoration Act (P.L. 102-495).

The Secretary, in consultation with other interested agencies, is directed to provide a report to Congress, on or before August 1, 2018, on the estimated cost of responses that are necessary under applicable Federal and State laws to protect human health and the environment with respect to any hazardous substance or hazardous waste remaining on the property as authorized by section 13 of Public Law 102-497.

Public Safety and Justice.-The agreement provides \$405,520,000 for public safety and justice programs. The detailed allocation table at the end of this explanatory statement has been expanded in order to more fully outline program levels. Included within Criminal Investigations and Police Services is \$1,000,000 to implement the Native American Graves Protection and Repatriation Act and \$7,500,000 to help people affected by opioid addiction. Within Detention/Corrections is a \$1,400,000 increase for recently constructed facilities that do not currently have existing program funding within the BIA budget; additional funding in future years will be considered as information becomes available. Within Law Enforcement Special Initiatives is \$3,033,000 to reduce recidivism through the Tiwahe initiative. Within Tribal Justice Support is \$2,000,000 to implement the Violence Against Women Act for both training *H2619 and specific Tribal court needs, and \$13,000,000 to address the needs of Tribes affected by Public Law 83-280. Within Law Enforcement Program Management is a \$500,000 increase for the Office of Justice Services' District III Office to promote timely payments.

The Committees remain concerned about Tribal courts' needs as identified in the Indian Law and Order Commission's November 2013 report, which notes that Federal investment in Tribal justice in "P.L. 280" States has been more limited than elsewhere in Indian Country. The Committees expect the Bureau to continue to work with Tribes and Tribal organizations in these States to consider options that promote, design, or pilot Tribal court systems for Tribal communities subject to full or partial State jurisdiction under Public Law 83-280.

The Committees understand that several Tribes whose Federal recognition was terminated and then subsequently restored now face significant challenges in securing law enforcement funding through self-determination contracts. The Bureau is directed to work with affected Tribes to assess their law enforcement needs and submit a report within 120 days of enactment of this Act that details the amounts necessary to provide sufficient law enforcement capacity for them.

Community and Economic Development.-The agreement provides \$46,447,000 for community and economic development programs, of which: \$12,549,000 is for job placement and training and includes \$1,550,000 for the Tiwahe initiative; \$1,826,000 is for economic development; \$26,416,000 is for minerals and mining and includes \$1,000,000 for the modernization of oil and gas records including the National Indian Oil and Gas Management System (NIOGEMS); and \$5,656,000 is for community development central oversight, of which \$3,400,000 is to implement the Native American Tourism and Improving Visitor Experience Act, including via cooperative agreements with Tribes or Tribal organizations. The Committees understand that the NIOGEMS has been distributed to some Tribes and regional offices; the Bureau is instructed to report back within 120 days of enactment of this Act on the cost to further expand this system to more reservations and offices.

The recent high risk GAO report (GAO-17-317) found the Bureau does not properly manage Indian energy resources. The Committees request the Bureau to report back within 180 days of enactment of this Act outlining any barriers, statutory or regulatory, that impede development of these resources.

Executive Direction and Administrative Services.-The agreement provides \$231,747,000 for executive direction and administrative services. All budget line items are funded at fiscal year 2017 enacted levels and adjusted for fixed costs and transfers, except for human capital management and intra-governmental payments, which are funded at the requested levels.

Within 60 days on enactment of this Act, the Bureau is directed to make funds provided within executive direction available to solicit proposals from independent non-profit or academic entities to prepare a report on the likely impacts of the closure of the Navajo Generating Station power plant on affected Tribes, State and local governments and other stakeholders within the Four Corners region. In consultation with impacted Tribes, an entity shall be selected to prepare a report within 12 months of the award that (1) details potential economic impacts related to the plant's closure; and (2) identifies specific policy recommendations that would mitigate the potential economic and societal consequences of the plant's closure on affected Tribes or other stakeholders.

The Committees note that the Bureau has not yet complied with the fiscal year 2017 directive to provide a report on funding requirements associated with operating and law enforcement needs for congressionally authorized treaty fishing sites on the Columbia River. The Bureau is directed to transmit the report no later than 30 days following enactment of this Act. The Bureau is also urged to incorporate unfunded needs for these sites as part of future budget requests.

Indian Affairs is directed to complete annual health and safety inspections and background checks at all BIE system facilities, and to submit quarterly updates on the status of such efforts to the Committees.

Bureau of Indian Education.-The agreement includes \$914,413,000 for the Bureau of Indian Education, the details of which are included in the expanded allocation table at the end of this explanatory statement. Tribal grant support costs continue to be fully funded. Additional details follow:

A one-time increase is provided to complete the transition to a school year funding cycle for all Tribal colleges and universities, including Haskell Indian Nations University and Southwestern Indian Polytechnic Institute. The Committees recognize that many Tribal colleges have significant unfunded needs, and direct the Bureau to work with Tribal leaders and other stakeholders to develop a consistent methodology for determining Tribal college operating needs to inform future budget requests. The Committees expect the methodology to address operating and infrastructure needs including classrooms and housing.

The agreement includes \$18,810,000 for early child and family development, which should be used to expand the Family and Child Education (FACE) program. The agreement rescinds \$8,000,000 from expiring prior year balances that the Bureau failed to obligate. This rescission does not impact the program's operating level for fiscal year 2018.

The Committees support efforts to revitalize and maintain Native languages and expand the use of language immersion programs. The ISEP program is expected to continue to enhance access to Native language and culture programs in Bureau-funded schools, and the Bureau shall report back within 60 days of enactment of this Act on how funding has been and can continue to be used to support these programs. In addition, \$2,000,000 is provided within Education Program Enhancements for capacity building grants for Bureau and tribally operated schools to expand existing language immersion programs or to create new programs. Prior to distributing these funds, the Bureau shall coordinate with the Department of Education and Department of Health and Human Services to ensure that Bureau investments complement, but do not duplicate, existing language immersion programs. The Committees also direct the

Bureau to submit a report to the Committees within 120 days of enactment of this Act regarding the status of fiscal year 2017 funds and the planned distribution of funds in this Act.

The Johnson O'Malley program is funded at \$14,903,000. The Committees remain concerned that the distribution of funds is not an accurate reflection of the distribution of students. The Bureau is directed to report back to the Committees within 90 days of enactment of this Act on the status of updating the student counts.

The Committees remain concerned about recent Government Accountability Office (GAO) reports detailing problems within the K-12 Indian education system at the Department of the Interior, in particular as they pertain to organizational structure, accountability, finance, health and safety, and ultimately student performance. As the Department takes steps to reform the system, the Secretary is reminded that future support from Congress will continue to be based in large part upon successful implementation of GAO report recommendations. In particular, consistent with GAO report 13-774, the Secretary is urged to reorganize Indian Affairs so that control and accountability of the BIE system is consolidated within the BIE, to present such reorganization proposal in the next fiscal year budget request, and to submit to the Committees a corresponding updated workforce plan. Consistent with GAO testimonies 15-389T, 15-539T, 15-597T, and any subsequent reports, the Secretary is urged to personally oversee immediate actions necessary to ensure the continued health and safety of students and employees at BIE schools and facilities. The Office of the Assistant Secretary-Indian Affairs is directed to report back within 60 days of enactment of this Act on the progress made towards implementing all the GAO recommendations and the current status of the reform effort.

The Committees understand the importance of bringing broadband to reservations and villages, but remain concerned about the planning process used for this type of investment. The Committees direct the agency to report back within 90 days of enactment of this Act on a scalable plan to increase bandwidth in schools, procure computers and software, and to include in this report how the Bureau is working with other Federal agencies to coordinate and plan for the technology buildout.

The BIE is encouraged to coordinate with the Indian Health Service to integrate preventive dental care and mental health care at schools within the BIE system.

The bill includes modified language limiting the expansion of grades and schools in the BIE system which allows for the expansion of additional grades to schools that meet certain criteria.

The Committees continue to encourage efforts to improve interagency coordination for the wide range of programs that affect the wellbeing of Native children and expect the Bureau to work with relevant Federal, State, local and Tribal organizations to make these programs more effective.

The Committees are concerned by the recent Government Accountability Office report (GAO-17-423) on Tribal transportation, which identified potential negative impacts of road conditions on Native student school attendance. The Committees recommend BIE take steps to improve its data collection on the cause of student absences, including data on road and weather conditions, and to report back to the Committees within 120 days of enactment of this Act regarding its actions to improve student absence data tracking and analysis.

CONTRACT SUPPORT COSTS

The bill provides an indefinite appropriation for contract support costs, consistent with fiscal year 2017 and estimated to be \$241,600,000.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

The bill provides \$354,113,000 for Construction. Details are contained in the justification submitted to the Congress and in the funding allocation table at the end of this explanatory statement, except as otherwise discussed below:

Account-wide.-Not later than 90 days after enactment of this Act, Indian Affairs shall submit an operating plan to the Committees detailing how fiscal year 2018 funding will be allocated and including specific projects where available and the methodology used in the prioritization. Where specific project allocations are not yet available, the plan shall provide the circumstances and Indian Affairs shall brief the *H2620 Committees when project allocations are available.

Joint Ventures.-Indian Affairs is expected to comply with the directive in [House Report 115-238](#) regarding the establishment of joint venture programs for schools and justice centers and modeled after the Indian Health Service's program.

Education Construction.-The agreement provides \$238,245,000 for schools and related facilities within the Bureau of Indian Education system and includes the following: \$105,504,000 for replacement school campus construction; \$23,935,000 for replacement facility construction; \$13,574,000 for employee housing repair; and \$95,232,000 for facilities improvement and repair. The Committees expect the increase provided for facilities improvement and repair to be used to address deficiencies identified by annual school safety inspections.

The Committees continue to expect BIA and BIE to work together to ensure that annual safety inspections are completed for all BIE schools and remain concerned that the Bureaus have not developed concrete tracking and capacity-building systems to ensure that safety issues flagged by these inspections are addressed in a timely manner. The Committees are also concerned by reports from tribally operated schools that BIE is not providing necessary training or access to funding from the Facilities Improvement and Repair program to meet urgent safety and maintenance needs. The Committees direct BIE and BIA to provide an implementation plan to the Committees to address these concerns within 120 days of enactment of this Act.

The Bureau of Indian Education is directed to report back within 60 days of enactment of this Act on the progress the Bureau has made towards implementing a long-term facilities needs assessment modeled after the Department of Defense Education Activity, as directed by [House Report 114-632](#).

The Committees continue to strongly support innovative financing options to supplement annual appropriations and accelerate repair and replacement of Bureau schools, including through the use of construction bonds, tax credits, and grant programs.

Public Safety and Justice Construction.-The agreement provides \$35,309,000 for public safety and justice construction and includes the following: \$18,000,000 to restart the facilities replacement and new construction program; \$4,494,000 for employee housing; \$9,372,000 for facilities improvement and repair; \$169,000 for fire safety coordination; and \$3,274,000 for fire protection.

The Committees include funding for the replacement construction program, which has not received funding from the Bureau since fiscal year 2010, as other agencies have sought to build these facilities. The Committees also understand the Bureau currently has compiled a list of replacement facilities based upon the facilities condition index, inmate populations, and available space. It is the expectation the funding made available for this activity will utilize this list. Further, the Committees encourage the Bureau to develop a master plan that details the location and condition of existing facilities relative to the user population, and incorporates the use of existing tribally constructed facilities and

regional justice centers, such as the Shoshone-Bannock Tribes' Justice Center, as an efficient approach to filling gaps where additional facilities are needed. Reasonable driving distances for visitation should be taken into consideration.

Resources Management Construction.-The agreement provides \$67,192,000 for resources management construction programs and includes the following: \$24,692,000 for irrigation project construction; \$2,596,000 for engineering and supervision; \$1,016,000 for survey and design; \$648,000 for Federal power compliance; and \$38,240,000 for dam safety and maintenance.

The Committees are aware of the aging Indian irrigation systems and that most of these systems are in need of major capital improvement; therefore, additional funding has been included to address the infrastructure needs. Additionally, it is the Committees' understanding that these projects are consistent with those activities authorized as part of the Water Infrastructure Improvements for the Nation Act ([P.L. 114-322](#)).

The Committees are concerned that there are an unknown number of dams on reservations that have not received a hazard classification, and that the current review process is behind schedule. The Committees strongly encourage the Bureau to begin the work on these dams and report back to the Committees on the best way to effectively quantify the potential pool of dams on reservations in need of a review and/or classification.

Other Program Construction.-The agreement provides \$13,367,000 for other programs and includes the following: \$1,119,000 for telecommunications; \$3,919,000 for facilities and quarters; and \$8,329,000 for program management, including \$2,400,000 to continue the project at Fort Peck.

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The bill provides \$55,457,000 for Indian Land and Water Claims Settlements and Miscellaneous Payments to Indians, ensuring that Indian Affairs will meet the statutory deadlines of all authorized settlement agreements to date. The detailed allocation of funding by settlement is included in the table at the end of this explanatory statement.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The bill provides \$9,272,000 for the Indian Guaranteed Loan Program Account to facilitate business investments in Indian Country.

ADMINISTRATIVE PROVISIONS (INCLUDING RESCISSION OF FUNDS)

The bill includes a rescission of \$8,000,000 from prior year unobligated balances within the Operation of Indian Programs account. The Bureau is directed to take the rescission from within Early Child and Family Development as detailed above.

DEPARTMENTAL OFFICES OFFICE OF THE SECRETARY DEPARTMENTAL OPERATIONS

The agreement provides \$124,182,000 for Departmental Offices, Office of the Secretary, Departmental Operations. The Office of Valuation Services is funded at \$10,242,000. The Committees accept the proposal in the budget request to transfer the Office of Natural Resources Revenue to Department-wide Programs. The agreement includes language as requested establishing the Department of the Interior Experienced Services Program. The detailed allocation of funding by program area and activity is included in the table at the end of the statement.

National Monument Designations.-The Department is directed to collaboratively work with interested parties, including Congress, States, local communities, Tribal governments, and others before making national monument designations.

American Discovery Trail.-The Committees encourage the Secretary to work with the National Park Service, the Bureau of Land Management, other appropriate agencies, and appropriate stakeholders, in conjunction with all relevant laws, regulations, and policies, to facilitate installing signage for the American Discovery Trail.

Tamarisk Eradication.-The Committees encourage the Secretary to coordinate with the Department of Agriculture, other Federal agencies, States, Tribes, private entities, and communities to establish a scientifically based and watershed-focused pilot program to eradicate tamarisk in the southwestern United States.

Departmental Documents.-The Committees remind the Department of the need in departmental documents that delineate Federal, State, and private land, such as acquisition boundary maps and resource management plans, to more clearly indicate that Federal land management documents apply only to Federal lands and do not apply to private land unless authorized by law and approved by the landowner.

Tribal Energy Development.-The Committees direct the Secretary to provide a report to the Committees within 90 days of enactment of this Act on efforts to improve the ability of Tribes to develop energy resources on tribal lands. Such report should address any potential obstacles, including statutory or regulatory, to full resource utilization.

Conservation Partnerships.-The Committees continue to support the partnership between the Department and the 21st Century Conservation Service Corps and Public Lands Corps which engage youth and veterans in protecting, restoring, and enhancing America's great outdoors.

Payments in Lieu of Taxes (PILT).-The agreement includes funding for the Payments in Lieu of Taxes (PILT) program for fiscal year 2018 in Section 118 of Title I General Provisions.

National Park Fees.-The Secretary is directed to provide to the Committees within 60 days of enactment of this Act a report analyzing the Administration's October 24, 2017 proposal to raise national park entry fees. Such report must include a cost benefit analysis and evaluation of the impact on accessibility to the parks.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The agreement provides \$96,870,000 for Assistance to Territories. The detailed allocation of funding is included in the table at the end of this explanatory statement.

The agreement recognizes that the Office of Insular Affairs funds important efforts to improve education, health, infrastructure, judicial training, and economic sustainability in the Insular areas and expects funds to continue to be awarded accordingly. Additionally, the Office is directed to continue to award noncompetitive technical assistance funds to support investments in civic education programs for Insular Area students.

U.S. Virgin Islands Hurricane Impacts.-The Committees continue to be concerned about the catastrophic impacts of Hurricane Irma to the U.S. Virgin Islands. The Committees recognize that the Office will play an important role in long-term disaster recovery and direct the Office to continue to provide information to the Committees on recovery needs.

COMPACT OF FREE ASSOCIATION

The agreement provides \$3,363,000 for Compact of Free Association. The detailed allocation of funding is included in the table at the end of this explanatory statement.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The bill provides \$66,675,000 for the Office of the Solicitor. The detailed allocation of funding is included in the table at the end of this explanatory statement.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The bill provides \$51,023,000 for the Office of Inspector General. The detailed allocation of funding is included in the table at the end of this explanatory statement. ***H2621**

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The agreement provides \$119,400,000 for the Office of the Special Trustee for American Indians, as requested. The detailed allocation of funding by activity is included in the table at the end of this explanatory statement.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides a total of \$948,087,000 for Department of the Interior Wildland Fire Management. Of the funds provided, \$389,406,000 is for suppression operations. The bill fully funds wildland fire suppression at the 10-year average.

Fuels Management.-The agreement provides \$184,000,000 for fuels management activities.

Joint Fire Science.-The Committees support continued research on unique ecosystems, such as boreal forests and tundra ecosystems, through Joint Fire Science.

Unmanned Aerial Systems.-The Department, as the lead agency in piloting and demonstrating the potential for unmanned aerial systems (UAS) to assist in wildland fire suppression, is directed to work with the Forest Service 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 encourage the Department to expand the use of UAS in the field, as appropriate.

CENTRAL HAZARDOUS MATERIALS FUND

The agreement provides \$10,010,000 for the Central Hazardous Materials Fund.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The agreement provides \$7,767,000 for the Natural Resource Damage Assessment Fund. The detailed allocation of funding by activity is included in the table at the end of this explanatory statement.

WORKING CAPITAL FUND

The agreement provides \$62,370,000 for the Department of the Interior, Working Capital Fund.

OFFICE OF NATURAL RESOURCES REVENUE

The agreement provides \$137,757,000 for the Office of Natural Resources Revenue. The Committees accept the proposal to create a separate account for the Office of Natural Resources Revenue.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

The agreement includes various legislative provisions affecting the Department in Title I of the bill, "General Provisions, Department of the Interior." The provisions are:

Section 101 provides Secretarial authority for the intra-bureau transfer of program funds for expenditures in cases of emergencies when all other emergency funds are exhausted.

[Section 102](#) provides for the Department-wide expenditure or transfer of funds by the Secretary in the event of actual or potential emergencies including forest fires, range fires, earthquakes, floods, volcanic eruptions, storms, oil spills, grasshopper and Mormon cricket outbreaks, and surface mine reclamation emergencies.

Section 103 provides for the use of appropriated funds by the Secretary for contracts, rental cars and aircraft, telephone expenses, and other certain services.

Section 104 provides for the expenditure or transfer of funds from the Bureau of Indian Affairs and Bureau of Indian Education, and the Office of the Special Trustee for American Indians, for Indian trust management and reform activities.

Section 105 permits the redistribution of Tribal priority allocation and Tribal base funds to alleviate funding inequities.

Section 106 authorizes the acquisition of lands for the purpose of operating and maintaining facilities that support visitors to Ellis, Governors, and Liberty Islands.

Section 107 continues Outer Continental Shelf inspection fees to be collected by the Secretary of the Interior.

Section 108 authorizes the Secretary of the Interior to continue the reorganization of the Bureau of Ocean Energy Management, Regulation, and Enforcement in conformance with Committee reprogramming guidelines.

Section 109 provides the Secretary of the Interior with authority to enter into multi-year cooperative agreements with non-profit organizations for long-term care of wild horses and burros.

Section 110 addresses the U.S. Fish and Wildlife Service's responsibilities for mass marking of salmonid stocks.

Section 111 modifies a provision addressing Bureau of Land Management actions regarding grazing on public lands.

Section 112 allows the Bureau of Indian Affairs and Bureau of Indian Education to more efficiently and effectively perform reimbursable work.

Section 113 addresses the humane transfer of excess wild horses and burros.

Section 114 provides remaining payments to the Republic of Palau pursuant to the Compact of Free Association requirements.

Section 115 provides for the establishment of a Department of the Interior Experienced Services Program.

Section 116 designates land located within the Lake Clark National Park and Preserve as the "Jay S. Hammond Wilderness."

Section 117 addresses National Heritage Areas.

Section 118 provides fiscal year 2018 funding for the Payments in Lieu of Taxes (PILT) program.

Section 119 addresses Morristown National Historical Park.

Section 120 addresses the issuance of rules for sage-grouse.

Section 121 incorporates by reference Section 7130 (Modification of the Second Division Memorial); and Section 7134 (Ste. Genevieve National Historical Park) of S. 1460 (Energy and Natural Resources Act of 2017) of the 115th Congress, as well as H.R. 1281 as introduced in the 115th Congress (A bill to extend the authorization of the Highlands Conservation Act) and H.R. 4134 as introduced in the 115th Congress (Cecil D. Andrus-White Clouds Wilderness Re-designation Act).

Section 122 provides for mineral withdrawal of certain lands subject to valid existing rights.

TITLE II-ENVIRONMENTAL PROTECTION AGENCY

The bill provides \$8,058,488,000 for the Environmental Protection Agency (EPA). The bill does not support reductions proposed in the budget request unless explicitly noted in the explanatory statement.

Congressional Budget Justification.-The Agency is directed to continue to include the information requested in House Report 112-331 and any proposals to change State allocation formulas that affect the distribution of appropriated funds in future budget justifications.

Reprogramming and Workforce Reshaping.-The agreement does not include any of the requested funds for workforce reshaping. Further, the Committees do not expect the Agency to consolidate or close any regional offices in fiscal year 2018. The Agency is held to the reprogramming limitation of \$1,000,000 and should continue to follow the reprogramming directives as provided in the front of this explanatory statement. It is noted that such reprogramming directives apply to proposed reorganizations, workforce restructure, reshaping, transfer of functions, or downsizing, especially those of significant national or regional importance, and include closures, consolidations, and relocations of offices, facilities, and laboratories.

Further, the Agency may not use any amount of deobligated funds to initiate a new program, office, or initiative, without the prior approval of the Committees. Within 30 days of enactment of this Act, the Agency is directed to submit to the House and Senate Committees on Appropriations its annual operating plan for fiscal year 2018, which shall detail how the Agency plans to allocate funds at the program project level.

Other.-It is noted that the current workforce is below the fiscal year 2017 level, therefore, the agreement includes rescissions in the Science and Technology and Environmental Programs and Management accounts that capture expected savings associated with such changes. The Agency is directed to first apply the rescissions across program project areas to reflect routine attrition that will occur in those program project areas in fiscal year 2018 and then to reflect efficiency savings in a manner that seeks, to the extent practicable, to be proportional among program project areas. Amounts provided in this Act are sufficient to fully fund Agency payroll estimates. The Committees understand that the Agency routinely makes funding payroll requirements a top priority, and the Committees expect the Agency will continue to do so as it executes its fiscal year 2018 appropriation and applies the rescissions.

The Committees do not expect the Agency will undertake adverse personnel actions or incentive programs to comply with the rescissions nor do the Committees expect the Agency will undertake large-scale adverse personnel actions or incentive programs in fiscal year 2018. As specified in the bill language, the rescissions shall not apply to the Geographic Programs, the National Estuary Program, and the National Priorities funding in the Science and Technology and Environmental Programs and Management accounts. The Agency is directed to submit, as part of the operating plan, detail on the application of such rescissions at the program project level.

SCIENCE AND TECHNOLOGY

(INCLUDING RESCISSION OF FUNDS)

For Science and Technology programs, the bill provides \$713,823,000 to be partially offset by a \$7,350,000 rescission for a net discretionary appropriation of \$706,473,000. The bill transfers \$15,496,000 from the Hazardous Substance Superfund account to this account. The bill provides the following specific funding levels and direction:

Indoor Air and Radiation.-The bill provides \$5,997,000 and funding for the radon program is maintained at not less than the fiscal year 2017 enacted level.

Research: National Priorities.-The bill provides \$4,100,000 which shall be used for extramural research grants, independent of the Science to Achieve Results (STAR) grant program, to fund high-priority water quality and availability

research by not-for-profit organizations who often partner with the Agency. Because these grants are independent of the STAR grant program, the *H2622 Agency should strive to award grants in as large an amount as is possible to achieve the most scientifically significant research. Funds shall be awarded competitively with priority given to partners proposing research of national scope and who provide a 25 percent match. The Agency is directed to allocate funds to grantees within 180 days of enactment of this Act.

Additional Guidance.-The agreement includes the following additional guidance:

Alternatives Testing.-The Agency is directed to follow the guidance contained under this heading in [House Report 115-238](#) and to also include in its report to the Committees information and analysis related to potential barriers or limitations on the use of alternative test methods and to ensure that any future plans address such barriers or limitations, particularly as they relate to susceptible populations.

Computational Toxicology.-The Committees support the Agency's computational toxicology research activities to advance the next generation of risk assessment methods, including for prioritization, screening and testing under the Lautenberg Chemical Safety Act (LCSA). Such research activities must be carried out following the requirements of the LCSA to ensure that alternative test methods "provide information of equivalent or better scientific quality and relevance" and to protect susceptible subpopulations from unreasonable risk. The Agency's National Center for Computational Toxicology (NCCT) is encouraged to expand its collaborations with scientific experts outside of the Agency to advance development and use of human biology-based experimental and computational approaches for chemical assessments.

The Committees direct the Agency to develop the strategic plan on alternative methods and testing strategies required by the LCSA utilizing the leadership of the Director of Office of Pollution Prevention and Toxics (OPPT), the Director of NCCT, the Director of the National Toxicology Program (NTP), and the Director of the National Center for Environmental Assessment (NCEA). The process for developing this strategic plan shall include requests for information from the scientific community and the public and two or more public meetings or workshops. The Agency shall circulate the draft strategic plan for public review and comment, revise the plan to address comments and then issue the strategic plan, which shall include an appendix documenting response to, and disposition of, public comments. In addition, NCCT, OPPT, NTP, and NCEA shall each assign 1 FTE to collaborate on evaluating computational toxicology, in vitro methods and alternative test methods for specific scientifically-valid applications by OPPT for implementation in the LCSA. The Committees request the Agency to provide a status report on these activities no later than September 30, 2018.

Enhanced Aquifer Use.-The Agency is directed to continue following the guidance contained in [Senate Report 114-281](#) in addition to the guidance contained in [House Report 115-238](#) directing the Agency to coordinate with other Federal research efforts in this area.

Integrated Risk Information System.-The agreement continues to provide funding for the Integrated Risk Information System (IRIS) program at the fiscal year 2017 enacted level and direction that the program continues within the Office of Research and Development. The Committees remain concerned that the program has appeared on the Government Accountability Office's (GAO) High Risk List since 2008. The Committees are aware of progress made by the Agency to implement the 2011 National Academy of Sciences' (NAS) Chapter 7 and 2014 NAS report recommendations for the IRIS program, but remain concerned that the recommendations have not been fully implemented. The Committees note that the Agency and the NAS held a workshop in February 2018 to review advances made to the IRIS process, and that an NAS report on IRIS' progress is forthcoming. The Committees are encouraged that the program indicated its willingness to more closely align the development of risk assessments with stated regulatory priorities of the Agency, and believes that these efforts will make the assessments more relevant. The Committees understand that the program intends to continue the development of new methodologies and technologies to enhance

the development of future IRIS assessments and encourages the program to do so, while also encouraging the program to ensure that all IRIS methodologies attain the highest scientific rigor. Finally, the Committees urge the expedited completion of the IRIS handbook and direct that the public be afforded an opportunity to provide comment on the handbook before it is placed in use.

National Air Toxics Trends Station Network.-The agreement maintains funding for the National Air Toxic Trends Station Network, which tracks air pollution trends at 27 stations across the country, at the fiscal year 2017 enacted level to accommodate the network's ongoing activities to gather consistent, high-quality monitoring data on hazardous air pollutants across the country.

Nanomaterials Research.-The Agency should continue to follow the direction included in [Senate Report 114-281](#) and seek to maximize collaborative research efforts with the Food and Drug Administration.

Partnership Research.-The Committees encourage the Agency to continue leveraged partnerships with not-for-profit institutions that often partner with the Agency, industry, and affected stakeholders to produce independent science and evaluate the effectiveness of environmental regulations relating to unconventional oil and gas development. The study should be used to provide credible science, of national scope, relating to unconventional oil and gas development. Within available funds, the Agency is directed to use not less than \$1,000,000 to partner on such a study during fiscal year 2018.

STAR Grants.-The agreement provides funds to continue the Science to Achieve Results (STAR) program and the Committees direct the Agency to distribute grants consistent with fiscal year 2017. Within 90 days of enactment of this Act, the Committees direct the Agency to provide a briefing on its plans for the program in fiscal year 2018.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

(INCLUDING RESCISSION OF FUNDS)

For Environmental Programs and Management, the bill provides \$2,643,299,000 to be partially offset by a \$45,300,000 rescission for a net discretionary appropriation of \$2,597,999,000. The bill provides the following specific funding levels and direction:

Clean Air.-The agreement maintains funding for the EnergySTAR program at the fiscal year 2017 enacted level. In 2009, the Agency and the Department of Energy (DOE) signed a Memorandum of Understanding (MOU) related to the EnergySTAR Program, which shifted some functions related to home appliance products from the DOE to EPA. The Agency shall work with the DOE to review the 2009 MOU and report to the Committees within 90 days of enactment of this Act on whether the expected efficiencies for home appliance products have been achieved.

Further, the Committees do not support the proposed termination of voluntary programs, including Natural GasSTAR, AgSTAR, the Combined Heat and Power Partnership, and other partnership programs where EPA works collaboratively with nongovernmental entities to identify beneficial methods to reduce emissions, reduce pollution, or increase efficiency. The Committees also maintain both program areas related to stratospheric ozone at not less than the fiscal year 2017 enacted level.

Environmental Protection: National Priorities.-The bill provides \$12,700,000 for a competitive grant program to provide technical assistance for improved water quality or safe drinking water, adequate waste water to small systems or individual private well owners. The Agency shall provide \$10,000,000 for the Grassroots Rural and Small Community Water Systems Assistance Act, for activities specified under section 1442(e) of the Safe Drinking Water Act ([42 U.S.C. 300j-1\(e\)\(8\)](#)). The Agency is also directed to provide \$1,700,000 for grants to qualified not-for-profit organizations for technical assistance for individual private well owners, with priority given to organizations that currently provide

technical and educational assistance to individual private well owners. The Agency is directed to provide on a national and multi-State regional basis, \$1,000,000 for grants to qualified organizations, for the sole purpose of providing onsite training and technical assistance for wastewater systems. The Agency shall require each grantee to provide a minimum 10 percent match, including in kind contributions. The Agency is directed to allocate funds to grantees within 180 days of enactment of this Act.

The Committees understand the Agency has made a decision to put out a multi-year Request for Applications for fiscal year 2017 and fiscal year 2018 without expressed approval from the Committees. The Committees expect the Agency to formally consult on similar decisions in the future.

Geographic Programs.-The bill provides \$447,857,000, as distributed in the table at the end of this division, and includes the following direction:

Great Lakes Restoration Initiative.-The bill provides \$300,000,000 and the Agency shall continue to follow the direction as provided in [House Report 112-589](#) and in [Senate Report 114-281](#) related to the Great Lakes Restoration Initiative. Additionally, the Committees encourage Agency funds for Great Lakes projects to be made available for projects in the historic Great Lakes Basin, which includes the Chicago River Watershed.

Chesapeake Bay.-The bill provides \$73,000,000 and the Agency shall allocate funds consistent with the direction under this heading in [Senate Report 114-281](#).

Gulf of Mexico.-The bill provides \$12,542,000 for the Gulf of Mexico Geographic Program where hypoxia is a growing cause for concern. The Committees direct the Agency to coordinate with the U.S. Department of Agriculture, the Gulf States, and other State, local and private partners to leverage greater resources toward conservation projects on working-lands within the Gulf Region and Mississippi River Basin. The Agency is directed to distribute funds in the same manner as fiscal year 2017.

Lake Champlain.-The bill provides \$8,399,000 for the Lake Champlain program. From within the amount provided, \$4,399,000 shall be allocated in the same manner as fiscal year 2017 and \$4,000,000 shall be for otherwise unmet needs necessary to implement the Agency's 2016 Phosphorus Total Maximum Daily Load Plan for Lake Champlain for projects and work identified in the State implementation plan.

Puget Sound.-The bill provides \$28,000,000 and the Agency shall follow the direction under this heading in [House Report 115-238](#). *H2623

Northwest Forest Program.-The Northwest Forest Program is funded at not less than the fiscal year 2017 enacted level.

South Florida Program.-The agreement maintains funding for the South Florida Program and directs the Agency to allocate funds in the same manner as fiscal year 2017.

Indoor Air and Radiation.-The agreement maintains funding for the radon program at the fiscal year 2017 enacted level and funds have been included for Radiation Protection and Reduce Risks from Indoor Air programs.

Information Exchange/Outreach.-The agreement includes funding for tribal capacity building equal to the fiscal year 2017 enacted level, and the Agency is directed to use environmental education funds for the smart skin care program, similar to prior years. The agreement also provides for the Small Minority Business Assistance program to be continued.

International Programs.-The bill provides \$15,400,000 and includes funds to maintain the U.S.-Mexico Border program at the fiscal year 2017 enacted level.

Legal/Science/Regulatory/Economic Review.-The bill provides \$111,414,000, equal to the fiscal year 2017 enacted level. Within that amount, Integrated Environmental Strategies is funded at the fiscal year 2017 level, so that the Agency can continue to provide locally-led, community-driven technical assistance to communities in partnership with localities, States, and other Federal agencies.

Official Reception and Representation Expenses.-The bill provides necessary funding for the Agency's Commission on Environmental Cooperation meeting in fiscal year 2018.

Resource Conservation and Recovery Act.-The bill provides \$109,377,000. Of the funds provided under this section, \$6,000,000 should be allocated for the purpose of developing and implementing a Federal permit program for the regulation of coal combustion residuals in nonparticipating States, as authorized under section 4005(d)(2)(B) of the Solid Waste Disposal Act (42 U.S.C. 6945(d)(2)(B)). The Committees also reiterate the importance of additional language included in [House Report 115-238](#) related to coal combustion residuals and recognize that additional State grants may be necessary as States work to implement permit programs as authorized under section 2301 of the WIIN Act ([Public Law 114-322](#)).

Additionally, the Committees continue to support the Waste Minimization and Recycling program, and the Agency is encouraged to use funds from within the program to help public entities demonstrate community anaerobic digester applications to municipal solid waste streams and farm needs such as capturing excess phosphorus.

Toxics Risk Review and Prevention.-The bill provides \$92,521,000 and maintains funding for the Pollution Prevention program and the Lead Risk Reduction program.

Water: Ecosystems.-The bill provides \$47,788,000. From within the amount provided, \$26,723,000 has been provided for the National Estuary Program (NEP) grants as authorized by section 320 of the Clean Water Act. This amount is sufficient to provide each of the 28 national estuaries in the program with a grant of at least \$600,000.

Further, in the Administrative Provisions section, the Committees direct that \$1,000,000 in competitive grants be made available for additional projects, and encourages the Agency to work in consultation with the NEP directors to identify worthy projects and activities.

Water Quality Protection. -The bill provides \$210,417,000 and maintains funding for the WaterSENSE program at the fiscal year 2017 enacted level.

Additional Guidance.-The agreement includes the following additional guidance:

Chesapeake Bay.-The Committees note the agreements signed by the Agency, States and other stakeholders to locate a Chesapeake Bay Liaison Office in Annapolis, Maryland to facilitate coordination among jurisdictions and from participating Federal agencies in support of the Chesapeake Bay Program. Currently, the Chesapeake Bay Program Office is located in Annapolis, per the agreement, and houses staff from the Chesapeake Bay Program, five Federal agencies and 35 non-Federal partners in order to facilitate program coordination. The Committees note and appreciate the commitment made by the Agency to locate the office in, or immediately adjacent to, Annapolis, in compliance with the signed agreements and to also ensure that the future office space will continue to accommodate all of the current Chesapeake Bay Program Office participants. The Committees direct the Agency to completely fulfill those commitments and to keep the Committees fully apprised of progress in each step of the lease process.

Coal Refuse-Fired Electrical Generating Units.-In its rulemaking on New Source Performance Standards (NSPS), the Agency provided a separate subcategory for SO₂ emissions standards for owners and operators of affected coal refuse-fired facilities combusting 75 percent or more coal refuse on an annual basis. In the subsequent rulemaking, "National Emission Standards for Hazardous Air Pollutants from Coal and Oil-Fired Electric Utility Steam Generating Units," (the MATS rule) the Agency did not provide a separate subcategory for coal refuse-fired Electric Generating Units (EGUs). It is noted that some stakeholders believe that the NSPS standard appropriately recognizes the multimedia environmental benefits provided by coal refuse-fired EGUs and that the high sulfur content present in coal refuse presents economic and technical difficulties in achieving the same acid gas standards as for coal. The Agency should consider revising the MATS Rule as soon as practicable to provide a separate category for coal refuse-fired EGUs for purposes of the acid gas requirement and its SO₂ surrogate consistent with the NSPS.

Diesel Generators in Remote Alaska Villages.-Under [40 CFR 60.4216](#), diesel generators purchased after Model Year 2014 are required to have a diesel particulate filter if they are used as the primary power generator. The Committees understand that these filters have a high failure rate in harsh weather conditions and that repair of the filters can be difficult and expensive. The Committees direct the Agency to reexamine [40 CFR 60.4216](#) and consider exempting these Villages from the diesel particulate filter requirement.

Ecolabels for Federal Procurement.-Multiple forest certification systems have been recognized throughout the Federal government as supporting the use of sustainable products in building construction and other uses. The Committees are concerned that the Agency's efforts have not acknowledged many of these certification systems and are therefore limiting the procurement of some products that may be sustainable. The Committees understand that the Agency's Wood/Lumber product category recommendation is currently under review. The Committees direct the Agency to align its Wood/Lumber recommendation with the provisions of the USDA BioPreferred program.

Elk River.-The Committees encourage the Agency, in coordination with the Department of State and other Federal agencies, to work with State, local, and Tribal partners on efforts to reduce selenium, sulfates, nitrates and other harmful contaminants in the Kootenai Watershed, to which the Elk River is a tributary. The Agency is directed to brief the Committees on its efforts within 180 days of enactment of this Act.

Exempt Aquifers.-The Agency shall follow the guidance contained under this heading in [House Report 115-238](#).

Fish Grinding.-Under a Clean Water Act general permit, onshore seafood processors in Alaska are allowed to grind and discharge seafood waste. The permit requires that all seafood waste be ground to a size of no more than one-half inch in any dimension. Unfortunately, in some instances, the best available technology is unable to achieve a half inch grind dimension on a consistent basis due to the malleable nature of fish waste. The Agency should develop a policy to ensure that fish processors using the best available technology and/or best conventional practice will be considered in compliance. Additionally, processing vessels operating in waters off-shore of Alaska are subject to the same one-half inch grinding requirement even though there are no documented water quality issues that require such grinding. The Agency should exempt offshore processing vessels from the requirement.

Glider Kits.-The Committees understand the Agency has announced plans to revisit portions of its Phase 2 Greenhouse Gas (GHG) Emissions and Fuel Efficiency Standards for Medium and Heavy-Duty Engines. Upon completion of the review, the Agency is directed to update the Committees on the matter.

Integrated Planning.-The Agency is encouraged to continue using an integrated planning approach to enhance flexibility for communities struggling to meet compliance costs mandated under the Clean Water Act (CWA) as well as the Agency's efforts to consider a community's ability to pay for compliance costs when determining permitting actions under the CWA. The Agency is directed to maintain technical assistance and outreach to communities seeking to develop and implement an integrated planning approach to meeting Clean Water Act requirements. Further, the Committees

urge the Agency to implement integrated planning measures through a flexible permit process rather than enforcement actions and consent decrees.

Interagency Consultations.-The Agency is directed to continue following the requirements in [Senate Report 114-281](#) regarding consultation with the Secretary of Agriculture related to the Federal Insecticide, Fungicide, and Rodenticide Act.

Pesticides Registration Improvement Act.-The agreement provides additional funding for compliance with the Pesticides Registration Improvement Act. The Committees direct the Agency to comply with the fiscal year 2017 quarterly reporting requirement related to previously collected maintenance fees that are currently unavailable for obligation. To ensure the Committees have the most accurate information regarding this issue, the Agency is directed to provide a briefing within 30 days of enactment of this Act.

Public Access to Research.-The Agency released its Plan to Increase Access to Results of EPA-Funded Scientific Research on November 29, 2016. The Committees urge the Agency to continue its efforts towards full implementation of the plan, and directs the Agency to provide an update on its efforts within 60 days of enactment of this Act.

Regulation of Groundwater.-Since enactment in 1972, the Clean Water Act (CWA) has regulated impacts to navigable waters, while ***H2624** regulation of groundwater has remained outside of the Act's jurisdiction. Instead, legislative history surrounding the CWA indicates that Congress intended for groundwater pollution to be regulated through CWA's nonpoint source programs and other Federal and State laws. For example, releases into groundwater from solid waste units are regulated at a Federal level by the Resource Conservation and Recovery Act (RCRA). Recently, some courts have imposed a broad view of CWA liability based on a theory of hydrological connection between groundwater and surface water. Other courts have taken a more narrow view and have focused on statutory distinctions between surface water and groundwater. The Committees are aware that the Agency has requested comment on its previous statements "regarding the Clean Water Act (CWA) and whether pollutant discharges from point sources that reach jurisdictional surface waters via groundwater or other subsurface flow that has a direct hydrologic connection to the jurisdictional surface water may be subject to CWA regulation." After completing the public comment process, the Committees encourage the Agency to consider whether it is appropriate to promulgate a rule to clarify that groundwater releases from solid waste units are regulated under RCRA and are not considered point sources, and, that releases of pollutants through groundwater are not subject to regulation as point sources under the CWA. The Agency is directed to brief the Committees about its findings and any plans for future rulemaking.

Small Refinery Relief.-The Committees continue the directive contained in [Senate Report 114-281](#) related to small refinery relief. The Agency is reminded that, regardless of the Department of Energy's recommendation, additional relief may be granted if the Agency believes it is warranted.

Toxic Substances Control Act (TSCA) Risk Evaluations.-Under the agreement, the Agency is directed to implement the Frank R. Lautenberg Chemical Safety for the 21st Century Act in a manner that reflects the best available science as now required under TSCA section 26.

Agricultural Operations.-The Committees note that Congress never intended the Solid Waste Disposal Act to govern animal or crop waste, manure, or fertilizer, or constituents derived from such sources. The Agency's longstanding regulations accurately reflect Congress' intent not to regulate manure and crop residues under the Solid Waste Disposal Act, and the Committees support legislative efforts to clarify and codify the treatment of agricultural byproducts under the Solid Waste Disposal Act.

HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM FUND

The bill provides \$3,674,000 which is expected to be fully offset by fees for a net appropriation of \$0. The Committees continue to support the expeditious development of a system that would allow for the electronic tracking of hazardous waste shipments pursuant to [Public Law 112-195](#).

The Committees realize the Agency is transitioning from the developmental phase to the implementation phase for the E-Manifest System. Therefore, the Committees urge the Agency to use an adequate portion of funding to begin the implementation of the Application Program Interface System which will allow hazardous waste treatment, storage, transport and disposal facilities to interface their computer systems with those of EPA to upload and download manifest and other important information related to full scale implementation of the system.

OFFICE OF INSPECTOR GENERAL

The bill provides \$41,489,000 for the Office of Inspector General.

BUILDINGS AND FACILITIES

The bill provides \$34,467,000 for Buildings and Facilities.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

The bill provides \$1,091,947,000 for the Hazardous Substance Superfund account and includes bill language to transfer \$8,778,000 to the Office of Inspector General account and \$15,496,000 to the Science and Technology account. When combined with an additional \$54,389,000 for the Superfund Remedial program and an additional \$8,611,000 for the Superfund Emergency Response and Removal program in a general provision in Title IV, the bill provides a total of \$1,154,947,000 for the Hazardous Substance Superfund. The bill provides the following additional direction:

Enforcement.-The agreement provides \$166,375,000 for Superfund enforcement, equal to the fiscal year 2017 enacted level. The Committees do not concur with the proposed elimination of financial support to the Department of Justice (DOJ). The Agency is directed to continue financial support of the DOJ in fiscal year 2018 at a level that will ensure the DOJ can continue to initiate and prosecute civil, judicial, and administrative site remediation cases and ensure that responsible parties perform cleanup actions at sites where they are liable.

Additional Guidance.-The Committees have provided the following additional guidance with respect to funding provided under this account:

Baseline Testing Study.-The Committees direct the Agency to work with the Municipality of Vieques to partner with a University-led coalition, which shall include a School of Public Health, to conduct research to facilitate the effective testing, evaluation, quantification and mitigation of the toxic substances in the soil, seas, plant, animal and human population of Vieques. This effort will fill an information void at this site, which functioned as a military training installation for decades, and serve as the baseline study for all potential future mitigation efforts.

Contaminants of Emerging Concern.-The bill provides \$181,306,000 in base funds for Emergency Response and Removal activities. When combined with an additional \$8,611,000 in a general provision in Title IV, the bill provides a total of \$189,917,000 for Emergency Response and Removal activities. These activities should include collaborative work with State, Tribal, and local governments to help communities address contaminants of emerging concern. Furthermore,

the Committees recommend that the Agency expeditiously remediate Superfund sites contaminated by these emerging contaminants, and provide technical assistance and support to States and Tribes during the remedial cleanup process.

Financial Assurance.-Since enactment of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in 1980, Federal agencies like the Bureau of Land Management and Forest Service have created and updated financial assurance requirements for reclamation and closure of hardrock mining facilities on Federal lands. Similarly, several States have developed financial assurance programs for mining activities occurring on private and State lands. The Committees understand that, pursuant to a Federal Register notice signed on December 11, 2017, the EPA will not impose new Federal financial assurance requirements on hardrock mining facilities.

Sediment Guidance.-When implementing the recommendations of the Superfund Task Force, the Agency should consider additional improvements to the consistency of the application of sediment guidance among regions. At sites expected to exceed \$50,000,000, the Committees encourage the Agency to include the Contaminated Sediment Technical Advisory Committee (CSTAG) and the National Remedy Review Board (NRRB) throughout the process and to ensure that their technical review and remedy recommendations are evaluated and considered for inclusion in the final remedy. Additionally, the Committees encourage the Agency to, consistent with National Oil and Hazardous Substances Contingency Plan, set achievable cleanup goals, broaden the use of adaptive management and early actions, explore the utility of public-private partnerships similar, expand stakeholder participation, and promote cost-effectiveness, redevelopment, and sustainability in the Superfund process.

Tribal Guidance.-The Committees recognize the importance of government-to-government Tribal consultation as well as the necessity to honor Tribal treaty rights and resources protected by treaties. The Agency is directed to fully implement the Agency's Guidance for Discussing Tribal Treaty Rights to ensure Agency actions adequately consider treaty rights proactively throughout the consultation process.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

The bill provides \$91,941,000 for the Leaking Underground Storage Tank Trust Fund Program.

INLAND OIL SPILL PROGRAMS

The bill provides \$18,209,000 for Inland Oil Spill Programs.

STATE AND TRIBAL ASSISTANCE GRANTS

The bill provides \$3,562,161,000 for the State and Tribal Assistance Grants program and includes the following specific funding levels and direction:

Infrastructure Assistance.-The bill provides \$2,486,120,000 in base funds for infrastructure assistance. When combined with an additional \$650,000,000 in a Title IV general provision, the bill provides a total of \$3,136,120,000 for infrastructure assistance. The amount provided increases funding for the State Revolving Loan Funds \$600,000,000 above the fiscal year 2017 enacted level. The agreement includes a total of \$1,693,887,000 for the Clean Water State Revolving Loan Fund and \$1,163,233,000 for the Drinking Water State Revolving Loan Fund.

Assistance to Small and Disadvantaged Communities.-Within a Title IV general provision, the bill provides \$20,000,000 to begin a grant program to help small and disadvantaged communities develop and maintain adequate water infrastructure. The program was created in [section 2104 of Public Law 114-322](#). The Agency is directed to brief the Committees prior to publishing its request for applications related to this new grant program.

Reducing Lead in Drinking Water.-Within a Title IV general provision, the bill provides \$10,000,000 to begin a grant program, created in [section 2105 of Public Law 114-322](#), to provide assistance to eligible entities for lead reduction projects. The Agency is directed to brief the Committees prior to publishing its request for applications related to this new grant program.

Lead Testing.-Within a Title IV general provision, the bill provides \$20,000,000 to begin a grant program for voluntary testing of drinking water for lead contaminants at schools and child care facilities, as authorized in [section 2107 of Public Law 114-322](#). The Agency is directed to brief the Committees prior to publishing its request for applications related to this new grant program.

Brownfields Program.-The bill provides \$80,000,000 for brownfields grants and directs ***H2625** that at least 10 percent of such grants be provided to areas in which at least 20 percent of the population has lived under the poverty level over the past 30 years as determined by censuses and the most recent Small Area Income and Poverty Estimates.

Use of Iron and Steel.-The bill includes language in Title IV General Provisions that stipulates requirements for the use of iron and steel in State Revolving Fund projects, and the agreement includes only the following guidance. The Committees acknowledge that EPA may issue a waiver of said requirements for de minimis amounts of iron and steel building materials. The Committees emphasize that any coating processes that are applied to the external surface of iron and steel components that otherwise qualify under the procurement preference shall not render such products ineligible for the procurement preference regardless of where the coating processes occur, provided that final assembly of the products occurs in the United States.

Diesel Emission Reductions Grants (DERA).-The bill provides \$75,000,000 for DERA grants. For fiscal year 2018, the Committees direct the Agency to continue to make at least 70 percent of DERA grants available to improve air quality in non-attainment areas.

Targeted Airshed Grants.-The bill provides \$40,000,000 for targeted airshed grants to reduce air pollution in non-attainment areas. The Agency is directed to distribute the grants on a competitive basis using the same criteria as specified under this heading in the explanatory statement accompanying Division G of the Consolidated Appropriations Act, 2017 ([Public Law 115-31](#)). Not later than the end of fiscal year 2018, the Agency should provide a report to the Committees on Appropriations that includes a table showing how fiscal year 2016 and 2017 funds were allocated. The table should also include grant recipients and metrics for anticipated or actual results.

Animas River Spill.-The Committees concur with the Agency's decision to reconsider its previous determination to deny claims for damages from the Animas River Spill by invoking the discretionary act exemption in the Federal Tort Claims Act, but are concerned that little progress has been made on processing or paying out claims. The Committees are also concerned that the Agency is applying or may apply an inconsistent standard that discriminates against certain claimants. The Committees expect the Agency and the Federal government to take a clear and consistent position on the question of whether they are responsible for damages caused to others by the Gold King Mine release. The Committees support paying out all legitimate claims from the Judgment Fund, consistent with the Federal Tort Claims Act, and communicating all relevant aspects of the claims process clearly to all affected communities, State, local and Tribal governments, along with the Committees. Within 30 days of enactment of this Act, the Agency shall provide to the Committees a written report detailing the status of the review of the legal basis for allowing or rejecting claims and the date by which such review will be complete, the current process underway for processing claims, the status of all claims, including reconsidered claims, the Agency's complete plan for processing all claims, and any other future planned actions related to current or future claims. Finally, the bill provides \$4,000,000 for a long-term water quality monitoring program, as authorized by [Public Law 114-322](#). The Agency is directed to continue to work in consultation with affected States and Tribes on that effort.

Categorical Grants.-The bill provides \$1,076,041,000 for Categorical Grants and funding levels are specified in the table at the end of this division. Within this amount, the Beaches Protection program and Radon program are both maintained at the fiscal year 2017 enacted levels. The Agency shall continue to allocate radon grants in fiscal year 2018 following the direction in [House Report 114-632](#).

The amount also includes \$228,219,000 for the State and Local Air Quality Management grant program, and the Agency is directed to allocate funds for this program using the same formula as fiscal year 2015. The Committees understand the Office of Air and Radiation was able to provide some additional funds to the States in fiscal year 2016 using balances. The Committees encourage the Agency to do the same in fiscal year 2018 and to provide those additional funds to the regions with the highest need.

Categorical Grant: Multipurpose Grants.-Because the States are expected to take a leading role in compliance with environmental cleanup, the agreement provides \$10,000,000 for Multipurpose grants to States and Tribes. The Committees were disappointed with the Agency's funding formula in fiscal year 2016 because it did not provide the flexibility that Congress expected and instead gave preference to air programs. In fiscal year 2018, the Agency is directed to give maximum flexibility to States, so that States, not the Agency, may determine where funds from this grant program are of most value.

Categorical Grant: Nonpoint Source (Sec. 319).-The bill provides \$170,915,000 and the Committees expect the Agency to examine the allocation formula to ensure that the resources are being spent in areas with the most pressing needs.

WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

The bill provides a total of \$63,000,000 for the Water Infrastructure Finance and Innovation Act (WIFIA) program. Within base funding in Title II, the bill provides \$10,000,000 for the WIFIA program, and a Title IV general provision provides an additional \$53,000,000 for the program. By utilizing \$5,000,000 in base funds and \$3,000,000 in Title IV funds, the Agency may use up to a total of \$8,000,000 to assist with the administrative expenses for the program. The remaining \$55,000,000 in WIFIA funds is provided for direct loan subsidization which may translate into a potential loan capacity in excess of \$6,000,000,000 to eligible entities for water infrastructure projects.

Greater investment in the replacement of aging infrastructure will help mitigate nationwide issues the Committees are tracking related to contaminants such as lead and arsenic, help address Combined Sewer Overflows and Sanitary Sewer Overflows, and allow systems to improve water delivery for residents. The Committees expect that the Agency will issue loans for the first time in fiscal year 2018 and the Committees intend to closely monitor implementation.

ADMINISTRATIVE PROVISIONS-ENVIRONMENTAL PROTECTION AGENCY (INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

The bill continues several administrative provisions from previous years.

Rescission.-The bill rescinds \$96,198,000 of unobligated balances from the State and Tribal Assistance Grants account. The Agency shall calculate the requisite percent reduction necessary to rescind such amounts from new obligational authority provided to this account, both from the direct appropriation and from amounts provided in a general provision in Title IV, and apply it across program project areas by formula. The Agency is directed to submit, as part of the operating plan, detail on the application of such rescissions by program project area.

TITLE III-RELATED AGENCIES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE

Forest Service Directives.-The Forest Service is reminded of the importance of the directives included in [House Report 115-238](#) not specifically addressed herein, as well as the new directives in this statement, including the front matter, and the Committees encourage the Service to share this statement with all staff. The Service also is reminded to include the research report, as required by the House report, in its fiscal year 2020 budget request.

Forest Service Accounting, Budgeting, and Management.-The Committees appreciate the Service's efforts to improve its accounting, budgeting, and management practices and look forward to working with the Service, Office of Budget and Program Analysis, Under Secretary for Natural Resources and Environment, and Secretary of Agriculture to continue these improvements. The agreement includes bill language and directives to further increase transparency and confidence in the Service's management of its programs and activities.

Government Accountability Office Report.-Over the past three fiscal years, the Committees have become increasingly concerned about the Service's lack of internal controls over budgetary resources, reimbursable agreements, and unliquidated obligations. The lack of controls indicates a weak financial system, which increases the possibility of inefficient and ineffective use, if not outright waste, fraud, and abuse, of taxpayer funds. After conducting an 18-month audit, the Government Accountability Office (GAO) recently made 11 recommendations in a report titled "Forest Service: Improvements Needed in Internal Control over Budget Execution Process" (GAO-18-56). While the Service is expected to implement the recommended changes as soon as practicable, Congress also recognizes the challenges of developing, updating, and implementing these important fiscal controls. As such, the Committees request that the Service work with the Committees to remedy any hindrances to their implementation.

Standardized Budget Practices.-The Committees continue to support the Service's efforts in centralizing and standardizing budgeting and accounting practices among the Regions and program offices and look forward to reviewing the Service's plan for updating its budget process and presentation.

Integrated Resource Restoration Pilot Project.-The agreement ends the Integrated Resource Restoration pilot project. The Committees remind the Service of its previous direction to adopt the best practices and methods discovered through the pilot project and to require unit, forest, region, station, and Washington Office budgets to be collaboratively developed, while reflecting the priorities established by Congress.

Alignment of Funding and Program Goals.-This fiscal year, Congress takes an important step to increase transparency by aligning program dollars to the accounts that best meet program goals. For example, in the past, Fire Plan Research and Development has been funded from within the Wildland Fire Management Account, yet its funding was routinely transferred to the Forest and Rangeland Research Account. This agreement appropriates funds for Fire Plan Research and Development within the Forest and Rangeland Research account and Hazardous Fuels within the National Forest System account to minimize unnecessary transfers and increase transparency. *H2626

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.

Ceratocystis Disease.-The Service is directed to continue its collaborative efforts to respond to the emergence of Ceratocystis 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.

***H2627** 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 programs. 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.

Smokeyjumper 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 infrastructure 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.

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

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 ***H2628** well as other systems that help detect and monitor fire activity.

Aviation Safety.-The bill repurposes \$65,000,000 provided in fiscal year 2015 for the purchase of new aircraft in order to enhance firefighter mobility, effectiveness, efficiency, and the operational safety of the Service's aviation program. The funds shall be used to modernize aviation, radio, and evacuation system infrastructure; and acquire sensory equipment, UAS, and other platforms that detect and monitor fire. Projects may include replacement or upgrades of existing infrastructure at airtanker, helicopter, and smokejumper bases; replacement of equipment, including agency-owned aircraft; and improvements in training and night air operations, but no project shall be undertaken that increases

recurring program costs. Within 60 days of enactment of this Act, the Service shall provide a complete list of anticipated projects to the Committees on Appropriations utilizing this entire amount. The Committees expect these funds to be obligated in fiscal years 2018 and 2019.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The agreement provides a total of \$5,537,764,000 for the Indian Health Service (IHS), of which \$3,952,290,000 is for the Services account as detailed below and in the funding allocation table at the end of this explanatory statement. All proposed cuts are restored, and increases above the fiscal year 2017 enacted levels are detailed below and in the table. The Service is reminded of the guidance and reporting requirements contained in [House Report 115-238](#) which must be complied with unless specifically addressed to the contrary herein, as explained in the front matter of this explanatory statement.

Current Services.-The agreement provides \$93,935,000 to partially cover the cost of maintaining current levels of service, of which \$23,543,000 is for pay costs and \$70,392,000 is for medical inflation.

Indian Health Care Improvement Fund.-The agreement provides \$72,280,000 for the Indian Health Care Improvement Fund. The Committees recognize the funding disparities that exist across the Indian Health Service system and the ongoing efforts by Tribes and the Service to update the allocation formula accordingly. Upon completion of these efforts, the Service is directed to update the Committees on the resulting allocations.

Staffing for New Facilities.-The agreement includes \$60,336,000 for staffing newly opened health facilities, which is the full amount based upon updated estimates provided to the Committees. Funds for the staffing of new facilities are limited to facilities funded through the Health Care Facilities Construction Priority System or the Joint Venture Construction Program that have opened in fiscal year 2017 or will open in fiscal year 2018. None of these funds may be allocated to a facility until such facility has achieved beneficial occupancy status.

Accreditation Emergencies.-The Committees consider the loss or potential loss of a Medicare or Medicaid agreement with the Centers for Medicare and Medicaid Services (CMS) at any facility to be an accreditation emergency. The agreement includes \$58,000,000 for accreditation emergencies at an increasing number of direct service facilities, and is based upon updated and itemized information provided to the Committees on December 13, 2017. The Service is encouraged to share this information with Tribes, and to keep Tribes and the Committees apprised of any need for significant deviations from the planned use of funds. Bill language has been added as requested to allow the use of a portion of the funds for facility expansion or renovation and staff quarters.

Of the amounts provided, no less than \$20,000,000 is directed to facilities for purchased/referred care, replacement of third-party revenues lost as a result of decertification, replacement of third-party carryover funds expended to respond to decertification, and reasonable costs of achieving recertification, including recruitment costs necessary to stabilize staffing. Primary consideration should be given but is not limited to facilities that have been without certification the longest. Such funds shall be made available to Tribes assuming operation of such facilities pursuant to the Indian Self-Determination and Education Assistance Act of 1975 ([P.L. 93-638](#)).

The Committees are concerned by the continued occurrence of deficiencies in patient care, facilities and hospital administration at IHS facilities, including the recent identification of these deficiencies at the Gallup Indian Medical Center (GIMC) by the Centers for Medicare and Medicaid Services (CMS) and the Joint Commission. It is imperative

that the Service take all needed steps to ensure patient safety, improve the quality of care, and ensure that GIMC does not lose access to third-party reimbursements, which account for more than 90 percent of the facility's funding. Within 90 days of enactment of this Act, the Service is directed to provide a report to the Committees that details all actions taken to address the deficiencies identified by CMS and the Joint Commission and a list of any outstanding recommendations that require future action by GIMC or the Service to implement. The Service is expected to include its corrective action plans submitted to CMS and the Joint Commission as well as the CMS 2567 deficiency report as part of this report.

Hospitals and Health Clinics.-The agreement provides \$2,045,128,000 for hospitals and health clinics, including: \$36,242,000 for current services; \$43,708,000 for staffing new facilities; \$1,000,000 for retinal cameras; \$58,000,000 for accreditation emergencies as discussed above; \$11,000,000 to continue operations and maintenance of village built and tribally leased clinics; \$4,000,000 to continue domestic violence prevention; and \$1,000,000 to continue prescription drug monitoring.

Dental Health.-The agreement provides \$195,283,000 and includes \$5,864,000 for current services and \$6,822,000 for staffing new facilities. The Service is directed to backfill vacant dental health positions in headquarters and encouraged to coordinate with the Bureau of Indian Education to integrate preventive dental care at schools across the system.

Mental Health.-The agreement provides \$99,900,000 for mental health programs and includes: \$2,891,000 for current services; \$2,929,000 for staffing of new facilities; \$6,946,000 to continue behavioral health integration; and \$3,600,000 to continue the suicide prevention initiative.

Alcohol and Substance Abuse.-The agreement provides \$227,788,000 for alcohol and substance abuse programs and includes: \$8,220,000 for current services; \$1,215,000 for staffing new facilities; \$6,500,000 for the Generation Indigenous initiative; \$1,800,000 for the youth pilot project; and \$2,000,000 to fund essential detoxification and related services provided by the Service's public and private partners to IHS beneficiaries. The Committees expect the Service to continue its partnership with the Na' Nizhoozhi Center in Gallup, New Mexico, as directed by the Consolidated Appropriations Act, 2017, and to distribute funds provided for detoxification services in the same manner as in fiscal year 2017.

Purchased/Referred Care.-The agreement provides \$962,695,000 and includes \$32,327,000 for current services and \$1,538,000 for staffing new facilities. The Committees remain concerned about the inequitable distribution of funds as reported by the Government Accountability Office (GAO-12-446).

Public Health Nursing.-The agreement provides \$85,043,000 for public health nursing and includes \$2,702,000 for current services and \$3,640,000 for staffing new facilities.

Health Education.-The agreement provides \$19,871,000 for health education and includes \$724,000 for current services and \$484,000 for staffing new facilities.

Urban Indian Health.-The agreement provides \$49,315,000 for urban Indian health and includes \$1,637,000 for current services. The Service is expected to continue to include current services estimates for urban Indian health in future budget requests.

The Committees direct the Service to work with Veterans Affairs on the report examining services for Indian veterans at urban clinics as outlined in [House Report 115-188](#) accompanying the Fiscal Year 2018 Military Construction, Veterans Affairs, and Related Agencies Appropriations bill.

Indian Health Professions.-The agreement provides \$49,363,000 for Indian health professions and includes \$18,000 for current services. Within funds, the agreement includes funding for the Quentin N. Burdick American Indians into

Nursing Program, Indians into Medicine Program, and American Indians into Psychology Program at no less than fiscal year 2017 enacted levels.

Extension Services.-The Committees continue to be concerned about the urgent need for skilled health providers in AI/AN communities and are encouraged by the success of the University of New Mexico's Project ECHO-Extension for Community Healthcare Outcomes-in delivering timely care to underserved communities. The Service shall consider how Project ECHO could support existing Indian Health Service providers, and how potential partnerships with Project ECHO could aid in the recruitment and retention of healthcare providers to IHS sites, thereby expanding the provider network and improving access to care.

Patient Wait Times.-The Committees are encouraged by the Service's recent focus on improving wait times for patients seeking primary and urgent care, including the August 2017 publication of Circular No. 17-11 and related efforts to track, report, and improve patient wait times. The Committees direct the Service to provide a report to the Committees on the status of these efforts no later than 90 days after enactment of this Act. This report shall include a clear explanation of how these efforts will address GAO's recommendation in report number GAO-16-333 of setting and monitoring agency-wide standards for patient wait times in federally operated facilities and an analysis of any potential barriers to continued monitoring of wait times caused by IT infrastructure limitations or incompatibility.

The Committees request that the Service provide, no later than 90 days after the date of enactment of this Act, a detailed plan with specific amounts identified to fully fund and implement the Indian Health Care Improvement Act, as discussed in [House Report 115-238](#).

Reimbursable Funding.-This agreement directs the Service to report, within 180 days of enactment of this Act, on patient population and service growth over the past ten years and the funding sources used to provide for these medical services. The Service is to include a breakdown, by dollar amount and percentage, of funding sources which supplement appropriated dollars to cover the provision of medical services at Service operated facilities. The Committees are interested in detailed information on whether ***H2629** medical services have been able to expand over this time period as a result of increases in the ability to charge medical services due to new authorities outlined in the Indian Health Care Improvement Act and other Federal laws. As a point of comparison, and to the extent possible, the Service shall compare these impacts across the twelve Service areas, with the degree to which patient population services in the respective States has increased.

Quality of Care.-The Committees are extremely concerned about the lack of access to quality healthcare for Tribes around the Nation, including the ongoing healthcare quality problems in the Great Plains. In order to address these issues, the agreement includes a pilot program and related directives to improve access to quality health services and to improve recruitment and retention of qualified medical personnel as detailed below:

Housing Improvements.-In addition to funds provided for staffing quarters within the Facilities Appropriation, the administrative provisions section of the bill also contains new language allowing for a program to provide a housing subsidy to medical personnel at facilities operated by the Indian Health Service. The Committees are concerned that the lack of affordable and available housing plays a significant role in the agency's personnel vacancy rates and contributes to lowering the quality of care. The Committees expect the Service to provide a plan within 90 days of enactment of this Act that details how the agency plans to use this authority in fiscal year 2018, including the measures it will use to determine whether the authority is successful and how it should be expanded in future years. The Committees have added funds for accreditation emergencies that could be made available for this purpose. The Committees also direct the Service to work with Tribes and with the Department of Housing and Urban Development to develop a long-term strategy to address professional housing shortages in Indian Country and to ensure that the Service and its partner agencies are fully utilizing existing authorities to improve the availability of housing stock.

Workforce Development.-The Committees believe that expanded workforce development training for all Service personnel-including non-clinical personnel-must be part of efforts to improve healthcare quality. In addition to continuing skills development opportunities, the Committees believe that IHS should expand its efforts to provide education to all staff, and Federal employee management training to facility and area leadership that will provide employees a better understanding of their obligations to report failures in quality of care.

Title 38 Personnel Authorities.-The Committees are aware of significant differences between the personnel authorities used by the Service versus the Department of Veterans Affairs (VA) under Title 38 of the United States Code. The Committees believe that an analysis of these differences-which include hiring and benefits authorities-may provide strategies for recruiting and retaining qualified personnel in the same rural and remote locations as the VA. The Committees direct the Service to work with the Department of Health and Human Services to analyze the differences between the two agencies' personnel authorities and to submit a report no later than 90 days after enactment of this Act that details the differences and makes specific legislative recommendations, as appropriate, to provide parity between the two agencies.

ISDEAA Contracts.-The Committees encourage the transfer of amounts provided to tribal organizations for the Substance Abuse and Suicide Prevention Program, for the Domestic Violence Prevention Program, for the Zero Suicide Initiative, for aftercare pilots at Youth Regional Treatment Centers, and to improve collections from public and private insurance at tribally-operated facilities to such organizations through Indian Self-Determination Act compacts and contracts, and not through separate grant instruments. This will ensure that associated administrative costs will be covered through the contract support cost process.

CONTRACT SUPPORT COSTS

The agreement continues language from fiscal year 2017 establishing an indefinite appropriation for contract support costs estimated to be \$717,970,000, which is equal to the request. By retaining an indefinite appropriation for this account, additional funds may be provided by the agency if its budget estimate proves to be lower than necessary to meet the legal obligation to pay the full amount due to Tribes. The Committees believe fully funding these costs will ensure Tribes have the necessary resources they need to deliver program services efficiently and effectively.

INDIAN HEALTH FACILITIES

The bill provides \$867,504,000 for Indian Health Facilities. In addition to the funding allocation table at the end of this explanatory statement, the agreement includes the following details and changes relative to fiscal year 2017 enacted levels:

Staffing for New Facilities.-The agreement includes \$5,480,000 for staffing newly opened health facilities, which is the full amount based upon updated estimates provided to the Committees. The stipulations included in the "Indian Health Services" account regarding the allocation of funds pertain to this account as well.

Current Services.-The agreement provides \$4,329,000 to partially cover the cost of maintaining current levels of service, of which \$2,440,000 is for pay costs and \$1,889,000 is for medical inflation.

Indian Health Care Improvement Fund.-The bill includes language allowing funds in the Indian Health Care Improvement Fund to be used for activities in the Facilities account.

Maintenance and Improvement.-The agreement provides \$167,527,000. The Service is directed to use this increase to address the backlog of essential maintenance, alteration and repair (BEMAR) and to provide a spend plan within 60 days of enactment of this Act detailing how IHS plans to utilize this funding.

Sanitation Facilities.-The agreement provides \$192,033,000 for sanitation facilities construction and includes \$261,000 for current services. The Committees expect the Service to continue following its existing interpretation of criteria for the funding of new, improved, or replacement sanitation facilities.

Health Care Facilities Construction.-The agreement provides \$243,480,000 for health care facilities construction and includes \$15,000,000 for small ambulatory clinics and \$11,489,000 for staff quarters.

The Committees remain dedicated to providing access to health care for IHS patients across the system. The IHS is expected to aggressively work down the current Health Facilities Construction Priority System list, as well as work with the Department and Tribes to examine alternative financing arrangements and meritorious regional demonstration projects authorized under the Indian Health Care Improvement Act that would effectively close the service gap. Within 60 days of enactment of this Act, the Service shall submit a spending plan to the Committees on Appropriations that details the project-level distribution of funds provided for healthcare facilities construction.

The Committees believe that additional funds for quarters is essential to help resolve the widespread housing shortages which have contributed to high vacancy rates for medical personnel throughout the system, particularly in rural areas. These funds have been used in areas with chronic housing shortages like Alaska and the Great Plains in order to ameliorate these problems. The Committees expect a report from the Service within 60 days of enactment of this Act on the distribution of funds.

The Service is reminded of the directive in [House Report 115-238](#) regarding the completion and publication of a gap analysis.

The Committees strongly support the small ambulatory clinic program. This program provides another critical tool for addressing facilities maintenance and construction backlogs throughout the nation.

In advance of the opening of the Sacred Oaks Healing Center in California in late 2019, and within available funds, the Service is expected to construct a left-turn lane and make other safety improvements recommended by the Service's 2017 transportation impact study. The Service is further directed to report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act regarding the status of the project.

Facilities and Environmental Health Support.-The agreement provides \$240,758,000 for facilities and environmental health support and includes: \$3,328,000 for current services; \$5,480,000 for staffing new facilities; and a \$5,000,000 program increase to address the increased workload in construction. The Service is expected to provide a spend plan within 60 days of enactment of this Act for the additional infrastructure funding provided above the fiscal year 2017 enacted level.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The agreement provides \$77,349,000 for the National Institute of Environmental Health Sciences.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

The agreement provides \$74,691,000 for the Agency for Toxic Substances and Disease Registry.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The agreement provides \$3,000,000 for the Council on Environmental Quality and Office of Environmental Quality.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

The agreement provides \$11,000,000 for the Chemical Safety and Hazard Investigation Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The bill provides \$15,431,000 for the Office of Navajo and Hopi Indian Relocation. The agreement continues the direction provided in the explanatory statement accompanying Division G of the Consolidated Appropriations Act, 2017, [P.L. 115-31](#). The Committees remain committed to bringing the relocation process to an orderly conclusion and ensuring all eligible relocatees receive the relocation benefits to which they are entitled. Consultation with all affected parties and agencies is the key to a transparent, orderly ***H2630** closeout. The statute provides for termination of the Office when the President determines its functions have been fully discharged. That determination requires development of a comprehensive plan. The Committees expect to receive a progress report on development of this plan within 90 days of enactment of this Act.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

The bill provides \$9,835,000 for fixed costs and academic program requirements of the Institute of American Indian Arts.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

The agreement provides a total of \$1,043,347,000 for all Smithsonian Institution accounts, of which \$731,444,000 is provided for salaries and expenses. The Committees maintain their longstanding commitment to the preservation of priceless, irreplaceable Smithsonian collections and have provided funds as requested for collections care and preservation. The Committees continue their longstanding support for the National Museum of African American History and Culture (NMAAHC). Within amounts provided for the Salaries and Expenses account, the NMAAHC is fully funded. The Committees provide funds as requested for the Institution's Latino initiatives and support the

Smithsonian Latino Center's goal of promoting the inclusion of Latino contributions in Smithsonian Institution programs, exhibitions, collections, and public outreach. The Committees continue to urge collaboration between the Smithsonian Latino Center and appropriate Federal and local organizations in order to advance these goals and expand the American Latino presence at the Institution. Further, the Committees provide funds as requested for the Institution's Asian Pacific American initiatives and continue to support the Institution's efforts of developing programs and expanding outreach to promote a better understanding of the Asian Pacific American experience. Lastly, the agreement provides \$2,000,000 for the American Women's History Initiative within Institution-wide programs.

FACILITIES CAPITAL

The agreement provides \$311,903,000 for the Facilities Capital account. The recommendation includes funding to complete construction of the Dulles Storage Module at the Udvar-Hazy Center, and \$198,000,000 for the National Air and Space Museum revitalization effort.

National Air and Space Museum Revitalization.-The Committees support the multi-year, multi-phase renovation of the National Air and Space Museum (NASM), including the replacement of the building's facade and internal building systems. The recommendation includes \$198,000,000 for this critical revitalization effort. The Institution is directed to follow the reprogramming guidelines contained in this explanatory statement and may not redirect the use of these funds for other capital projects without prior approval of the Committees. Given the scale of the project, the Committees direct the Institution to make available to the Committees on a timely basis the most updated and comprehensive information on project and funding requirements. The Government Accountability Office is also directed to continue its review and analysis of the project's cost estimates, as directed in the Consolidated Appropriation Act, 2017 (P.L. 115-31). The Committees urge the Smithsonian to evaluate potential partnership opportunities that may provide non-Federal funding sources to advance this and other revitalization projects. The Institution is directed to submit to the House and Senate Committees on Appropriations, within 60 days of enactment of this Act, a detailed list and description of projects funded within the Facilities Capital account.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

The agreement provides \$141,790,000 for the Salaries and Expenses account of the National Gallery of Art, of which not to exceed \$3,620,000 is for the special exhibition program.

Harassment-Free Workplace.-The Committees believe all employees have the right to a harassment-free workplace and are deeply concerned by recent reports of harassment and a hostile work environment at the Gallery. The Gallery is expected to ensure it has strong and consistent anti-harassment policies in place to protect its workforce and is directed to report to the Committees within 120 days of enactment of this Act regarding specific corrective actions it is taking to preclude additional incidents from occurring in the future.

REPAIR, RESTORATION, AND RENOVATION OF BUILDINGS

The agreement provides \$24,203,000 for the Repair, Restoration, and Renovation of Buildings account and includes funds to complete the repairs of the East Building atrium skylights.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

The agreement provides \$23,740,000 for the Operations and Maintenance account.

CAPITAL REPAIR AND RESTORATION

The agreement provides \$16,775,000 for the Capital Repair and Restoration account. Funds provided above the request are to address critical safety, security, and capital repair and restoration needs.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

The agreement provides \$12,000,000 for the Woodrow Wilson International Center for Scholars.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

The agreement provides \$152,849,000 for the National Endowment for the Arts (NEA) to continue the important work of the Endowment. Changes to the enacted level are included in the detail table accompanying this agreement, and the agency is expected to use the increases provided for direct grants to expand its Creative Forces: Military Healing Arts Network and to increase grants made available to Tribes and to rural and underserved areas. The Committees particularly commend the NEA for its work incorporating arts therapy into the treatment of active-duty military patients, veterans, and their families through its Creative Forces: Military Healing Arts Network. This successful program places creative arts therapies at the core of patient-centered care and increases access to therapeutic arts therapies at Walter Reed National Military Medical Center, Fort Belvoir Community Hospital, and eleven other clinical sites across the United States. The Committees support the expansion of this successful program to assist service members and their families in their recovery, reintegration, and transition to civilian life. The Committees also urge State arts agencies to explore how they can contribute to expanding arts programs for service members and their families at the local level. The Committees acknowledge there are currently vacancies on the National Council on the Arts and many members have agreed to continue to serve even though their term has expired. While the Council has the ability to operate and conduct important work, the Committees encourage the timely appointment of members. The Committees value greatly the longstanding collaborative relationship between the NEA and the States. The Committees direct that priority be given to providing services and grant funding for projects, productions, or programs that encourage public knowledge, education, understanding, and appreciation of the arts. The Committees maintain support for the 40 percent allocation for State arts agencies as allocated in previous years. Any reduction in support to the States for arts education should be no more than proportional to other funding decreases taken in other NEA programs.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

The agreement provides \$152,848,000 for the National Endowment for the Humanities (NEH) to continue the important work of the Endowment. Changes to the enacted level are included in the detail table accompanying this agreement, and the agency is expected to use increases provided to expand its work with Tribes to preserve Native

languages and culture as detailed below as well as to support other local history preservation initiatives. Funds are also provided within the Challenge Grants program to support NEH's local infrastructure and capacity building grant program. The Committees acknowledge there are currently vacancies on the National Council on the Humanities and many members have agreed to continue to serve even though their term has expired. While the Council has the ability to operate and conduct important work, the Committees encourage the timely appointment of members. The Committees commend the NEH for its support of grant programs to benefit wounded warriors and to ensure educational opportunities for American heroes transitioning to civilian life. The Committees commend the NEH for its ongoing support to American Indian and Alaska Native communities in preserving their cultural and linguistic heritage through the Documenting Endangered Languages program and a variety of preservation and access grants that enable American Indian and Alaska Native communities to preserve cultural artifacts and make them broadly accessible. The Committees also support NEH efforts to provide educational opportunities for tribal communities through Humanities Initiatives at Tribal Colleges and Universities. The Committees commend the NEH Federal/State partnership for its ongoing, successful collaboration with State humanities councils in each of the 50 States as well as Washington, DC, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa. The Committees urge the NEH to provide program funding to support the critical work of State humanities councils consistent with guidance provided in the Consolidated Appropriations Act, 2017 (P.L. 115-31). The Committees encourage NEH to continue providing support to two popular components of the "We the People" initiative, the National Digital Newspapers Program (NDNP) and the Landmarks of American History and Culture workshop that focus on our Nation's history and culture.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

The agreement provides \$2,762,000 for the Commission of Fine Arts. *H2631

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The agreement provides \$2,750,000 for the National Capital Arts and Cultural Affairs program. Grant funds provided should be distributed consistent with the established formula and eligibility requirements used in fiscal year 2017.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

The agreement provides \$6,400,000 for the Advisory Council on Historic Preservation.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

The agreement provides \$8,099,000 for the National Capital Planning Commission.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

The agreement provides \$59,000,000 for the United States Holocaust Memorial Museum. Within this amount, the agreement provides \$2,000,000 for one-time capital improvement needs.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION

SALARIES AND EXPENSES

The agreement provides \$1,800,000 for the Salaries and Expenses account.

CAPITAL CONSTRUCTION

The agreement provides \$45,000,000 for the Capital Construction account. These funds represent the final installment of construction funding necessary to complete the memorial.

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION

SALARIES AND EXPENSES

The agreement includes \$1,000,000 for the Women's Suffrage Centennial Commission. The Commission shall plan, execute, and coordinate programs and activities in honor of the 100th anniversary of the passage and ratification of the Nineteenth Amendment to the U.S. Constitution, which guaranteed women the right to vote. The Committees encourage the Commission to work with the General Services Administration to ensure that its staffing and operating needs are addressed expeditiously once a quorum has been determined.

WORLD WAR I CENTENNIAL COMMISSION

SALARIES AND EXPENSES

The bill provides \$7,000,000 for the Salaries and Expenses account of the World War I Centennial Commission and bill language accepting additional support from any executive branch agency, as requested. No funds may be used for planning, design, or construction of a memorial. The Committees are aware of the needs associated with the upcoming World War I Centennial celebration and provide sufficient funding to ramp up previously deferred programs.

TITLE IV-GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

The agreement includes various legislative provisions in Title IV of the bill. The provisions are:

Section 401 continues a provision providing that appropriations available in the bill shall not be used to produce literature or otherwise promote public support of a legislative proposal on which legislative action is not complete.

Section 402 continues a provision providing for annual appropriations unless expressly provided otherwise in this Act.

Section 403 continues a provision providing restrictions on departmental assessments unless approved by the Committees on Appropriations.

Section 404 continues a limitation on accepting and processing applications for patents and on the patenting of Federal lands.

Section 405 continues a provision regarding the payment of contract support costs.

Section 406 addresses the payment of contract support costs for fiscal year 2018.

Section 407 continues a provision providing that the Secretary of Agriculture shall not be considered in violation of certain provisions of the Forest and Rangeland Renewable Resources Planning Act solely because more than 15 years have passed without revision of a forest plan, provided that the Secretary is working in good faith to complete the plan revision.

Section 408 continues a provision limiting preleasing, leasing, and related activities within the boundaries of National Monuments.

Section 409 restricts funding appropriated for acquisition of land or interests in land from being used for declarations of taking or complaints in condemnation.

Section 410 continues a provision addressing timber sales involving Alaska western red and yellow cedar.

Section 411 continues a provision which prohibits no-bid contracts.

Section 412 continues a provision which requires public disclosure of certain reports.

Section 413 continues a provision which delineates the grant guidelines for the National Endowment for the Arts.

Section 414 continues a provision which delineates the program priorities for the programs managed by the National Endowment for the Arts.

Section 415 requires the Department of the Interior, Environmental Protection Agency, Forest Service and Indian Health Service to provide the Committees on Appropriations quarterly reports on the status of balances of appropriations.

Section 416 continues a provision prohibiting the use of funds to promulgate or implement any regulation requiring the issuance of permits under Title V of the Clean Air Act for carbon dioxide, nitrous oxide, water vapor, or methane emissions.

Section 417 continues a provision prohibiting the use of funds to implement any provision in a rule if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

Section 418 continues a provision prohibiting the use of funds to regulate the lead content of ammunition or fishing tackle.

Section 419 continues a provision through fiscal year 2019 authorizing the Secretary of the Interior and the Secretary of Agriculture to consider local contractors when awarding contracts for certain activities on public lands.

Section 420 extends the authorization for the Chesapeake Bay Initiative.

Section 421 extends certain authorities through fiscal year 2018 allowing the Forest Service to renew grazing permits.

Section 422 prohibits the use of funds to maintain or establish a computer network unless such network is designed to block access to pornography websites.

Section 423 extends the authority of the Forest Service Facility Realignment and Enhancement Act.

Section 424 sets requirements for the use of American iron and steel for certain loans and grants.

Section 425 prohibits the use of funds to destroy any building or structures on Midway Island that have been recommended by the U.S. Navy for inclusion in the National Register of Historic Places.

Section 426 reauthorizes funding for one year for the John F. Kennedy Center for the Performing Arts.

Section 427 provides authority for the Secretary of the Interior to enter into training agreements and to transfer excess equipment and supplies for wildfires.

Section 428 extends current authorities for operations of Indian Health Service programs in Alaska.

Section 429 addresses payment to certain hospitals.

Section 430 makes additional investments in water infrastructure priorities and Superfund emergency response, removal, and long-term cleanup remedies.

Section 431 addresses carbon emissions from forest biomass.

Section 432 addresses section 404 of the Federal Water Pollution Control Act.

Section 433 addresses the use of small remote incinerators in the State of Alaska.